

3875

2013-2014 Regular Sessions

I N A S S E M B L Y

January 29, 2013

Introduced by M. of A. TITONE, PAULIN, BARRON, CASTRO, COLTON, McDO-  
NOUGH, RAIA -- Multi-Sponsored by -- M. of A. BROOK-KRASNY, GABRYSZAK,  
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 ASSEM-  
BLY, 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. TRANS FAT USAGE WARNING. 1. ANY FOOD SERVICE ESTABLISHMENT,  
4 AS DEFINED IN THE STATE SANITARY CODE, WHERE TRANS FATS ARE USED IN SOME  
5 OR ALL OF THE PREPARATION OF FOODS FOR CONSUMERS, SHALL PROVIDE NOTICE  
6 TO PATRONS BY MEANS OF SIGNS, PRINTED MATERIALS OR OTHER WRITTEN COMMU-  
7 NICATION AT OR NEAR THEIR ENTRANCES, TO READ AS FOLLOWS: "WARNING: THIS  
8 ESTABLISHMENT USES TRANS FAT IN THE PREPARATION OF SOME OR ALL OF THE  
9 FOOD SERVED. WHEN CONSUMED, TRANS FAT INCREASES THE RISK OF HEART  
10 ATTACK, STROKE AND THE DEVELOPMENT OF TYPE-TWO DIABETES."  
11 2. FOOD SERVICE ESTABLISHMENTS SHALL INQUIRE AND REPORT TO CONSUMERS  
12 WHETHER FOOD OBTAINED FROM VENDORS USES TRANS FAT IN THE PREPARATION OF  
13 THE FOOD PROVIDED TO THE FOOD SERVICE ESTABLISHMENT. WHERE TRANS FATS  
14 ARE USED IN SOME OR ALL OF THE PREPARATION OF FOODS PROVIDED BY VENDORS  
15 FOR CONSUMERS IN A FOOD ESTABLISHMENT, NOTICE SHALL BE PROVIDED TO  
16 PATRONS BY MEANS OF SIGNS, PRINTED MATERIALS OR OTHER WRITTEN COMMUNI-  
17 CATION AT OR NEAR ENTRANCES.  
18 3. A VIOLATION OF THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE AN  
19 OFFENSE PUNISHABLE BY A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR  
20 THE FIRST OFFENSE; PROVIDED, HOWEVER THAT IF THE FOOD SERVICE ESTABLISH-  
21 MENT PROVIDES THE INFORMATION BY SIGN, PRINTED MATERIALS OR OTHER WRIT-  
22 TEN COMMUNICATION AT OR NEAR THE ENTRANCE WITHIN SEVENTY-TWO HOURS OF

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

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1 THE VIOLATION AND THEREAFTER, THE FIVE HUNDRED DOLLAR FINE SHALL BE  
2 WAIVED. A SECOND OR SUBSEQUENT OFFENSE SHALL BE PUNISHABLE BY A FINE OF  
3 NOT MORE THAN ONE THOUSAND DOLLARS.

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

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

9 S 391-S. TRANS FAT USAGE WARNING. 1. ANY FOOD SERVICE ESTABLISHMENT,  
10 AS DEFINED IN THE STATE SANITARY CODE, WHERE TRANS FATS ARE USED IN SOME  
11 OR ALL OF THE PREPARATION OF FOODS FOR CONSUMERS, SHALL PROVIDE NOTICE  
12 TO PATRONS BY MEANS OF SIGNS, PRINTED MATERIALS OR OTHER WRITTEN COMMU-  
13 NICATION AT OR NEAR THEIR ENTRANCES, TO READ AS FOLLOWS: "WARNING: THIS  
14 ESTABLISHMENT USES TRANS FAT IN THE PREPARATION OF SOME OR ALL OF THE  
15 FOOD SERVED. WHEN CONSUMED, TRANS FAT INCREASES THE RISK OF HEART  
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19 THE FOOD PROVIDED TO THE FOOD SERVICE ESTABLISHMENT. WHERE TRANS FATS  
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24 3. A VIOLATION OF THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE AN  
25 OFFENSE PUNISHABLE BY A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR  
26 THE FIRST OFFENSE; PROVIDED, HOWEVER THAT IF THE FOOD SERVICE ESTABLISH-  
27 MENT PROVIDES THE INFORMATION BY SIGN, PRINTED MATERIALS OR OTHER WRIT-  
28 TEN COMMUNICATION AT OR NEAR THE ENTRANCE WITHIN SEVENTY-TWO HOURS OF  
29 THE VIOLATION AND THEREAFTER, THE FIVE HUNDRED DOLLAR FINE SHALL BE  
30 WAIVED. A SECOND OR SUBSEQUENT OFFENSE SHALL BE PUNISHABLE BY A FINE OF  
31 NOT MORE THAN ONE THOUSAND DOLLARS.

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

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