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

3979

2009-2010 Regular Sessions

I N S E N A T E

April 7, 2009

Introduced by Sen. OPPENHEIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to requiring notice to the public of the use of certain additives

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 section 396-gg to read as follows:

S 396-GG. RESTAURANTS AND CATERERS; NOTIFICATION REQUIREMENTS. 1. ANY RESTAURANT OR OTHER PLACE WHERE FOOD CONTAINING MONOSODIUM GLUTAMATE IS PREPARED OR COOKED AND OFFERED FOR SALE TO THE PUBLIC FOR CONSUMPTION EITHER ON OR OFF THE PREMISES SHALL GIVE NOTICE OF THE USE OF SUCH ADDITIVE, EITHER ON MENUS GIVEN TO EACH CUSTOMER OR IN SUCH OTHER MANNER THAT THE NOTICE IS LIKELY TO BE SEEN AND UNDERSTOOD BY EACH CUSTOMER.

2. WHENEVER THERE SHALL BE A VIOLATION OF THIS SECTION, AN APPLICATION MAY BE MADE BY THE ATTORNEY GENERAL IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK TO A COURT OR JUSTICE HAVING JURISDICTION BY A SPECIAL PROCEEDING TO ISSUE AN INJUNCTION, AND UPON NOTICE TO THE RESPONDENT OF NOT LESS THAN FIVE DAYS, TO ENJOIN AND RESTRAIN THE CONTINUANCE OF SUCH VIOLATIONS; AND IF IT SHALL APPEAR TO THE SATISFACTION OF THE COURT OR JUSTICE THAT THE RESPONDENT HAS, IN FACT, VIOLATED THIS SECTION, AN INJUNCTION MAY BE ISSUED BY SUCH COURT OR JUSTICE, ENJOINING AND RESTRAINING ANY FURTHER VIOLATION, WITHOUT REQUIRING PROOF THAT ANY PERSON HAS, IN FACT, BEEN INJURED OR DAMAGED THEREBY. WHENEVER THE COURT SHALL DETERMINE THAT A VIOLATION OF THIS SECTION HAS OCCURRED, THE COURT MAY IMPOSE A CIVIL PENALTY OF FIFTY DOLLARS FOR EACH DAY THAT SUCH VIOLATION OCCURS, BUT IN NO EVENT SHALL THE TOTAL PENALTY THEREFOR EXCEED FIVE HUNDRED DOLLARS. IN CONNECTION WITH ANY SUCH APPLICATION, THE ATTORNEY GENERAL IS AUTHORIZED TO TAKE PROOF AND MAKE A DETERMINATION OF THE RELEVANT FACTS AND TO ISSUE SUBPOENAS IN ACCORDANCE WITH THE CIVIL PRACTICE LAW AND RULES.

S 2. This act shall take effect on the first of September next succeeding the date on which it shall have become a law.

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

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