Legislation Details (With Text)

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Int. No. 653

By Council Member Dromm

A Local Law to amend the administrative code of the city of New York, in relation to gluten and food establishments.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 17 of the administrative code of the city of New York is amended by adding a new section 17-198 to read as follows:

§ 17-198 Posting of gluten information. a. Definitions. 1. "Covered food service establishment" shall mean a food service establishment within the city of New York that is one of a group of 15 or more food service establishments doing business nationally, offering for sale substantially the same menu items, in servings that are standardized for portion size and content, that operate under common ownership or control, or as franchised outlets of a parent business, or do business under the same name.

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, except that it shall apply exclusively to places where food is sold and

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space is designated specifically as an eating area.

3. “Menu” shall mean a printed list or pictorial display of a food item or items, and their prices, that are available for sale from a covered food service establishment and shall include menus distributed or provided outside of such establishment.

4. “Menu board” shall mean any list or pictorial display of a food item or items, and their prices posted in and visible within a covered food service establishment or outside of a covered food service establishment for the purpose of ordering from a drive-through window.

5. “Menu item” shall mean any individual food item, or combination of food items, listed or displayed on a menu board or menu that is sold by a covered food service establishment.

6. “Food item tag” shall mean a label or tag that identifies any food item displayed for sale at a covered food service establishment.

b. Scope and applicability. This section shall apply to menu items that are served in portions the size and content of which are standardized at a covered food service establishment. This section shall not apply to menu items that are listed on a menu or menu board for less than 30 days in a calendar year.

c. Posting gluten information for menu items. All menu boards and menus in any covered food service establishment shall indicate which menu items contain gluten. Such information shall be listed clearly and conspicuously, adjacent or in close proximity to such menu items so as to be clearly associated with the menu item, using a font and format that is at least as prominent, in size and appearance, as that used to post either the name or price of the menu item.

1. Food item tags. When a food item is displayed for sale with a food item tag, any such food that contains gluten shall include that it contains gluten in a font size and format at least as prominent as the font size of the name of the food item.

2. Drive-through windows. Gluten content information at drive-through windows shall be displayed on either the drive-through menu board, or on an adjacent sign visible at or prior to the point of ordering, so long

as the gluten content for each menu item is clearly and conspicuously posted on the sign adjacent to their respective menu item names on the drive-through menu board.

d. Penalties. Any covered food service establishment that violates subdivision c of this section of the code or any of the rules promulgated thereunder shall be liable for a civil penalty not to exceed one hundred dollars for each violation.

e. Instruction and testing on gluten**.** The department shall require instruction and testing on gluten as part of any food protection course provided pursuant to Article 81 of the health code of the city of New York.

§ 2. This local law shall take effect one hundred eighty days after its enactment into law, provided that, the commissioner may promulgate any rules necessary for implementing and carrying out the provisions of this section prior to its effective date.

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