S T A T E O F N E W Y O R K

5400

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. SPANO, CLARK, BENEDETTO, ZEBROWSKI -- Multi-Sponsored by -- M. of A. ABBATE, BING, EDDINGTON, GREENE, PHEFFER, REILLY -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to disclosure of the peanut ingredients of foods offered at restaurants and catering facilities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general business law is amended by adding a new article 12-A to read as follows:

ARTICLE 12-A

RESTAURANTS AND CATERING FACILITIES

SECTION 210. DISCLOSURE OF PEANUT INGREDIENTS BY RESTAURANTS AND CATERING FACILITIES.

S 210. DISCLOSURE OF PEANUT INGREDIENTS BY RESTAURANTS AND CATERING FACILITIES. 1. AS USED IN THIS ARTICLE, "RESTAURANT" AND "CATERING FACILITY" SHALL MEAN ANY OUTLET OF A RESTAURANT THAT DERIVES ITS BUSINESS FROM THE SALE OF PREPARED FOOD TO BE CONSUMED BY PATRONS OF SUCH ESTABLISHMENT ON ITS RESTAURANT OR BANQUET FACILITY PREMISES.

2. EVERY RESTAURANT AND CATERING FACILITY SHALL PROVIDE AND DISCLOSE ON ITS MENU TO EACH PATRON, WHETHER PEANUTS OR ANY PEANUT DERIVED INGREDIENTS ARE CONTAINED IN ANY FOOD PREPARED BY SUCH RESTAURANT OR CATERING FACILITY, OR PREPARED BY A COMPANY OR INDIVIDUAL CONTRACTED TO PROVIDE FOOD TO SUCH RESTAURANT OR FACILITY OFF PREMISES WHICH WILL BE CONSUMED BY THE PATRON FOR ON PREMISES CONSUMPTION.

3. SUCH INGREDIENTS LISTED IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION SHALL INCLUDE THE SPECIFIC INGREDIENTS, INCLUDING PEANUT AND/OR PEANUT OIL INGREDIENTS, USED IN PREPARATION OF ANY FOOD.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD07986-01-9

4. A VIOLATION OF SUBDIVISION TWO OF THIS SECTION SHALL BE PUNISHABLE BY A CIVIL PENALTY NOT TO EXCEED FIFTY DOLLARS FOR THE FIRST VIOLATION, NOT LESS THAN FIFTY DOLLARS AND NOT MORE THAN TWO HUNDRED DOLLARS FOR A SECOND VIOLATION, AND NOT LESS THAN TWO HUNDRED DOLLARS AND NOT MORE THAN FIVE HUNDRED DOLLARS FOR A THIRD OR SUBSEQUENT VIOLATION WITHIN A TWENTY-FOUR MONTH PERIOD.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.