

STATE OF NEW YORK

5381

2025-2026 Regular Sessions

IN SENATE

February 21, 2025

Introduced by Sens. HARCKHAM, CLEARE, GOUNARDES, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Health

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

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

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

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1 2. Every food establishment shall label all prepackaged food with a
2 written notification on the package or on a label attached to the pack-
3 age identifying all ingredients and labeling for major food allergens in
4 such form and manner as required pursuant to the federal Food Allergen
5 Labeling and Consumer Protection Act of 2004, as amended.

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

8 § 199-g. Allergen labeling for prepackaged foods. 1. As used in this
9 section, the following terms shall have the following meanings:

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

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

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

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

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

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

23 (A) any highly refined oil derived from a food specified in clause (A)
24 of subparagraph (i) of this paragraph or any ingredient derived from
25 such highly refined oil; or

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

29 2. Every food establishment shall label all prepackaged food with a
30 written notification on the package or on a label attached to the pack-
31 age identifying all ingredients and labeling for major food allergens in
32 such form and manner as required pursuant to the federal Food Allergen
33 Labeling and Consumer Protection Act of 2004, as amended.

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