

STATE OF NEW YORK

3831

2007-2008 Regular Sessions

IN SENATE

March 16, 2007

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to prohibiting restaurants from selling foods containing trans fats and requiring the posting of calorie, fat and sodium content in food items sold

The People of the State of New York, represented in Senate and Assem-

bly, do enact as follows:

1 Section 1. The general business law is amended by adding a new section

2 396-ii to read as follows:

3 § 396-ii. Restaurants; notification of calories, fat and sodium

4 content in foods. 1. Any chain restaurant or franchise, or chain food

5 service establishment where food is prepared or cooked and offered for

6 sale to the public for consumption on premises, including any restaurant

7 which does not supply table service but counter service only, shall list

8 adjacent to each food item on the standard printed menu, the total

9 number of calories, grams of saturated and trans fat, and milligrams of

10 sodium per serving, as usually prepared and offered for sale, in a clear

11 and conspicuous manner. For food offered for sale in a chain restaurant

12 or chain food service establishment that uses only menu boards or simi-

13 lar signs, such information shall be listed adjacent to each food item

14 listed on the standard menu board or sign, and such menu board or sign

15 shall be clear and conspicuous to the public and within
16 reasonable
17 distance from the main entrance of the restaurant or other
18 establish-
19 ment.
20 2. A violation of this section shall be punishable by a civil
21 fine not
22 exceeding five hundred dollars for the first violation and one
23 thousand
24 dollars for every subsequent violation.
25 3. Any restaurant or food service establishment privately
26 owned shall
27 be exempt from the provisions of this section.
28 § 2. The general business law is amended by adding a new
section 396-
29 jj to read as follows:

EXPLANATION--Matter in italics (underscored) is new; matter in
brackets
[-] is old law to be omitted.

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S. 3831

2

1 § 396-jj. Restaurants; trans fats prohibited. 1. Any
2 restaurant or
3 other food service establishment where food is prepared or
4 cooked and
5 offered for sale to the public for consumption on premises
6 shall not
7 utilize any trans fats in the preparation or cooking of any
8 food item
9 offered for sale in such establishment and shall not offer
10 for sale or
11 serve any food containing any trans fats.
12 2. Whenever there shall be a violation of this section, an
13 application
14 may be made by the attorney general in the name of the people
15 of the
16 state of New York to a court or justice having jurisdiction by
17 a special
18 proceeding to issue an injunction, and upon notice to the
19 respondent of
20 not less than five days, to enjoin and restrain the continuance
21 of such
22 violations; and if it shall appear to the satisfaction of the
23 court or
24 justice that the respondent has, in fact, violated this
25 section, an
26 injunction may be issued by such court or justice,
27 enjoining and
28 restraining any further violation, without requiring proof
29 that any
30 person has, in fact, been injured or damaged thereby. Whenever
31 the court
32 shall determine that a violation of this section has occurred,
33 the court

18 may impose a civil penalty of fifty dollars for each day
that such

19 violation occurs, but in no event shall the total penalty
therefore

20 exceed five hundred dollars. In connection with any such
application,

21 the attorney general is authorized to take proof and make a
determi-

22 nation of the relevant facts and to issue subpoenas in
accordance with

23 the civil practice law and rules. Food items shall be analyzed
for calo-

24 rie, saturated and trans fat, carbohydrate and sodium
content using

25 methods approved by the commissioner of public health.

26 § 3. This act shall take effect on the one hundred eightieth
day after

27 it shall have become a law.