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Int. No. 196-C

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A Local Law to amend the administrative code of the city of New York, in relation to modifying the sodium warning at designated 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 17-199.18.1 to read as follows:

§ 17-199.18.1 Sodium notifications. a. Definitions. For purposes of this section, the following terms have the following meanings:

Covered food service establishment. The term "covered food service establishment" means a food service establishment that (i) is regulated pursuant to section 17-325.3 or pursuant to section 81.51 of the New York city health code, and (ii) is part of a chain with 15 or more locations doing business under the same name and offering substantially the same menu items.

Food on display. The term "food on display" means food that is visible to the customer before the customer makes a selection, so long as there is not an ordinary expectation of further preparation by the customer before consumption.

Food service establishment. The term "food service establishment" has the same meaning as in section 81.03 <https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCrules/0-0-0-45949> of the New York city health code.

Icon. The term "icon" means a triangular warning symbol with the words "high sodium" in capital letters, bold typeface, and in a font size that may be smaller than the largest letter of the menu item as displayed on the menu or menu board, or on a tag next to a food on display, provided that such font size is readily visible to a consumer, and provided further that such words are displayed adjacent to or directly below the triangular warning symbol.

Menu item. The term "menu item" means any individual food item or combination of food items listed on a menu or menu board, as well as any seasonal, temporary, or variable menu item as defined by the department.

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.

Point of purchase. The term "point of purchase" means any place where a customer may order food within a food service establishment.

Third-party food delivery platform. The term "third-party food delivery platform" has the same meaning as such term is defined in section 20-563.

Very high sodium warning. The term "very high sodium warning" means a triangular warning symbol as specified in rules of the department, with the words "very high sodium" in capital letters, in bold typeface, and in a font size that may be smaller than the largest letter of the menu item as displayed on the menu or menu board, or on a tag next to any food on display, provided that such font size is readily visible to a consumer, and provided further that such words are displayed adjacent to or directly below the triangular warning symbol.

b. Warning statement. No later than April 15, 2027, the department shall:

1. Promulgate a rule designating an icon and prescribing a font size of such icon to be displayed in a clear and conspicuous manner on menus or menu boards adjacent to listed menu items that contain, or on a tag next to any food on display that contains, per discrete serving unit, 2,300 or more milligrams of sodium. The rule shall provide that icons need not be posted adjacent to any menu item that is subject to a very high sodium warning pursuant to paragraph 2 of this subdivision. Such rule shall also include the development of a factual warning statement about high sodium intake for the purpose of posting at the point of purchase, at the bottom of any menu or menu board, where any of the listed menu items contain 2,300 or more milligrams of sodium per discrete serving unit. Such statement shall include the words "high sodium" printed in capital letters, bold typeface, in the same font size as the largest letter in the menu item's name as displayed on the

menu or menu board, followed by a statement that the icon "indicates that the sodium (salt) content of this item is higher than 2,300 mg. High sodium intake can increase blood pressure and risk of heart disease and stroke." Such warning shall not apply to any menu item marketed explicitly for consumption by multiple individuals, such as a family meal or catering meal, unless such menu item contains 2,300 or more milligrams of sodium per discrete serving unit.

2. Promulgate a rule designating a very high sodium warning and prescribing a font size of such very high sodium warning to be displayed in a clear and conspicuous manner on menus or menu boards adjacent to listed menu items that contain, or on a tag next to any food on display that contains, 6,000 milligrams or more of sodium per menu item. Such rule shall also provide a factual warning statement about very high sodium intake for the purpose of posting at the point of purchase and at the bottom of any menu or menu board where any of the listed menu items contain 6,000 milligrams or more of sodium. Such statement shall include the words "very high sodium" printed in capital letters, bold typeface, in the same font size as the largest letter in the menu item's name as displayed on the menu or menu board, followed by a statement that such warning "indicates that the sodium (salt) content of this item is higher than 6,000 mg. High sodium intake can increase blood pressure and risk of heart disease and stroke." Such warning shall not apply to any menu item marketed explicitly for consumption by multiple individuals, such as a family meal or catering meal, unless such menu item contains 6,000 or more milligrams of sodium per discrete serving unit.

3. A covered food service establishment shall ensure that the icon and factual warning statement required pursuant to this subdivision are on the menu or menu board displayed or otherwise viewed through a third-party food delivery platform.

c. Posting. 1. No later than 1 year after the department issues the rules required pursuant to subdivision b of this section, a covered food service establishment shall, for any menu item that contains per discrete serving unit 2,300 milligrams or more of sodium, in a form in accordance with the rules promulgated by the department pursuant to subdivision b of this section:

(a) Post a clearly visible icon on menus and menu boards; and

(b) Post the factual warning statement required pursuant to paragraph 1 of subdivision b of this section prominently and conspicuously at any point of purchase and on menus or menu boards.

2. No later than 1 year after the department promulgates the rule required by subdivision b of this section, a covered food service establishment shall, for any menu item that in its entirety contains 6,000 milligrams or more of sodium, in a form in accordance with the rule promulgated by the department pursuant to paragraph 2 of subdivision b of this section:

(a) Post a clearly visible very high sodium warning on menus and menu boards; and

(b) Post the factual warning statement required pursuant to paragraph 2 of subdivision b of this section prominently and conspicuously at any point of purchase and on menus or menu boards.

d. Civil penalty. A covered food service establishment that, in the department's determination, violates any of the provisions of this section or any of the rules promulgated thereunder, shall be liable for a civil penalty of $0 for a first such violation. The notice of violation for such first-time violation shall inform such food service establishment of the provisions of law or rule that the department believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the food service establishment that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. Any food service establishment that violates this section or the rules promulgated thereunder shall be subject to a civil penalty of $100 for a second violation and a civil penalty of $200 for a third or subsequent violation. It shall be an affirmative defense to a violation of paragraph 3 of subdivision b of this section that a covered food service establishment provided the icon and factual warning statement required pursuant to subdivision b of this section to a third-party food delivery platform.

e. Public outreach. Beginning no later than 6 months after the department promulgates the rules required by subdivision b of this section, the department shall conduct a public outreach campaign to inform food service establishments about the requirements of this section.

§ 2. This local law takes effect immediately.
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