

# STATE OF NEW YORK

5381--B

2025-2026 Regular Sessions

## IN SENATE

February 21, 2025

Introduced by Sens. HARCKHAM, CLEARE, GOUNARDES, OBERACKER, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law and the agriculture and markets law, in relation to requiring allergen labeling for prepackaged foods

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

1 Section 1. The public health law is amended by adding a new section  
2 1357 to read as follows:

3 § 1357. Allergen labeling for prepackaged foods. 1. As used in this  
4 section, the following terms shall have the following meanings:

5 (a) "Prepackaged food" means food that is prepared, prepacked and  
6 offered or sold to customers on the same premises. Prepackaged food  
7 does not include food that is not in packaging or is packaged after a  
8 customer has ordered.

9 (b) "Food establishment" means any place food is prepared and intended  
10 for off-premises consumption, including all delis, bakeries, sandwich  
11 shops, ice cream parlors, cafeterias and food trucks operating within  
12 the state.

13 (c) (i) "Major food allergen" means:

14 (A) milk, eggs, fish, crustacean shellfish, tree nuts, wheat, peanuts,  
15 sesame, and soybeans; and

16 (B) a food ingredient that contains protein derived from a food named  
17 in clause (A) of this subparagraph.

18 (ii) "Major food allergen" does not include:

19 (A) any highly refined oil derived from a food specified in clause (A)  
20 of subparagraph (i) of this paragraph or any ingredient derived from  
21 such highly refined oil; or

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

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1 (B) any ingredient that is exempt under the petition or notification  
2 process specified in the Food Allergen Labeling and Consumer Protection  
3 Act of 2004, as amended.

4 2. Every food establishment shall label all prepackaged food with a  
5 written notification on the package or on a label attached to the pack-  
6 age identifying any ingredient with which a product is made that consti-  
7 tutes a major food allergen. Such label need not identify any ingredient  
8 that does not constitute a major food allergen under federal or state  
9 law.

10 § 2. The agriculture and markets law is amended by adding a new  
11 section 199-g to read as follows:

12 § 199-g. Allergen labeling for prepackaged foods. 1. As used in this  
13 section, the following terms shall have the following meanings:

14 (a) "Prepackaged food" means food that is prepared, prepacked, and  
15 offered or sold to customers on the same premises. Prepackaged food does  
16 not include food that is not in packaging or is packaged after a custom-  
17 er has ordered.

18 (b) "Food establishment" means any place where food is prepared and  
19 intended for consumption, including retail food stores, as defined in  
20 section five hundred of this chapter.

21 (c)(i) "Major food allergen" means:

22 (A) milk, eggs, fish, crustacean shellfish, tree nuts, wheat, peanuts,  
23 sesame, and soybeans; and

24 (B) a food ingredient that contains protein derived from a food named  
25 in clause (A) of this subparagraph.

26 (ii) "Major food allergen" does not include:

27 (A) any highly refined oil derived from a food specified in clause (A)  
28 of subparagraph (i) of this paragraph or any ingredient derived from  
29 such highly refined oil; or

30 (B) any ingredient that is exempt under the petition or notification  
31 process specified in the federal Food Allergen Labeling and Consumer  
32 Protection Act of 2004, as amended.

33 2. Every food establishment shall label all prepackaged food with a  
34 written notification on the package or on a label attached to the pack-  
35 age identifying any ingredient with which a product is made that consti-  
36 tutes a major food allergen. Such label need not identify any ingredient  
37 that does not constitute a major food allergen under federal or state  
38 law.

39 § 3. This act shall take effect one year after it shall have become a  
40 law.