STATE OF NEW YORK

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IN ASSEMBLY

January 14, 2021

Introduced by M. of A. REYES, BRAUNSTEIN, ZEBROWSKI, D. ROSENTHAL, BENEDETTO, EPSTEIN, COOK, GUNTHER, SIMON, MORINELLO, DiPIETRO, CRUZ, WILLIAMS, FAHY, STECK, GLICK, NIOU, TAYLOR, DARLING -- Multi-Sponsored by -- M. of A. GALEF -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to safety and quality labels on certain foods and beverages

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The agriculture and markets law is amended by adding a new section 214-p to read as follows:

§ 214-p. Safety and quality labeling. 1. Definitions. For the purposes of this article, the following terms shall have the following meanings:

(a) "Perishable food" shall mean and include (i) eggs, grade AA, grade A, and grade B shell eggs;

(ii) all pre-packaged, fully or partially prepared baked goods which have a moisture content exceeding eighteen percent, with or without additives, known as:

(1) breads, rolls and buns as defined pursuant to title 21, chapter 1, part 136.110 of the code of federal regulations, except those known as fruitcakes;

(2) cakes, pastries, and cookies, except those that are offered for sale in individual, portion pack, snack-type packages;

(3) english muffins, corn muffins, bran muffins, and other similar products;

(iii) the following prepackaged dairy and dairy-type products:

(1) those products with or without additives or flavorings, known as cheese, as defined pursuant to title 21, chapter 1, part 133 of the code of federal regulations, that contain fifty percent or more moisture in the finished product;

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

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(2) low-fat, multi-vitamin, multi-mineral type milk products which are normally stored at temperatures between thirty-two degrees fahrenheit and forty degrees fahrenheit;

(3) flavored milk;

(4) cultured milk, cultured milk products, cultured skim-milk, and cultured skim-milk products, with or without fruits, vegetables, meats, cheeses, or other additives;

(5) milk shake;

(6) eggnog;

(7) yogurt, made from skim-milk or whole milk, with or without fruits, vegetables, meats, or other additives;

(8) whipped cream and instant whipped cream;

(9) sour cream, cultured cream, salad cream, and non-cultured sour cream, with or without cultured half and half;

(10) sour half and half, cultured half and half, non-cultured sour half and half, and non-cultured half and half;

(11) dairy dressing and dairy dip;

(12) non-dairy coffee creamers which are normally stored at temperatures between thirty-two degrees fahrenheit and forty degrees fahrenheit; and

(iv) all pre-packaged, prepared foods which require refrigeration.

(b) "Packaged food" shall mean foods and beverages otherwise subject to the nutrition labeling requirements of the federal Nutrition Labeling and Education Act of 1990.

(c) "Safety date" shall mean the last day or date for safe consumption or use of a perishable food or packaged food.

(d) "Quality date" shall mean the last day or date for the recommended consumption or use of a perishable food or packaged food.

2. No person, firm, corporation, partnership, association or any other business association shall sell at retail or display for sale at retail any perishable food or packaged food for human consumption unless the container of such perishable or packaged food is clearly marked with a safety date and a quality date.

3. The commissioner, in consultation with the commissioner of health, shall promulgate rules and regulations regarding the content and placement of safety dates and quality dates on perishable food and packaged food.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made on or before such date.