

# STATE OF NEW YORK

7886

2019-2020 Regular Sessions

## IN ASSEMBLY

May 28, 2019

Introduced by M. of A. ORTIZ -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to setting nutrition standards for restaurant meals targeting 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-f to read as follows:

3 § 1352-f. Restaurant meals targeting children. 1. For the purposes of  
4 this section, the following terms shall be defined as follows:

5 a. "Targeting children" shall mean an action or actions designed to  
6 make a meal, food, or beverage offered for purchase by a restaurant  
7 appeal to children. Such actions shall include, but are not limited to,  
8 the presence of a meal, food or beverage on a menu designated as a kids'  
9 menu or a menu otherwise designed for children. The commissioner shall  
10 promulgate rules and regulations regarding what actions constitute  
11 targeting 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 targeting children that  
22 may be offered for purchase in combination by a restaurant. A restaurant  
23 may offer the purchase of a meal, food item, or beverage targeting chil-  
24 dren, only if the meal, food item, or beverage, meets nutritional stand-  
25 ards established by the commissioner under this section. Nutritional

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

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1 standards under this section shall include but are not limited to:  
2 calories; sodium; percentage of calories from fat (which may differen-  
3 tiate among kinds or sources of fat); sugars and caloric sweeteners; and  
4 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 up to five hundred dollars for a first  
7 violation thereof; up to one thousand dollars for a second violation  
8 thereof; and up to two thousand five hundred dollars for a third or  
9 subsequent violation thereof.

10 § 2. This act shall take effect one year after it shall have become a  
11 law.