

10129

I N A S S E M B L Y

March 5, 2010

Introduced by M. of A. ORTIZ, MARKEY -- Multi-Sponsored by -- M. of A. PERRY -- read once and referred to the Committee on Health

AN ACT to amend the general business law, in relation to prohibiting the use of salt in the preparation of food by restaurants

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

1 Section 1. The general business law is amended by adding a new section
2 399-bbb to read as follows:
3 S 399-BBB. PROHIBITION ON SALT; RESTAURANTS. 1. NO OWNER OR OPERATOR
4 OF A RESTAURANT IN THIS STATE SHALL USE SALT IN ANY FORM IN THE PREPARA-
5 TION OF ANY FOOD FOR CONSUMPTION BY CUSTOMERS OF SUCH RESTAURANT,
6 INCLUDING FOOD PREPARED TO BE CONSUMED ON THE PREMISES OF SUCH RESTAU-
7 RANT OR OFF OF SUCH PREMISES.
8 2. WHENEVER THERE SHALL BE A VIOLATION OF THIS SECTION AN APPLICATION
9 MAY BE MADE BY THE ATTORNEY GENERAL IN THE NAME OF THE PEOPLE OF THE
10 STATE OF NEW YORK TO A COURT OR JUSTICE HAVING JURISDICTION BY A SPECIAL
11 PROCEEDING TO ISSUE AN INJUNCTION, AND UPON NOTICE TO THE DEFENDANT OF
12 NOT LESS THAN FIVE DAYS, TO ENJOIN AND RESTRAIN THE CONTINUANCE OF SUCH
13 VIOLATIONS; AND IF IT SHALL APPEAR TO THE SATISFACTION OF THE COURT OR
14 JUSTICE THAT THE DEFENDANT HAS, IN FACT, VIOLATED THIS SECTION, AN
15 INJUNCTION MAY BE ISSUED BY THE COURT OR JUSTICE, ENJOINING AND
16 RESTRAINING ANY FURTHER VIOLATIONS, WITHOUT REQUIRING PROOF THAT ANY
17 PERSON HAS, IN FACT, BEEN INJURED OR DAMAGED THEREBY. IN ANY SUCH
18 PROCEEDING, THE COURT MAY MAKE ALLOWANCES TO THE ATTORNEY GENERAL AS
19 PROVIDED IN PARAGRAPH SIX OF SUBDIVISION (A) OF SECTION EIGHTY-THREE
20 HUNDRED THREE OF THE CIVIL PRACTICE LAW AND RULES, AND DIRECT RESTITU-
21 TION. WHENEVER THE COURT SHALL DETERMINE THAT A VIOLATION OF THIS
22 SECTION HAS OCCURRED, THE COURT MAY IMPOSE A CIVIL PENALTY OF NOT MORE
23 THAN ONE THOUSAND DOLLARS FOR EACH VIOLATION. EACH USE OF SALT IN
24 VIOLATION OF THIS SECTION SHALL CONSTITUTE A SEPARATE VIOLATION. IN
25 CONNECTION WITH ANY SUCH PROPOSED APPLICATION, THE ATTORNEY GENERAL IS
26 AUTHORIZED TO TAKE PROOF AND MAKE A DETERMINATION OF THE RELEVANT FACTS
27 AND TO ISSUE SUBPOENAS IN ACCORDANCE WITH THE CIVIL PRACTICE LAW AND
28 RULES.
29 S 2. This act shall take effect on the thirtieth day after it shall
30 have become a law.

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

LBD16210-01-0