

7194

2009-2010 Regular Sessions

I N A S S E M B L Y

March 25, 2009

Introduced by M. of A. TITONE, PAULIN, BARRON, CASTRO, COLTON, ESPAILLAT, KOON, LANCMAN, REILLY, BURLING, McDONOUGH, RAIA, WALKER -- Multi-Sponsored by -- M. of A. BROOK-KRASNY, EDDINGTON, FIELDS, GABRYSZAK, GREENE, MAYERSOHN, MENG, STIRPE, WEISENBERG -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the public health law and the general business law, in relation to requiring food service establishments to post a warning when trans fat is used in some or all of their food preparation

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

1 Section 1. The public health law is amended by adding a new section
2 1352-d to read as follows:

3 S 1352-D. TRANS FAT USAGE WARNING. 1. ANY FOOD SERVICE ESTABLISHMENT,
4 AS DEFINED IN THE STATE SANITARY CODE, WHERE TRANS FATS ARE USED IN SOME
5 OR ALL OF THE PREPARATION OF FOODS FOR CONSUMERS, SHALL PROVIDE NOTICE
6 TO PATRONS BY MEANS OF SIGNS, PRINTED MATERIALS OR OTHER WRITTEN COMMU-
7 NICATION AT OR NEAR THEIR ENTRANCES, TO READ AS FOLLOWS: "WARNING: THIS
8 ESTABLISHMENT USES TRANS FAT IN THE PREPARATION OF SOME OR ALL OF THE
9 FOOD SERVED. WHEN CONSUMED, TRANS FAT INCREASES THE RISK OF HEART
10 ATTACK, STROKE AND THE DEVELOPMENT OF TYPE-TWO DIABETES."

11 2. FOOD SERVICE ESTABLISHMENTS SHALL INQUIRE AND REPORT TO CONSUMERS
12 WHETHER FOOD OBTAINED FROM VENDORS USES TRANS FAT IN THE PREPARATION OF
13 THE FOOD PROVIDED TO THE FOOD SERVICE ESTABLISHMENT. WHERE TRANS FATS
14 ARE USED IN SOME OR ALL OF THE PREPARATION OF FOODS PROVIDED BY VENDORS
15 FOR CONSUMERS IN A FOOD ESTABLISHMENT, NOTICE SHALL BE PROVIDED TO
16 PATRONS BY MEANS OF SIGNS, PRINTED MATERIALS OR OTHER WRITTEN COMMUNI-
17 CATION AT OR NEAR ENTRANCES.

18 3. A VIOLATION OF THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE AN
19 OFFENSE PUNISHABLE BY A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR
20 THE FIRST OFFENSE; PROVIDED, HOWEVER THAT IF THE FOOD SERVICE ESTABLISH-
21 MENT PROVIDES THE INFORMATION BY SIGN, PRINTED MATERIALS OR OTHER WRIT-

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

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1 TEN COMMUNICATION AT OR NEAR THE ENTRANCE WITHIN SEVENTY-TWO HOURS OF
2 THE VIOLATION AND THEREAFTER, THE FIVE HUNDRED DOLLAR FINE SHALL BE
3 WAIVED. A SECOND OR SUBSEQUENT OFFENSE SHALL BE PUNISHABLE BY A FINE OF
4 NOT MORE THAN ONE THOUSAND DOLLARS.

5 4. FOR PURPOSES OF THIS SECTION, "TRANS FAT" MEANS A SPECIFIC TYPE OF
6 FAT FORMED WHEN LIQUID FATS ARE MADE INTO SOLID FATS BY THE ADDITION OF
7 HYDROGEN ATOMS, IN A PROCESS KNOWN AS HYDROGENATION.

8 S 2. The general business law is amended by adding a new section 391-q
9 to read as follows:

10 S 391-Q. TRANS FAT USAGE WARNING. 1. ANY FOOD SERVICE ESTABLISHMENT,
11 AS DEFINED IN THE STATE SANITARY CODE, WHERE TRANS FATS ARE USED IN SOME
12 OR ALL OF THE PREPARATION OF FOODS FOR CONSUMERS, SHALL PROVIDE NOTICE
13 TO PATRONS BY MEANS OF SIGNS, PRINTED MATERIALS OR OTHER WRITTEN COMMU-
14 NICATION AT OR NEAR THEIR ENTRANCES, TO READ AS FOLLOWS: "WARNING: THIS
15 ESTABLISHMENT USES TRANS FAT IN THE PREPARATION OF SOME OR ALL OF THE
16 FOOD SERVED. WHEN CONSUMED, TRANS FAT INCREASES THE RISK OF HEART
17 ATTACK, STROKE AND THE DEVELOPMENT OF TYPE-TWO DIABETES."

18 2. FOOD SERVICE ESTABLISHMENTS SHALL INQUIRE AND REPORT TO CONSUMERS
19 WHETHER FOOD OBTAINED FROM VENDORS USES TRANS FAT IN THE PREPARATION OF
20 THE FOOD PROVIDED TO THE FOOD SERVICE ESTABLISHMENT. WHERE TRANS FATS
21 ARE USED IN SOME OR ALL OF THE PREPARATION OF FOODS PROVIDED BY VENDORS
22 FOR CONSUMERS IN A FOOD ESTABLISHMENT, NOTICE SHALL BE PROVIDED TO
23 PATRONS BY MEANS OF SIGNS, PRINTED MATERIALS OR OTHER WRITTEN COMMUNI-
24 CATION AT OR NEAR ENTRANCES.

25 3. A VIOLATION OF THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE AN
26 OFFENSE PUNISHABLE BY A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR
27 THE FIRST OFFENSE; PROVIDED, HOWEVER THAT IF THE FOOD SERVICE ESTABLISH-
28 MENT PROVIDES THE INFORMATION BY SIGN, PRINTED MATERIALS OR OTHER WRIT-
29 TEN COMMUNICATION AT OR NEAR THE ENTRANCE WITHIN SEVENTY-TWO HOURS OF
30 THE VIOLATION AND THEREAFTER, THE FIVE HUNDRED DOLLAR FINE SHALL BE
31 WAIVED. A SECOND OR SUBSEQUENT OFFENSE SHALL BE PUNISHABLE BY A FINE OF
32 NOT MORE THAN ONE THOUSAND DOLLARS.

33 4. FOR PURPOSES OF THIS SECTION, "TRANS FAT" MEANS A SPECIFIC TYPE OF
34 FAT FORMED WHEN LIQUID FATS ARE MADE INTO SOLID FATS BY THE ADDITION OF
35 HYDROGEN ATOMS, IN A PROCESS KNOWN AS HYDROGENATION.

36 S 3. This act shall take effect on the one hundred eightieth day after
37 it shall have become a law; provided, however, that the commissioner of
38 health is authorized to promulgate any and all rules and regulations and
39 take any other measures necessary to implement this act on its effective
40 date, on or before such date.