



Legislation Text

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Int. No. 517

By Council Members Vallone Jr., Gentile, James, Koppell, Nelson, Stewart, Sears, Recchia Jr., Rivera, Baez, Martinez, Dickens and Weprin

A Local Law to amend the administrative code of the City of New York, in relation to prohibiting the use of artificial trans fats by food service establishments and mobile food unit commissaries.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. Trans fat intake increases the risk of heart disease, which is the leading cause of death in New York City. Because a significant portion of dietary trans fat comes from foods purchased at food service establishments and mobile food unit commissaries, the presence of artificial trans fat purchased at such establishments contributes to cardiovascular risk in New York City. The 2005 Dietary Guidelines for Americans, issued by the United States Department of Agriculture, recommend that dietary intake of trans fat be “as low as possible.”

On December 5, 2006, pursuant to the authority granted to it by §558 of the New York City Charter, the Board of Health unanimously approved a resolution to amend Article 81 of the New York City Health Code to restrict the use of artificial trans fat in food service establishments and mobile food unit commissaries regulated by the Department of Health and Mental Hygiene.

The Council finds that the presence of artificial trans fat in foods prepared in food service establishments and mobile food unit commissaries poses a threat to the public health. Therefore, the Council finds it warranted to incorporate the ban on artificial trans fat into the Administrative Code.

§ 2. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a

new section 17-192 to read as follows:

§17-192 Foods containing artificial trans fat. a. Definitions. The following terms shall have the following meanings:

1. “Artificial trans fat” shall have the meaning as such term is defined in section 81.08 of the health code of the city of New York or any successor provision.

2. “Food service establishment” shall have the meaning as such term is defined in section 81.03 of the health code of the city of New York or any successor provision.

3. “Mobile food unit commissary” shall have the meaning as such term is defined in section 89.01 of the health code of the city of New York or any successor provision.

b. Artificial trans fat restricted. No foods containing artificial trans fat shall be stored, distributed, held for service, used in preparation of any menu item or served by any food service establishment or by any mobile food unit commissary; provided that this subdivision shall not apply to food that is served directly to patrons in a manufacturer’s original sealed package.

c. Rules. The department may promulgate such rules as may be necessary to implement the provisions of this section.

§ 3. This local law shall take effect on July 1, 2007 with respect to oils, shortenings and margarines containing artificial trans fat that are used for frying or in spreads; and shall take effect on July 1, 2008 with respect to oils or shortenings used for deep frying of yeast dough or cake batter, and for all other foods containing artificial trans fat.

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