

STATE OF NEW YORK

7291--A

2025-2026 Regular Sessions

IN ASSEMBLY

March 25, 2025

Introduced by M. of A. REYES, COLTON, LEVENBERG, ROSENTHAL, KELLES, SCHIAVONI, CRUZ, GALLAGHER, ALVAREZ, TAPIA, PAULIN, KASSAY, McDONOUGH, SIMON, BURROUGHS, FITZPATRICK, K. BROWN, SHIMSKY -- read once and referred to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to food safety and quality date labelling requirements

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 214-p to read as follows:

3 § 214-p. Food safety and quality date labelling requirements. 1. (a)
4 Beginning one year after the effective date of this section, a food
5 manufacturer, processor, or retailer engaging in the labeling of food
6 items for human consumption that chooses, or is otherwise required by
7 law, to display a date label to communicate a quality or safety date on
8 a food item shall use the following uniform terms on such date label:

9 (i) "USE by" or "USE by or Freeze by" to indicate the safety date of
10 the food item;

11 (ii) "BEST if Used by" or "BEST if Used or Frozen by" to indicate the
12 quality date of the food item;

13 (iii) "UB" to indicate the safety date of the food item if such food
14 item is too small to include a uniform term under subparagraph (i) of
15 this paragraph; or

16 (iv) "BB" to indicate the quality date of the food item if such food
17 item is too small to include the uniform term under subparagraph (ii) of
18 this paragraph.

19 (b) No person or other entity shall sell or offer for sale in the
20 state any food item for human consumption manufactured on or after July

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

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1 first, two thousand twenty-eight, that displays a food date label that
2 is not labeled in accordance with paragraph (a) of this subdivision.

3 (c) No person or other entity shall sell or offer for sale in the
4 state a food item for human consumption manufactured on or after July
5 first, two thousand twenty-eight, that is labeled with the phrase "sell
6 by". This paragraph shall not prohibit the use of "sell by" dates that
7 are presented in a coded format, that are not easily readable by consum-
8 ers, and that do not use the phrase "sell by".

9 2. (a) A person or other entity that is responsible for placing a food
10 safety or quality date on a food product shall estimate the shelf life
11 of such food product, using a scientifically valid method as deemed
12 acceptable by the department in consultation with the department of
13 health, taking into consideration the quality, characteristics, formu-
14 lation, processing impact, packaging or container and other protective
15 wrapping or coating, and typical transportation, storage, and display
16 conditions of such food product.

17 (b) Considerations under paragraph (a) of this subdivision shall also
18 include those of the retail store and consumer. For purposes of estimat-
19 ing shelf life, home storage conditions shall be considered similar to
20 the usual retail store, except that refrigerated food may be calculated
21 using a home temperature storage standard at or below forty degrees
22 Fahrenheit. Such factors shall be measured or otherwise determined
23 utilizing testing and sampling procedures customarily utilized by the
24 food industry for such purposes.

25 3. (a) The department shall update its website to educate consumers
26 about the meaning of safety dates and quality dates under this section.

27 (b) The department shall conduct specific outreach activities:

28 (i) targeting, but not limited to, the following:

29 (1) wholesalers, retailers, grocery stores, and corner stores;

30 (2) food donation groups such as food banks and food recovery organ-
31 izations; and

32 (3) the general population;

33 (ii) regarding:

34 (1) the meaning of safety dates and quality dates under this section;

35 (2) the acceptance of food with labels not complying with this
36 section; and

37 (3) the acceptance of food with date labels past the quality date.

38 (c) The department shall promulgate rules and regulations requiring
39 all wholesalers, retailers, grocery stores, and corner stores to
40 conspicuously post signage informing customers and employees about the
41 meaning of safety dates and quality dates under this section.

42 4. (a) This section shall not apply to infant formula or any alcoholic
43 beverage, as defined by section three of the alcoholic beverage control
44 law.

45 (b) This section shall not prohibit a store from displaying on wine, a
46 distilled spirit, or a wine- or distilled spirit-based product bottled
47 or packaged on or after July first, two thousand twenty-eight, a label
48 with a statement that communicates the date on which such wine,
49 distilled spirit, or wine- or distilled spirit-based product was
50 produced, manufactured, bottled, or packaged, or from selling or offer-
51 ing for sale in the state such wine, distilled spirit, or wine- or
52 distilled spirit-based product with such label. Such statement may use
53 date formats, including, but not limited to, dates in a time, day,
54 month, and year format and Julian dates.

55 (c) To the extent that any other law or a national shellfish sanita-
56 tion program provision governing the labeling of shellfish authorizes or

1 requires the use of terms that conflict, or are inconsistent, with this
2 section, this section shall not apply.

3 (d) This section shall not prohibit, and shall not be construed to
4 discourage, the sale, donation to, or use of consumable food after such
5 food's quality date pursuant to subparagraph (ii) of paragraph (a) of
6 subdivision one of this section has passed. A wholesaler or retail food
7 facility may donate a food item for human consumption that is not
8 labeled in accordance with this section or is past the quality date.

9 (e) This section shall not prohibit the use or display of a label that
10 allows consumers to view online information about a food item for human
11 consumption.

12 (f) Unless otherwise required by law, this section shall not be
13 construed to require the use or display of a date label on a food item
14 for human consumption that did not require a food label prior to enact-
15 ment of this section.

16 (g) The commissioner shall have the authority to grant an exemption to
17 some or all requirements of this section if this section conflicts with
18 other federal laws or regulations pertaining to a specific industry,
19 food, or food product.

20 5. The commissioner, in consultation with the commissioner of health,
21 shall promulgate any rules and regulations necessary to effectuate the
22 provisions of this section.

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