



Legislation Text

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Int. No. 981

By Council Members Stewart, Lappin, James, Liu, Foster, Palma, Barron, Seabrook, White Jr., Brewer, Eugene, Ferreras, Gonzalez, Mealy and Sears

A Local Law to amend the administrative code of the city of New York, in relation to requiring notice of food allergens in food service establishments.

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 17-196 to read as follows:

**§ 17-196 Notice of food allergens.** a. Definitions. 1. “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 space is designated specifically as an eating area.

2. “Major food allergen” shall include milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, soybeans and any other food determined by the department.

b. Every food service establishment that uses as an ingredient any major food allergen shall either (1) post, in a conspicuous place, in accordance with rules promulgated by the department, a sign made available by the department pursuant to subdivision c of this section, which notifies patrons that food served in the establishment contains major food allergens or (2) indicate on its menu, in such size, style and manner as determined pursuant to rules promulgated by the department, a printed notice advising patrons that some of the foods served contain major food allergens.

c. The department shall make available upon request to the owner, operator or manager of every food service establishment signs that provide notification to patrons as to whether any food served in such

establishment contains a major food allergen. The department shall promulgate rules with respect to the size, style and posting of such signs and may charge a fee to cover printing, postage and handling expenses.

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

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

AMS  
LS # 7094  
4/17/09