STATE OF NEW YORK

7618

2025-2026 Regular Sessions

IN SENATE

April 23, 2025

Introduced by Sen. HINCHEY -- 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 food safety and quality date labelling requirements

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

Section 1. The agriculture and markets law is amended by adding a new section 214-p to read as follows:

§ 214-p. Food safety and quality date labelling requirements. 1. (a) Beginning on and after July first, two thousand twenty-seven, a food manufacturer, processor, or retailer engaging in the labeling of food items for human consumption that chooses, or is otherwise required by law, to display a date label to communicate a quality or safety date on a food item shall use the following uniform terms on such date label:

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

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

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

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

(b) No person or other entity shall sell or offer for sale in the state any food item for human consumption manufactured on or after July first, two thousand twenty-seven, that displays a food date label that is not labeled in accordance with paragraph (a) of this subdivision.

(c) No person or other entity shall sell or offer for sale in the state a food item for human consumption manufactured on or after July first, two thousand twenty-seven, that is labeled with the phrase "sell

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

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by". This paragraph shall not prohibit the use of "sell by" dates that are presented in a coded format, that are not easily readable by consumers, and that do not use the phrase "sell by".

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

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

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

(b) The department shall conduct specific outreach activities:

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

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

(2) food donation groups such as food banks and food recovery organizations; and

(3) the general population;

(ii) regarding:

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

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

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

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

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

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

(c) To the extent that any other law or a national shellfish sanitation program provision governing the labeling of shellfish authorizes or requires the use of terms that conflict, or are inconsistent, with this section, this section shall not apply.

(d) This section shall not prohibit, and shall not be construed to discourage, the sale, donation to, or use of consumable food after such food's quality date pursuant to subparagraph (ii) of paragraph (a) of

subdivision one of this section has passed. A wholesaler or retail food facility may donate a food item for human consumption that is not labeled in accordance with this section or is past the quality date.

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

(f) Unless otherwise required by law, this section shall not be construed to require the use or display of a date label on a food item for human consumption.

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

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such date.