

4745

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. MONSERRATE -- 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 the posting of
menus in restaurants selling food to the public

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
2 397-b to read as follows:
3 S 397-B. RESTAURANTS; POSTING OF MENUS; PRICES. 1. (A) ANY RESTAURANT
4 SELLING FOOD TO THE PUBLIC FOR CONSUMPTION ON THE PREMISES, EXCEPT THOSE
5 EXEMPT PURSUANT TO SUBDIVISION FOUR OF THIS SECTION, SHALL CAUSE A MENU
6 INCLUDING THE PRICES OF ALL FOOD AVAILABLE THEREIN TO BE CONSPICUOUSLY
7 POSTED WITHIN FIFTEEN FEET OF THE MAIN ENTRANCE THERETO.
8 (B) NO RESTAURANT SHALL BE REQUIRED TO POST A MENU MORE THAN TWO PAGES
9 IN LENGTH; HOWEVER, IF SUCH MENU SO POSTED IS LESS THAN THE COMPLETE
10 MENU, IT SHALL BE REPRESENTATIVE OF THE FOOD SOLD IN SUCH RESTAURANT;
11 PROVIDED, HOWEVER, THAT IN THE CASE OF CERTAIN DISHES, THE PRICES OF
12 WHICH FLUCTUATE WIDELY TO THE RESTAURANT, SUCH AS LOBSTER, THE RESTAURANT
13 MAY POST A NOTICE TO THE EFFECT THAT THE PRICE WILL VARY ACCORDING
14 TO AVAILABILITY RATHER THAN POSTING THE PRICE.
15 (C) ANY MENU POSTED PURSUANT TO THIS SECTION SHALL INCLUDE ENTERTAINMENT
16 COSTS, COVER CHARGES, MINIMUM PERMISSIBLE EXPENDITURES, ANY
17 OTHER SPECIAL PRICING POLICIES AND WHICH CREDIT CARDS OR WHAT OTHER
18 FORMS OF PAYMENT ARE ACCEPTABLE IN LIEU OF CASH; PROVIDED, HOWEVER, THAT
19 NO PORTION OF THIS SUBDIVISION SHALL IN ANY WAY LIMIT A RESTAURANT FROM
20 PROVIDING ITS CUSTOMERS WITH UNANNOUNCED SPECIALS THE PRICE OF WHICH IS
21 DISCLOSED TO THE CUSTOMER AT THE TIME SAID CUSTOMER IS MADE AWARE OF THE
22 SPECIAL.
23 2. THIS SECTION SHALL NOT APPLY TO FOOD VENDED BY COIN OPERATED
24 MACHINES.

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

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1 3. A VIOLATION OF ANY OF THE PROVISIONS OF THIS SECTION SHALL BE
2 PUNISHABLE ONLY BY A CIVIL FINE NOT EXCEEDING TWO HUNDRED FIFTY DOLLARS.
3 4. RESTAURANTS WHICH DO NOT SUPPLY TABLE SERVICE WITH WAITERS AND/OR
4 WAITRESSES WHO SERVE FOOD TO THE PUBLIC OR WHICH PROVIDE COUNTER SERVICE
5 EXCLUSIVELY SHALL NOT BE SUBJECT TO THE PROVISIONS OF THIS SECTION.
6 S 2. This act shall take effect on the one hundred eightieth day
7 after it shall have become a law.