



Legislation Text

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Int. No. 1202

By Council Members Riley, Gutiérrez, Louis, Krishnan, Restler, Farías, Narcisse, Won, Abreu, Dinowitz, Schulman, Williams and Ung

A Local Law to amend the administrative code of the city of New York, in relation to nutrition standards and beverage options for children’s meals served in food service establishments

Be it enacted by the Council as follows:

Section 1. Section 17-199.11 of the administrative code of the city of New York, as added by local law number 75 for the year 2019, subdivision d as amended by local law number 80 for the year 2021 and subdivision f as added by local law number 80 for the year 2021, is amended to read as follows:

§ 17-199.11 Food service establishment nutrition standards and beverage options for children’s meals.

a. Definitions. For the purposes of this section, the following terms have the following meanings:

Children’s meal. The term “children’s meal” means a food or combination of food items listed on a menu or menu board and intended for consumption by children to which the presumption described in subdivision [e] g attaches.

Food. The term “food” has the same meaning as in article 71 of the New York city health code.

Food service establishment. The term “food service establishment” means any establishment inspected pursuant to the restaurant grading program established pursuant to subdivision a of section 81.51 of the New York city health code.

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.

b. The selection of beverages listed as part of the children’s meal shall be limited to the following:

1. Water, sparkling water or flavored water, with no added natural or artificial sweeteners;

2. [Flavored or unflavored] Unflavored nonfat or [one] 1 percent fat dairy milk, [or flavored] or unflavored non-dairy beverage that is nutritionally equivalent to fluid milk, in a serving size of [eight] 8 ounces or less; or

3. One hundred percent fruit or vegetable juice, or any combination thereof, with no added natural or artificial sweeteners, in a serving size of [eight] 6.75 ounces or less. Such juice may contain water or carbonated water.

c. Nothing in this section prohibits a food service establishment from providing upon request by a customer a substitute beverage other than the beverage required under subdivision b of this section.

d. A food service establishment that offers children's meals shall offer at least 2 children's meals that:

1. Contain no trans fat and no more than:

(a) 550 calories;

(b) 700 milligrams of sodium;

(c) 10 percent of calories from saturated fat; and

(d) 15 grams of added sugar; and

2. Contain servings of at least 2 of the following, at least 1 of which shall comply with subparagraph (a)

or (b):

(a) At least one half cup of fruit, or a serving of fruit juice that complies with paragraph 3 of subdivision b of this section;

(b) At least one half cup of vegetables;

(c) At least one half cup of nonfat or low-fat yogurt or a beverage that complies with paragraph 2 of subdivision b of this section;

(d) At least 1 ounce of meat, meat alternative, or other protein, including poultry, seafood, eggs, pulses, soy products, nuts and seeds; or

(e) A whole grain product that contains at least 8 grams of whole grains and also:

(1) Lists whole grain as the first ingredient;

(2) Contains at least 50 percent whole grains by weight of the product; or

(3) Contains at least 50 percent whole grains by weight of the grains.

e. The department shall promulgate rules regarding how restaurants shall identify and promote the children's meals that comply with the nutrition standards in subdivision d of this section on menus and menu boards.

f. Any food service establishment that violates any of the provisions of this section or any rule promulgated thereunder by the department shall be liable for a civil penalty of \$100. Where a person is found to have violated this section or any rule promulgated thereunder by the department, the department shall commence a proceeding to recover any civil penalty authorized by this section by the service of a summons returnable to the office of administrative trials and hearings.

[e.] g. It shall be a rebuttable presumption that a food item or combination of food items on a menu or menu board is intended for consumption by children if the item or items are shown on the menu or menu board in any one of the following ways:

1. Alongside any of the following words: "child," "children," "kids," "junior," "little," "kiddie," "kiddo," "tyke," any synonym or abbreviation of such words, or any word the department determines would similarly identify a children's meal;

2. Alongside a cartoon illustration, puzzle or game;

3. Accompanied by or being offered with a toy or [kid's] or game for children; or

4. With a limitation on the maximum age of a person who can select the item or items.

[f.] h. Any food service establishment that violates this section or any rules promulgated thereunder shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an

adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 2. This local law takes effect 180 days after it becomes law.

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