

STATE OF NEW YORK

428--A

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. RIVERA, JACKSON, KAVANAGH, LIU, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to requiring chain restaurants to label menu items that have a high content of sodium

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 1358 to read as follows:

3 § 1358. Chain restaurants; sodium content of menu items. 1. Defi-
4 nitions. For purposes of this section the following terms shall have the
5 following meanings:

6 a. "Chain menu developer" means the person that owns and licenses the
7 brand name under which a chain restaurant does business, or any other
8 person responsible for determining the formula or recipe for items
9 displayed on the menu of a chain restaurant.

10 b. "Chain restaurant" means a food service establishment, as defined
11 in part fourteen of the New York sanitary code 10 NYCRR 14-1.20, that is
12 part of a chain with fifteen or more locations within the state doing
13 business under the same name, regardless of the type of ownership of the
14 locations, and offering for sale substantially similar menu items.

15 c. "Daily value" means the daily reference value used by the United
16 States Food and Drug Administration in calculating the percent daily
17 value for nutrition information provided on food labels.

18 d. "Menu or menu board" means the primary writing of a food service
19 establishment from which a customer makes an order selection, including,
20 but not limited to, breakfast, lunch, and dinner menus; dessert menus;

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

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1 beverage menus; children's menus; other specialty menus; electronic
2 menus; and menus on the internet.

3 e. "Standard menu item" means a food or beverage item offered for sale
4 by a chain restaurant that is listed on a menu or menu board, including
5 a variable food or beverage item that comes in different flavors, varie-
6 ties, or combinations and is listed as a single item. Standard menu
7 item includes any combination meal for which any combination of food or
8 beverage items available to the consumer exceeds the daily value for
9 sodium. Standard menu item includes temporary menu items appearing on
10 the menu for less than a total of sixty consecutive and non-consecutive
11 days per calendar year.

12 2. Industry guidance. No later than one year after the effective date
13 of this section, the department shall publish guidance explaining the
14 requirements of this section and how businesses can comply.

15 3. Sodium warning icon. No later than one year after the effective
16 date of this section, the department shall develop an icon with accompa-
17 nying text that shall be displayed adjacent to the name of any standard
18 menu item that exceeds the daily value for sodium. Beginning two years
19 after the effective date of this section any chain restaurant operating
20 within the state and not otherwise exempted under subdivision seven of
21 this section shall display on menus or menu boards:

22 a. The sodium warning icon and accompanying text promulgated by the
23 department pursuant to this subdivision, at a height no smaller than the
24 largest letter in the name of the item; and

25 b. The following factual statement explaining the sodium warning icon:
26 "Warning (insert icon image and accompanying text here) indicates that
27 the sodium (salt) content of this item is higher than the total daily
28 recommended limit (2300 mg). High sodium intake can increase blood pres-
29 sure and the risk of heart disease and stroke."

30 4. Chain menu developer reporting requirement. Once every ninety
31 days, each chain menu developer shall report to the department the
32 amount of sodium in each standard menu item offered for sale in their
33 chain restaurant, or that no changes to the menu information have been
34 made since the last report.

35 5. Report required. No later than six years after the effective date
36 of this section, the department shall issue a report reviewing evidence
37 of the impact of this section on menu item reformulation and consumer
38 behavior, and recommend additional nutrients that should be considered
39 for menu warning icons.

40 6. Violations. Any chain restaurant that violates the provisions of
41 this section shall be subject to a civil penalty of not more than two
42 hundred fifty dollars per day for each location not in compliance.

43 7. Exemptions. The sodium warning icon required pursuant to subdivi-
44 sion three of this section shall not be required to be displayed next to
45 a menu item that is already labeled with a sodium icon equal or greater
46 in size and similar in general appearance, when such icon is required
47 pursuant to a rule, regulation, ordinance, local law, order or policy
48 issued by another jurisdiction having the same or substantially similar
49 effect as determined by the commissioner. Food service establishments
50 exempted from the sodium warning labeling requirement by this subdivi-
51 sion shall be used in determining if a particular food service estab-
52 lishment is a chain restaurant.

53 § 2. Severability. If any provision of this act, or any application of
54 any provision of this act, is held to be invalid, or to violate or be
55 inconsistent with any federal law or regulation, that shall not affect
56 the validity or effectiveness of any other provision of this act, or of

1 any other application of any provision of this act, which can be given
2 effect without that provision or application; and to that end, the
3 provisions and applications of this act are severable.
4 § 3. This act shall take effect immediately.