STATE OF NEW YORK

9461

IN ASSEMBLY

March 14, 2024

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

AN ACT to amend the general business law, in relation to requiring food service establishments disclose if they are operating out of another food service establishment's kitchen or in a location which is not operated exclusively as a kitchen for such food service establishment

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

Section 1. The general business law is amended by adding a new section 350-f-2 to read as follows:

§ 350-f-2. Disclosures required for certain food service establishments. 1. For purposes of this section:

(a) "Food service establishment" means a place where food is provided for individual portion service directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle.

(b) "Third-party food delivery service" means any website, mobile application or other internet service that offers or arranges for the sale or delivery of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverage from, a food service establishment located in the state.

(c) "Third-party food delivery platform" means the online or mobile platform of the third-party food delivery service on which a consumer can view products available for sale and place an order for a food service establishment's products.

2. Any food service establishment, in making representations for the purposes of inducing, or which are likely to induce, directly or indirectly, the purchase of food from such establishment, shall clearly and prominently disclose, in any advertisement, on such establishment's website, mobile application or other internet service, and on any third-party food delivery platform, if such establishment is operating out of a different food service establishment's kitchen or in a location which is not operated exclusively as a kitchen for such food service establishment.

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

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

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