STATE OF NEW YORK

6424--A

2023-2024 Regular Sessions

IN ASSEMBLY

April 6, 2023

Introduced by M. of A. KELLES, TAPIA, STECK, LEE, STIRPE, GLICK, SAYEGH, EPSTEIN, GIBBS, L. ROSENTHAL, REYES, SIMON, JACKSON -- read once and referred to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to prohibiting certain food additives and food color additives

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

Section 1. The section heading of section 199-a of the agriculture and markets law, as amended by chapter 797 of the laws of 1961, is amended and a new subdivision 5 is added to read as follows:

Prohibition as to adulterated or misbranded food **and certain food additives and food color additives**.

5. (a) Notwithstanding any other provision of law to the contrary, commencing one year after the effective date of this subdivision, it shall be unlawful for any person, firm, association, or corporation to manufacture, compound, brew, distill, produce, process, sell, deliver, distribute, hold, offer or expose for sale any of the following substances as food additives or food color additives or any food or food product containing any of the following substances:

(i) brominated vegetable oil (BVO);

(ii) potassium bromate;

(iii) propylparaben;

(iv) azodicarbonamide;

(v) butylated hydroxyanisole (BHA);

(vi) red dye 3; and

(vii) titanium dioxide.

(b) Within thirty days of the effective date of this subdivision, the commissioner shall amend the exemption list maintained pursuant to

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

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subdivision three of this section to indicate that in this state the substances prohibited in this subdivision shall not be deemed to be safe for human consumption on or after one year after the effective date of this subdivision; provided, however, dairy products containing titanium dioxide shall be included on the exemption list maintained pursuant to such subdivision three. In an action instituted by the commissioner under section two hundred two-c of this article to enforce compliance with this subdivision or any rule or order promulgated pursuant to this subdivision, the recognition by the federal food and drug administration of any of these substances as safe may not be alleged as a defense.

§ 2. This act shall take effect immediately.