

6386--A

I N   S E N A T E

February 2, 2012

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Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to setting nutrition standards for restaurants distributing incentive items aimed at children

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. INCENTIVE ITEMS WITH RESTAURANT FOOD. 1. FOR THE PURPOSES OF  
4     THIS SECTION, THE FOLLOWING TERMS SHALL BE DEFINED AS FOLLOWS:  
5     A. "INCENTIVE ITEM" SHALL MEAN ANY TOY, GAME, TRADING CARD, ADMISSION  
6     TICKET OR OTHER CONSUMER PRODUCT, WHETHER PHYSICAL OR DIGITAL, WITH  
7     PARTICULAR APPEAL TO CHILDREN, WHICH IS PROVIDED DIRECTLY BY THE RESTAU-  
8     RANT, OR ANY COUPON, VOUCHER, TICKET, TOKEN, CODE OR PASSWORD WHICH IS  
9     PROVIDED DIRECTLY BY THE RESTAURANT AND IS REDEEMABLE FOR OR GRANTS  
10    DIGITAL OR OTHER ACCESS TO ANY TOY, GAME, TRADING CARD, ADMISSION TICK-  
11    ET, OR OTHER CONSUMER PRODUCT WITH PARTICULAR APPEAL TO CHILDREN.  
12    B. "MEAL" SHALL MEAN ANY COMBINATION OF FOOD AND DRINK ITEMS OFFERED  
13    TOGETHER FOR A SINGLE PRICE.  
14    C. "RESTAURANT" SHALL MEAN ANY COFFEE SHOP, CAFETERIA, LUNCHEONETTE,  
15    SANDWICH STAND, DINER, SHORT ORDER CAFE, FAST FOOD ESTABLISHMENT, SODA  
16    FOUNTAIN, AND ANY OTHER EATING OR BEVERAGE ESTABLISHMENT, WHICH GIVES OR  
17    OFFERS FOR SALE FOOD OR BEVERAGES TO THE PUBLIC, GUESTS, MEMBERS, OR  
18    PATRONS, WHETHER FOOD OR BEVERAGES ARE CUSTOMARILY CONSUMED ON OR OFF  
19    THE PREMISES.  
20    2. THE COMMISSIONER SHALL MAKE REGULATIONS ESTABLISHING NUTRITIONAL  
21    STANDARDS FOR MEALS, FOOD ITEMS, AND BEVERAGES THAT MAY BE OFFERED FOR  
22    PURCHASE IN COMBINATION WITH AN INCENTIVE ITEM BY A RESTAURANT. A  
23    RESTAURANT MAY OFFER AN INCENTIVE ITEM IN COMBINATION WITH THE PURCHASE  
24    OF A MEAL, FOOD ITEM, OR BEVERAGE, ONLY IF THE MEAL, FOOD ITEM, OR  
25    BEVERAGE, MEETS NUTRITIONAL STANDARDS ESTABLISHED BY THE COMMISSIONER

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

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1 UNDER THIS SECTION. NUTRITIONAL STANDARDS UNDER THIS SECTION SHALL  
2 INCLUDE BUT ARE NOT LIMITED TO: CALORIES; SODIUM; PERCENTAGE OF CALO-  
3 RIES FROM FAT (WHICH MAY DIFFERENTIATE AMONG KINDS OR SOURCES OF FAT);  
4 SUGARS AND CALORIC SWEETENERS; AND FRUITS, VEGETABLES, AND GRAINS.  
5 3. ANY PERSON WHO VIOLATES ANY OF THE PROVISIONS OF THIS SECTION SHALL  
6 BE LIABLE FOR A CIVIL PENALTY OF NOT LESS THAN TWO HUNDRED DOLLARS NOR  
7 MORE THAN FIVE HUNDRED DOLLARS FOR A FIRST VIOLATION THEREOF; NOT LESS  
8 THAN FIVE HUNDRED DOLLARS NOR MORE THAN ONE THOUSAND DOLLARS FOR A  
9 SECOND VIOLATION THEREOF; AND NOT LESS THAN ONE THOUSAND DOLLARS NOR  
10 MORE THAN TWO THOUSAND FIVE HUNDRED DOLLARS FOR A THIRD OR SUBSEQUENT  
11 VIOLATION THEREOF.  
12 S 2. This act shall take effect on the one hundred twentieth day after  
13 it shall have become a law.