STATE OF NEW YORK

8822

IN SENATE

March 15, 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 the use of red dye 3 as a food additive or food color additive and the sale of food products containing red dye 3

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

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

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

5. (a) Notwithstanding any other provision of law to the contrary, on or after January first, two thousand twenty-six, it shall be unlawful for any person, firm, association, or corporation to manufacture, compound, brew, distill, produce, process, sell, deliver, distribute, hold, offer or expose for sale the substance as a food additive or food color additive or any food or food product containing red dye 3.

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

§ 2. This act shall take effect immediately.

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

LBD14107-01-4