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

5319

2011-2012 Regular Sessions

I N A S S E M B L Y

February 15, 2011

Introduced by M. of A. TITONE, PAULIN, BARRON, CASTRO, COLTON, LANCMAN, REILLY, BURLING, McDONOUGH, RAIA -- Multi-Sponsored by -- M. of A. BROOK-KRASNY, GABRYSZAK, MAYERSOHN, MENG, O'DONNELL, 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:

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

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

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

3. A VIOLATION OF THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE AN OFFENSE PUNISHABLE BY A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR THE FIRST OFFENSE; PROVIDED, HOWEVER THAT IF THE FOOD SERVICE ESTABLISHMENT 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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TEN COMMUNICATION AT OR NEAR THE ENTRANCE WITHIN SEVENTY-TWO HOURS OF THE VIOLATION AND THEREAFTER, THE FIVE HUNDRED DOLLAR FINE SHALL BE WAIVED. A SECOND OR SUBSEQUENT OFFENSE SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS.

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

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

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

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

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

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

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