

S.6820 (Harckham)/A.7494 (Lunsford)

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BILL S.6820 (Harckham)/A.7494 (Lunsford)
SUBJECT Ingredient & Allergen Labeling for Pre-Packaged Food Prepared on Premise
DATE June 01, 2023
OPPOSE

The Business Council opposes S.6820 (Harckham)/A.7494 (Lunsford).

This legislation is well-intentioned – it seeks to protect New Yorkers with food allergies. Local businesses are integral parts of communities and want to be responsive to the needs of their customers. As written, this bill will disproportionately impact small, local businesses because it will require them to invest in costly

equipment and software and impact their ability to provide an expected level of service to their customers.

This bill requires grocery stores, delis, bakeries, sandwich shops, ice cream parlors, cafeterias and food trucks to label ingredients and major food allergens on all pre-packaged food that is prepared, pre-packed and sold on premise. The Food and Drug Administration regulations currently require ingredient and allergen labels on pre-packaged food, but that regulation does not extend to food that is prepared, pre-packed and sold on premise.

This bill presents numerous operational issues for small businesses across New York State that struggle every day to keep up with the mounting list of regulations implemented each year. Small businesses must account for many increasing costs, usually operating on thin margins and with smaller staffs. The bill as written will impact their ability to provide the standard of service their customers are accustomed to and create unnecessary financial hardship.

To maintain the purpose of the bill to support consumer safety and lessen hardship on small and local businesses, The Business Council suggests amending Section 2 of the proposed legislation to read as follows:

§2. Every food establishment shall post signage near prepackaged food noting “All ingredients and major food allergen information is available upon request.” Food establishments shall maintain detailed, written ingredient and major food allergen information (in such form and manner as required pursuant to the federal Food Allergen Labeling and Consumer Protection Act of 2004, as amended) and have available for consumer review.

Additionally, small businesses – including your corner deli, ice cream shop, local bakery, and your favorite food truck – will have to invest in costly labeling software and hardware to meet the requirements of the bill as written. This requires significant financial resources and time. The investment needed to implement these procedures could be the difference between a small business closing its doors or staying open. If a business were able to overcome the fiscal impact of this bill, the effective date would be unrealistic and unachievable. Businesses will need to embark on software and hardware research, proposal and contract negotiations, proof of concept testing, updating software for product details/ingredients, and hardware and software

purchase and installation. This is a daunting task considering supply chain issues still exist for equipment and computer chips. ***We recommend the effective date be amended to at least one year after it becomes law.***

The Business Council believes the goals of this bill can be accomplished without undue hardship to local businesses with the incorporation of these amendments. However, without these amendments, The Business Council must oppose S.6820 (Harckham)/A.7494 (Lunsford) as written.

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