

# STATE OF NEW YORK

3878

2021-2022 Regular Sessions

## IN ASSEMBLY

January 28, 2021

Introduced by M. of A. BURKE -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to supplementing food and beverage nutrient information with colors depending on the total amount of the nutrient in such product

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

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

3 § 214-p. Nutrition labeling of food and beverage products. 1. Any  
4 food or beverage with a nutritional fact label or other documentation  
5 from a manufacturer list identifying nutrients shall indicate the amount  
6 of total fat, saturated fat, total sugars and sodium in such food or  
7 beverage and supplement such information with a color depending on the  
8 amount of the nutrient in the product.

9 2. The following nutrients shall be colored green if the food product  
10 contains a total amount that is:

11 (a) less than or equal to three grams per one hundred grams of total  
12 fat.

13 (b) less than or equal to one and one-half grams per one hundred grams  
14 of saturated fat.

15 (c) less than or equal to five grams per one hundred grams of total  
16 sugars.

17 (d) less than or equal to one hundred twenty milligrams per one  
18 hundred grams of sodium.

19 3. The following nutrients shall be colored amber if the food product  
20 contains a total amount that is:

21 (a) between three and seventeen and one-half grams per one hundred  
22 grams of total fat.

23 (b) between one and one-half and five grams per one hundred grams of  
24 saturated fat.

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

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1 (c) between five and twenty-two and one-half grams per one hundred  
2 grams of total sugars.

3 (d) between one hundred twenty and six hundred milligrams per one  
4 hundred grams of sodium.

5 4. The following nutrients shall be colored red if the food product  
6 contains a total amount that is:

7 (a) more than seventeen and one-half grams per one hundred grams or  
8 more than twenty-one grams per serving of total fat.

9 (b) more than five grams per one hundred grams or more than six grams  
10 per serving of saturated fat.

11 (c) more than twenty-two and one-half grams per one hundred grams or  
12 more than twenty-seven grams per serving of total sugars.

13 (d) more than six hundred milligrams per one hundred grams or more  
14 than seven hundred twenty milligrams per serving of sodium.

15 5. The following nutrients shall be colored green if the beverage  
16 contains a total amount that is:

17 (a) less than or equal to one and one-half grams per one hundred  
18 milliliters of total fat.

19 (b) less than or equal to three quarters grams per one hundred milli-  
20 liters of saturated fat.

21 (c) less than or equal to two and one-half grams per one hundred  
22 milliliters of total sugars.

23 (d) less than or equal to one hundred twenty milligrams per one  
24 hundred milliliters of sodium.

25 6. The following nutrients shall be colored amber if the beverage  
26 contains a total amount that is:

27 (a) between one and one-half and eight and three quarters grams per  
28 one hundred milliliters of total fat.

29 (b) between three quarters and two and one-half grams per one hundred  
30 milliliters of saturated fat.

31 (c) between two and one-half and eleven and one quarter grams per one  
32 hundred milliliters of total sugars.

33 (d) between one hundred twenty and three hundred milligrams per one  
34 hundred milliliters of sodium.

35 7. The following nutrients shall be colored red if the beverage  
36 contains a total amount that is:

37 (a) more than eight and three quarters grams per one hundred milli-  
38 liters or more than ten and one-half grams per serving of total fat.

39 (b) more than two and one-half grams per one hundred milliliters or  
40 more than three grams per serving of saturated fat.

41 (c) more than eleven and one quarter grams per one hundred milliliters  
42 or more than thirteen and one-half grams per serving of total sugars.

43 (d) more than three hundred milligrams per one hundred milliliters or  
44 more than four hundred milligrams per serving of sodium.

45 § 2. This act shall take effect on the one hundred eightieth day after  
46 it shall have become a law.