STATE OF NEW YORK

7618--B

Cal. No. 215

2025-2026 Regular Sessions

IN SENATE

April 23, 2025

Introduced by Sens. HINCHEY, ADDABBO, BROUK, BYNOE, FAHY, FERNANDEZ, GONZALEZ, HARCKHAM, KAVANAGH, KRUEGER, MAY, MURRAY, RHOADS, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 labeling requirements. 1. (a) Beginning one year after the effective date of this section, a food manufacturer, processor, or retailer engaging in the labeling of food products 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 product 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 product;

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

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

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

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(iv) "BB" to indicate the quality date of the food product if such food product 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 product for human consumption manufactured on or after July first, two thousand twenty-eight, 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 product for human consumption manufactured on or after July first, two thousand twenty-eight, that is labeled with the phrase "sell 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. Notwithstanding subdivision one of this section, a person or entity may sell or offer for sale in the state a food product for human consumption that was acquired by said person or other entity before the effective date of this section until the expiration of the food safety or quality date on such food product.

3. (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 at or below forty degrees Fahrenheit. Such factors shall be measured or otherwise determined utilizing testing and sampling procedures customarily utilized by the food industry for such purposes.

4. (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.

5. (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-eight, 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 product 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 product 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 product for human consumption that did not require a food label prior to enactment of this section.

(g) Nothing in this section shall be interpreted or applied so as to create a conflict with federal law or regulations pertaining to a specific industry, food, or food product covered by the provisions of this section.

6. 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 and completed on or before such date.