

STATE OF NEW YORK

9158

IN SENATE

February 9, 2026

Introduced by Sen. WEIK -- 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 general business law, in relation to establishing certain caffeine safety warnings and labeling requirements

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 two new sections
2 1358 and 1359 to read as follows:

3 § 1358. Caffeine safety warnings for certain food service establish-
4 ments. 1. Definitions. For the purposes of this section, the following
5 terms shall have the following meanings:

6 (a) "Covered establishment" means a food service establishment, as
7 defined by section thirteen hundred fifty-six of this title, that is
8 part of a chain with twenty or more locations within the state doing
9 business under the same name, regardless of the type of ownership of the
10 locations, and offering for sale substantially similar food items.

11 (b) "Menu" means the primary writing of a covered establishment from
12 which a customer makes an order selection, including but not limited to,
13 breakfast, lunch, and dinner menus; dessert menus; beverage menus; chil-
14 dren's menus; other specialty menus; electronic menus; and menus on the
15 internet.

16 (c) "Menu board" means a menu posted inside a covered establishment as
17 well as a menu posted outside a covered establishment, including a
18 drive-through menu.

19 (d) "Menu item" means a food or beverage item offered for sale by a
20 covered establishment that is listed on a menu or menu board, including
21 a variable food or beverage item that comes in different flavors, varie-
22 ties, or combinations and is listed as a single item.

23 2. A covered establishment shall display a high caffeine warning next
24 to menu items containing added caffeine and menu items with at least one
25 hundred fifty milligrams of total caffeine per serving wherever such
26 menu item is listed on a menu or menu board. Such caffeine content shall

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

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1 be clearly disclosed in writing in milligrams on the menu or menu board
2 and be provided to consumers upon request.

3 3. Any covered establishment selling beverages containing added
4 caffeine or at least one hundred fifty milligrams of total caffeine per
5 serving shall display a highly visible sign containing the following
6 safety warning: "WARNING: High Caffeine Content. Not Recommended for
7 Consumption by Persons Under 18 Years of Age. Excessive intake may cause
8 hypertension and increased risk of serious cardiovascular symptoms in
9 young people."

10 4. Any covered establishment selling beverages containing added
11 caffeine or at least one hundred fifty milligrams of total caffeine per
12 serving shall provide a separate "Caffeine-Free Options Menu" to consum-
13 ers.

14 § 1359. Caffeine labeling requirements for food. 1. Any food contain-
15 ing more than ten milligrams of caffeine shall be labeled with:

16 (a) the amount of caffeine per serving in milligrams;
17 (b) whether the caffeine is naturally occurring or an additive; and
18 (c) an advisory statement indicating that the recommended daily limit
19 of caffeine for healthy adults is four hundred milligrams.

20 2. Any food containing more than one hundred milligrams of caffeine
21 per serving shall be labeled with advisory statements indicating that:

22 (a) excessive caffeine intake may cause hypertension and increased
23 risk of serious cardiovascular symptoms in young people; and
24 (b) more than one hundred milligrams of caffeine per serving is not
25 recommended for sale to persons under eighteen years of age.

26 3. Any food containing added caffeine or at least one hundred fifty
27 milligrams of total caffeine per serving shall be labeled with:

28 (a) a high caffeine designation on any mobile application or website;
29 and
30 (b) an advisory statement indicating that such food is not recommended
31 for children.

32 4. Any label, advisory statement, and/or caffeine content disclosure
33 required to appear on food in accordance with this section shall be:

34 (a) displayed in a prominent and conspicuous manner;
35 (b) set in a font size no smaller than the font size used in the
36 "Nutrition Facts" panel or the most prominent dietary information on the
37 label; and

38 (c) located immediately adjacent to or within the "Nutrition Facts"
39 panel.

40 § 2. The general business law is amended by adding a new section 831-a
41 to read as follows:

42 § 831-a. Caffeine labeling requirements for dietary supplements. 1.
43 For the purposes of this section, "dietary supplement" shall have the
44 same meaning as in section eight hundred thirty-one of this article.

45 2. Any dietary supplement containing more than ten milligrams of
46 caffeine shall be labeled with:

47 (a) the amount of caffeine per serving in milligrams;
48 (b) whether the caffeine is naturally occurring or an additive; and
49 (c) an advisory statement indicating that the recommended daily limit
50 of caffeine for healthy adults is four hundred milligrams.

51 3. Any dietary supplement containing more than one hundred milligrams
52 of caffeine per serving shall be labeled with advisory statements indi-
53 cating that:

54 (a) excessive caffeine intake may cause hypertension and increased
55 risk of serious cardiovascular symptoms in young people; and

1 (b) more than one hundred milligrams of caffeine per serving is not
2 recommended for sale to persons under eighteen years of age.

3 4. Any dietary supplement containing added caffeine or at least one
4 hundred fifty milligrams of total caffeine per serving shall be labeled
5 with:

6 (a) a high caffeine designation on any mobile application or website;
7 and

8 (b) an advisory statement indicating that such supplement is not
9 recommended for children.

10 5. Any label, advisory statement, and/or caffeine content disclosure
11 required to appear on a dietary supplement in accordance with this
12 section shall be:

13 (a) displayed in a prominent and conspicuous manner;

14 (b) set in a font size no smaller than the font size used in the
15 "Supplement Facts" panel or the most prominent dietary information on
16 the label; and

17 (c) located immediately adjacent to or within the "Supplement Facts"
18 panel.

19 § 3. This act shall take effect one year after it shall have become a
20 law. Effective immediately, the addition, amendment and/or repeal of any
21 rule or regulation necessary for the implementation of this act on its
22 effective date are authorized to be made and completed on or before such
23 effective date.