



Legislation Text

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Proposed Int. No. 1326-A

By Council Members Levine, Cornegy, Kallos, Rosenthal, Ampry-Samuel, Ayala, Cumbo, Powers, Lander, Brannan, Chin, D. Diaz, Van Bramer, Reynoso, Salamanca, Miller, Levin, Gibson, Brooks-Powers, Koo, Vallone, Cabrera and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to requiring added sugar notifications on menu boards and signs

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.12 to read as follows:

§ 17-199.12 Added sugar notifications. a. Definitions. For the purposes of this section, the following terms have the following meanings:

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 menu items.

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 designed by the department that denotes that a prepackaged menu item or prepackaged item on display has been determined by the department to exceed a specified level of added sugar, including, but not limited to, prepackaged menu items or prepackaged items on display that contain 100 percent or more of the daily value for added sugar.

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.

Percent daily value. The term “percent daily value” or “DV” or “%DV” means the number required by regulation of the federal food and drug administration to appear on the nutrition facts label that demonstrates how much of a nutrient a serving of food provides in the context of a total daily diet, expressed as a percentage of the daily reference value for such nutrient.

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 regulations of the federal food and drug administration codified in 21 CFR 101 or any successor regulations, and such nutrition facts label shows a percent daily value of added sugar that has been determined by the department to exceed a specified level of added sugar, including, but not limited to, 100 percent or more of the daily value for added sugar.

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.

Prepackaged menu item. The term “prepackaged menu item” means a prepackaged food item listed on a menu or menu board.

Warning statement. The term “warning statement” means a statement provided by the department in rules that a food item indicated with the icon exceeds a specified level of added sugar, including, but not limited to, 100 percent or more of the daily value for added sugar, and provides a factual statement about the health risks associated with high added sugar intake, as determined by the department.

b. No later than one year after the federal food and drug administration requires the nutrition facts label to include the percent daily value of added sugar, a covered establishment that offers a prepackaged menu item or prepackaged item on display 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 menu item wherever such item appears; and

3. Post a warning statement conspicuously at the point of purchase.

c. 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.

d. Nothing in this local law prohibits the department from requiring an icon or warning statement regarding added sugar for items that are not prepackaged food items.

§ 2. This local law takes effect immediately.

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