

# STATE OF NEW YORK

9951

## IN ASSEMBLY

April 26, 2024

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

AN ACT to amend the agriculture and markets law, in relation to requiring food products containing major food allergens to be labelled or branded to indicate the presence of such major food allergen

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 201-j to read as follows:

3 § 201-j. Food products; major allergens labelling or branding. 1. For  
4 the purposes of this section, the term "major food allergen" shall mean  
5 peanuts, tree nuts, milk, eggs, fish, shellfish, wheat, soy, or any  
6 other food determined by the commissioner to pose a risk to the health  
7 and safety of people who unknowingly consume such food and have an  
8 allergic reaction to such food.

9 2. No food product which contains a major food allergen shall be sold  
10 or offered for sale within the state without being labelled or branded  
11 in such a way to indicate such food product contains such major allergen  
12 in a manner established by regulations promulgated by the commissioner.

13 3. Where a food product is not labelled or branded as required under  
14 this section, the originator of such food product shall alert any store  
15 in which the food product is sold of the presence of a major food aller-  
16 gen in such food product. Such alert shall be in writing.

17 4. Upon being alerted to a major food allergen in a food product being  
18 sold in a store without proper labelling or branding, such store shall,  
19 within twenty-four hours, either: (a) no longer offer such food product  
20 for sale; or (b) repackage the food product such that the labelling or  
21 branding are consistent with the requirements of this section.

22 § 2. This act shall take effect on the one hundred twentieth day after  
23 it shall have become a law. Effective immediately, the addition, amend-  
24 ment and/or repeal of any rule or regulation necessary for the implemen-  
25 tation of this act on its effective date are authorized to be made on or  
26 before such date.

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

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