

STATE OF NEW YORK

6820--A

2023-2024 Regular Sessions

IN SENATE

May 10, 2023

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law and the agriculture and markets law, in relation to requiring allergen labeling for prepackaged foods

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 1357 to read as follows:

3 § 1357. Allergen labeling for prepackaged foods. 1. As used in this
4 section, the following terms shall have the following meanings:

5 (a) "Prepackaged food" means food that is prepared, prepacked and
6 offered or sold to customers on the same premises. Prepackaged food
7 does not include food that is not in packaging or is packaged after a
8 customer has ordered.

9 (b) "Food establishment" means any place food is prepared and intended
10 for off-premises consumption, including all delis, bakeries, sandwich
11 shops, ice cream parlors, cafeterias and food trucks operating within
12 the state.

13 (c) "Major food allergen" shall have the same meaning as such term is
14 defined in 21 U.S.C. 321.

15 2. Every food establishment shall label all prepackaged food with a
16 written notification on the package or on a label attached to the pack-
17 age identifying all ingredients and labeling for major food allergens in
18 such form and manner as required pursuant to the federal Food Allergen
19 Labeling and Consumer Protection Act of 2004, as amended.

20 § 2. The agriculture and markets law is amended by adding a new
21 section 199-g to read as follows:

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

LBD11261-03-4

1 § 199-g. Allergen labeling for prepackaged foods. 1. As used in this
2 section, the following terms shall have the following meanings:

3 (a) "Prepackaged food" means food that is prepared, prepacked, and
4 offered or sold to customers on the same premises. Prepackaged food
5 does not include food that is not in packaging or is packaged after a
6 customer has ordered.

7 (b) "Food establishment" means any place where food is prepared and
8 intended for consumption, including retail food stores, as defined in
9 section five hundred of this chapter.

10 (c) "Major food allergen" shall have the same meaning as such term is
11 defined in 21 U.S.C. 321.

12 2. Every food establishment shall label all prepackaged food with a
13 written notification on the package or on a label attached to the pack-
14 age identifying all ingredients and labeling for major food allergens in
15 such form and manner as required pursuant to the federal Food Allergen
16 Labeling and Consumer Protection Act of 2004, as amended.

17 § 3. This act shall take effect on the ninetieth day after it shall
18 have become a law.