



# S.4644-B (Biaggi) / A.5682-B (Gottfried)

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<b>BILL</b> S.4644-B (Biaggi) / A.5682-B (Gottfried)
<b>SUBJECT</b> Healthy Food Service Guidelines for New York Act
<b>DATE</b> April 25, 2022
<b>OPPOSE</b>

The Business Council opposes S.4644-B (Biaggi) / A.5682-B (Gottfried) which would direct the Department of Health, in consultation with the Office of General Services, to develop food standards for items that are sold, served, or promoted on state owned and operated property. We recognize that obesity is one of the most serious health threats facing the nation and healthy options are essential in preventing death and disability, but this legislation does not achieve that goal.

Food and beverage companies are continually examining methods to improve diet quality. They are continuously challenged to either expand or diversify their goods to meet consumer demand, and to meet government initiatives to promote healthier options resulting in increased health and wellness. For example, the beverage industry has taken numerous steps to increase product choices that include drinks with less sugar or no sugar at all. More than two-thirds of the beverages on the market today consist of reduced calorie amounts and almost half do not contain any sugar. The beverage industry has listened to customers and understand that taste and price are not the only variables to be considered as consumer demand for healthier choices has become prioritized. An examination of these new product lines, designed to address unhealthy dietary patterns, has seen an enthusiastic response that has exceeded company forecasts and expectations.

When individuals or families visit a state site, they should have the option to eat healthier food and make decisions based on caloric intake to make informed choices. The public has a great deal of nutritional information that is centered on the public's demand for healthy living from diet beverages to healthier snacks. However, when people do not indulge in them, it is usually based on their personal preferences. Trying to control people to eat a certain way or to prohibit certain foods at state agencies or properties is not the way.

All foods sold, served, or promoted on state property including state office

buildings, road-side rest areas, parks, schools, SUNY and CUNY schools and prisons would be affected by this bill. Evidence that diet-related policies are effective has not been validated. The results thus far are limited and inconclusive. Limiting choices can reduce consumption of a particular product, however studies have shown that they can also lead to increases in the consumption of other, less healthy choices.

The business impacts of the bill also cannot be ignored since it will have impacts on existing agreements between food and beverage companies and state agencies. New York state bottlers will likely face a significant loss of revenue if this bill is enacted through the elimination of current state contracts. Like any business that faces a downturn, cost reductions including layoffs are the usual result.

An opportunity exists for the state to promote healthier lifestyles resulting in the healthy choice becoming an easier alternative for everyone. By fostering a partnership with the food and beverage industry and local New York state food products, a real chance exists to improve nutrition and advance a healthier lifestyle. Government should respect the private choices of individuals and we believe there is a better way to promote healthier ones. We can get there without the state disrupting the agreements already in place where consumers enjoy a wide array of options including those that offer reduced sugar and calories.

For these reasons, The Business Council opposes S.4644-B (Biaggi) / A.5682-B (Gottfried).