

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2022**

No. 33

Introduced 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, Cabán, Dinowitz, Louis, Rose, Riley and Ulrich.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring added sugar notifications in chain restaurants

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 to read as follows:

§ 17-199.18 Added sugar notifications. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Added sugars. The term “added sugars” has the same meaning as used in title 21, section 101.9 (c)(6)(iii) of the code of federal regulations, or any successor regulations.

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 food items.

Daily value. The term “daily value” means the daily reference value established in title 21, section 101.9 (c)(9) of the code of federal regulations, or any successor regulations.

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, with or without accompanying text.

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.

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 title 21, part 101 of the code of federal regulations, or any successor regulations.

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.

b. Warning statement. The department shall issue a rule designating an icon to be displayed in a clear and conspicuous manner on (i) menus or menu boards adjacent to the listed prepackaged food items and (ii) prepackaged food items on display, that exceed a specified level of added sugars, including, but not limited to, 100 percent or more of the daily value for added sugars, as determined by the federal food and drug administration, or exceed another amount specified in rules of the department. Such rule shall also provide a factual warning statement about high added sugars intake.

c. No later than one year after the department issues the rule required pursuant to subdivision b of this section, a covered establishment that offers one or more prepackaged food items or prepackaged items 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 food item wherever such item appears; and

3. Post the factual warning statement required pursuant to subdivision b of this section prominently and conspicuously at the point of purchase.

d. 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.

e. No later than three months after the department issues the rule required by subdivision b of this section, the department shall conduct public outreach to educate covered establishments about the requirements of this local law.

f. Nothing in this local law prohibits the department from requiring an icon or warning statement regarding additional foods, ingredients, or nutrients of concern.

§ 2. This local law takes effect no later than one year after the expiration of the declaration of the local state of emergency for COVID-19 declared in emergency executive order number 98 of Mayor Bill de Blasio, dated March 12, 2020, including any subsequent extensions.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on December 15, 2021 and returned unsigned by the Mayor on January 14, 2022.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 33 of 2022, Council Int. No. 1326-B of 2019) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.