

STATE OF NEW YORK

8211

IN SENATE

January 12, 2024

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

AN ACT to amend the agriculture and markets law, in relation to prohibiting certain food additives and food color additives, and providing for a private right of action

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

1 Section 1. The section heading of section 199-a of the agriculture and
2 markets law, as amended by chapter 797 of the laws of 1961, is amended
3 and a new subdivision 5 is added to read as follows:

4 Prohibition as to adulterated or misbranded food and certain food
5 additives and food color additives.

6 5. (a) Notwithstanding any other provision of law to the contrary, on
7 or after January first, two thousand twenty-five, it shall be unlawful
8 for any person, firm, association, or corporation to manufacture,
9 compound, brew, distill, produce, process, sell, deliver, distribute,
10 hold, offer or expose for sale any of the following substances as food
11 additives or food color additives or any food or food product containing
12 any of the following substances:

13 (i) brominated vegetable oil;

14 (ii) potassium bromate;

15 (iii) propylparaben;

16 (iv) red dye 3; and

17 (v) titanium dioxide.

18 (b) Within thirty days of the effective date of this subdivision, the
19 commissioner shall amend the exemption list maintained pursuant to
20 subdivision three of this section to indicate that in this state the
21 substances prohibited in this subdivision shall not be deemed to be safe
22 for human consumption on or after January first, two thousand twenty-
23 five. In an action instituted by the commissioner under section two
24 hundred two-c of this article to enforce compliance with this subdivi-
25 sion or any rule or order promulgated pursuant to this subdivision, the
26 recognition by the federal food and drug administration of any of these
27 substances as safe may not be alleged as a defense.

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

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1 (c) Any person who violates any provision of this subdivision shall be
2 liable in any court of competent jurisdiction, including small claims
3 court. In any action brought by any person to enforce this section, the
4 court may, subject to its jurisdiction, issue an injunction to restrain
5 or prevent any violation of this section or any continuance of any such
6 violation.

7 § 2. This act shall take effect immediately.