STATE OF NEW YORK

2866

2023-2024 Regular Sessions

IN SENATE

January 25, 2023

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to setting nutrition standards for restaurant meals targeting children

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

Section 1. The public health law is amended by adding a new section 1352-f to read as follows:

§ 1352-f. Restaurant meals targeting children. 1. For the purposes of this section, the following terms shall be defined as follows:

a. "Targeting children" shall mean an action or actions designed to make a meal, food, or beverage offered for purchase by a restaurant appeal to children. Such actions shall include, but are not limited to, the presence of a meal, food or beverage on a menu designated as a kids' menu or a menu otherwise designed for children. The commissioner shall promulgate rules and regulations regarding what actions constitute targeting children.

b. "Meal" shall mean any combination of food and drink items offered together for a single price.

c. "Restaurant" shall mean any coffee shop, cafeteria, luncheonette, sandwich stand, diner, short order cafe, fast food establishment, soda fountain, and any other eating or beverage establishment, which gives or offers for sale food or beverages to the public, guests, members, or patrons, whether food or beverages are customarily consumed on or off the premises.

2. The commissioner shall make regulations establishing nutritional standards for meals, food items, and beverages targeting children that may be offered for purchase in combination by a restaurant. A restaurant may offer the purchase of a meal, food item, or beverage targeting children, only if the meal, food item, or beverage, meets nutritional standards established by the commissioner under this section. Nutritional

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

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standards under this section shall include but are not limited to: calories; sodium; percentage of calories from fat (which may differentiate among kinds or sources of fat); sugars and caloric sweeteners; and fruits, vegetables, and grains.

3. Any person who violates any of the provisions of this section shall be liable for a civil penalty of up to five hundred dollars for a first violation thereof; up to one thousand dollars for a second violation thereof; and up to two thousand five hundred dollars for a third or subsequent violation thereof.

§ 2. This act shall take effect one year after it shall have become a law.