

STATE OF NEW YORK

7291--B

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, SHRESTHA, GONZALEZ-ROJAS, RAGA, KAY, SIMONE, ANDERSON, LUPARDO, JACKSON, TAGUE, LEMONDES -- 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 -- again reported from said committee with amendments, 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 labeling 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 products 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 product 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 product;

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

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

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

LBD11136-04-6

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

4 (b) No person or other entity shall sell or offer for sale in the
5 state any food product for human consumption manufactured on or after
6 July first, two thousand twenty-eight, that displays a food date label
7 that is not labeled in accordance with paragraph (a) of this subdivi-
8 sion.

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

15 2. Notwithstanding subdivision one of this section, a person or entity
16 may sell or offer for sale in the state a food product for human
17 consumption that was acquired by said person or other entity before the
18 effective date of this section until the expiration of the food safety
19 or quality date on such food product.

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

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

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

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

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

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

41 (2) food donation groups such as food banks and food recovery organ-
42 izations; and

43 (3) the general population;

44 (ii) regarding:

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

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

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

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

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

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

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

15 (d) This section shall not prohibit, and shall not be construed to
16 discourage, the sale, donation to, or use of consumable food after such
17 food's quality date pursuant to subparagraph (ii) of paragraph (a) of
18 subdivision one of this section has passed. A wholesaler or retail food
19 facility may donate a food product for human consumption that is not
20 labeled in accordance with this section or is past the quality date.

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

24 (f) Unless otherwise required by law, this section shall not be
25 construed to require the use or display of a date label on a food prod-
26 uct for human consumption that did not require a food label prior to
27 enactment of this section.

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

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

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