



Legislation Text

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A Local Law to amend the administrative code of the city of New York, in relation to requiring added sugar notifications for menu items in chain restaurants

Be it enacted by the Council as follows:

Section 1. Section 17-199.18 of the administrative code of the city of New York, as added by local law number 33 for the year 2022, is amended to read as follows:

§ 17-199.18 Added sugar notifications. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Added sugars. The term “added sugars” has the same meaning as used in title 21, section 101.9 (c)(6) (iii) of the code of federal regulations, or any successor regulations.

Chain menu developer. The term “chain menu developer” means the person that owns and licenses the brand name under which the covered establishment does business, or any other person responsible for determining the formula or recipe for items displayed on the menu of a covered establishment.

Covered establishment. The term “covered establishment” means any food service establishment inspected pursuant to the restaurant grading program established pursuant to subdivision a of section 81.51 of the New York city health code that is part of a chain with 15 or more locations doing business under the same name and offering for sale substantially the same food items.

Daily value. The term “daily value” means the daily reference value established in title 21, section 101.9

(c)(9) of the code of federal regulations, or any successor regulations.

Food service establishment. The term “food service establishment” has the same meaning as in section 81.03 of the New York city health code.

Icon. The term “icon” means a graphic or illustrated image, with or without accompanying text.

Menu or menu board. The term “menu or menu board” has the same meaning as in section 81.49 of the New York city health code.

Menu item. The term “menu item” means any food item, including a prepackaged food item, listed on a menu or menu board.

Prepackaged food item. The term “prepackaged food item” means a food item that is packaged by the manufacturer and required to have a nutrition facts label pursuant to title 21, part 101 of the code of federal regulations, or any successor regulations.

Prepackaged item on display. The term “prepackaged item on display” means a prepackaged food item that is visible to the customer before the customer makes a selection.

b. Warning statement. [The] No later than one year after the effective date of the local law that last amended this subdivision, the department shall issue a rule designating an icon to be displayed in a clear and conspicuous manner [on] (i) on menus or menu boards adjacent to the [listed prepackaged food items] menu items and (ii) on or near prepackaged [food] items on display, that exceed a specified level of added sugars, including, but not limited to, 100 percent or more of the daily value for added sugars, as determined by the federal food and drug administration, or exceed another amount specified in rules of the department. Such rule shall also provide a factual warning statement about high added sugars intake.

c. No later than one year after the department issues the rule required pursuant to subdivision b of this section, a covered establishment that offers one or more [prepackaged food] menu items or prepackaged items on display that qualify for an icon pursuant to subdivision b shall, in accordance with rules promulgated by the

department:

1. Post a clearly visible icon on or near the prepackaged item on display;
 2. Post a clearly visible icon on the menu or menu board next to the [prepackaged food] menu item wherever such item appears on the menu; and
 3. Post the factual warning statement required pursuant to subdivision b of this section prominently and conspicuously at the point of purchase for such items and, for self-serve items dispensed directly to the consumer, at the dispensing point.
- d. Any covered establishment that violates any of the provisions of this section shall be liable for a civil penalty of not less than \$200 nor more than \$500 for a violation thereof.
- e. No later than three months after the department issues the rule required by subdivision b of this section, the department shall conduct public outreach to educate covered establishments about the requirements of this local law.
- f. Nothing in this local law prohibits the department from requiring an icon or warning statement regarding additional foods, ingredients, or nutrients of concern.
- g. Reporting Requirement. Once every 90 days, the chain menu developer shall report to the department the amount of added sugars and sodium in each menu item offered for sale in a covered establishment, or that no changes to the menu information have been made since the last report.

§ 2. This local law takes effect on the same date that local law number 33 for the year 2022 takes effect.

NAB
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