STATE OF NEW YORK

8570

IN ASSEMBLY

January 11, 2024

Introduced by M. of A. LEE -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to the sale of certain products for human consumption

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

Section 1. Sections 391-o, 391-r, 391-s, as added by chapter 357 of the laws of 2013, and 399-hh of the general business law are renumbered sections 831, 832, 833 and 834, respectively, and are designated article 38-B and a new article heading is added to read as follows:

PRODUCTS SOLD FOR HUMAN CONSUMPTION

§ 2. Section 399-hhh of the general business law, as added by a chapter of the laws of 2023 amending the general business law relating to prohibiting the sale of sodium nitrate and sodium nitrite to any person under the age of twenty-one, as proposed in legislative bills numbers S. 582 and A. 6798, is renumbered section 830 and amended to read as follows:

§ 830. Sale of sodium nitrate and sodium nitrite. 1. No person, corporation, partnership, limited liability company, firm or any other business entity doing business within this state shall sell or offer for sale sodium nitrate or sodium nitrite to any person under the age of twenty-one. **This restriction shall not apply to foods containing sodium nitrate or sodium nitrite in compliance with the requirements of 9 CFR Part 424 or 21 CFR Part 172.**

2. Any person, corporation, partnership, limited liability company, firm, or any other business entity doing business within the state selling, offering for sale, or distributing sodium nitrate or sodium nitrite**, except as permitted by subdivision one of this section,** shall require proof of legal age prior to allowing an individual to purchase or receive a shipment of sodium nitrate or sodium nitrite. Such identification need not be required of any individual who reasonably appears to be at least thirty years of age, provided, however, that such appearance shall not constitute a defense in any proceeding alleging the sale

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

LBD02657-02-4

or distribution of sodium nitrate or sodium nitrite to an individual under twenty-one years of age.

3. Any person, corporation, partnership, limited liability company, firm or any other business entity that violates the provisions of this section shall be subject to a civil penalty of not more than two hundred fifty dollars for an initial offense and not more than five hundred dollars for the second and each subsequent offense, provided this section shall not be construed to limit any other criminal or civil liability such person, corporation, partnership, limited liability company, firm or other business entity may be subject to under law.

§ 3. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2023 amending the general business law relating to prohibiting the sale of sodium nitrate and sodium nitrite to any person under the age of twenty-one, as proposed in legislative bills numbers S. 582 and A. 6798, takes effect.