New York Joins California to Standardize Food Date Labeling

By Kristi Weisner, PharmD | July 16, 2026

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The New York Assembly recently passed Assembly Bill A7291B (the "Act"), which if signed into law, will require the safety date and quality date labeling on certain food products to appear in a standardized format.[1] For much of the food industry, New York's new law will not require additional action as it is modeled after California's now-effective Assembly Bill 660 (AB 660). For those who have yet to implement changes in response to AB 660, the growing number of states considering laws to regulate safety and quality date labeling of food products should serve as a signal to implement changes.

What Does the Act Require?

Food Safety Date and Quality Date Uniform Term Requirements

If signed into law, the Act would require a food manufacturer, processor or retailer that chooses, or is required by law, to label its food products intended for human consumption with a safety date or quality date using the following uniform terms:[2]

- "USE by" or "USE by or Freeze by" for the safety date
- "BEST if Used by" or "BEST if Used or Frozen by" for the quality date

Abbreviated forms of these terms may also be used, such as "UB" to indicate the safety date and "BB" to indicate the quality date, if the food product is too small to include the full standardized term for each.[3]

The requirements for these standardized terms do not apply to shellfish with conflicting date labeling conventions, infant formula or alcoholic beverages, but they do apply to other food products manufactured on or after July 1, 2028, that are intended for human consumption.[4]

The Act states that "no person or other entity shall sell or offer for sale in the state any food product for human consumption manufactured on or after [July 1, 2028], that displays a food date label" that does not follow the proscribed convention.[5] The Act also prohibits a person or other entity from selling or offering for sale a food product intended for human consumption in New York that is labeled with a "sell by" date, unless that "sell by" date does not actually use the term "sell by," but instead appears in a coded format that is not easy for consumers to read.[6]

A food product that is acquired by a person or entity prior to the effective date may be sold or offered for sale in New York until the expiration of its food safety or quality date.[7] The Act would also not prohibit a wholesaler or retail food facility from donating a food product that is not labeled according to the requirements or that is past its quality date.[8]

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Requirements for the Determination of Food Safety and Quality Dates

If the Act is signed into law, "a person or other entity that is responsible for placing a food safety or quality date on a food product" will also be required to estimate the food product's shelf life based on a "scientifically valid method" – one that the Department of Agriculture and Markets, in consultation with the Department of Health, considers to be appropriate.[9]

To determine whether the scientifically valid method is acceptable, the departments will take several factors into account, including "the quality, characteristics, formulation, processing impact, packaging or container and other protective wrapping or coating, and typical transportation, storage and display conditions of such food product[,]" as well as storage conditions at retail stores and in consumers' homes.[10] The shelf life should be measured using testing and sampling methods that are customarily used by the food industry, such as the home storage temperature standard of at or below 40 degrees Fahrenheit for refrigerated foods.[11]

Consumer Education Signage Requirements

Under the Act, the Department of Agriculture and Markets would also be tasked with promulgating rules and regulations requiring that "all wholesalers, retailers, grocery stores and corner stores" post conspicuous signage educating their customers and employees on the importance of safety and quality dates.[12]

When Might the Act Become Effective?

The Act is slated to become effective on the 180th day after becoming law.[13]

Prepared by Kristi Weisner based on New York Assembly Bill A7291B (available at https://legislation.nysenate.gov/pdf/bills/2025/a7291b). Please refer to the New York State Senate site (available at https://www.nysenate.gov/legislation/bills/2025/A7291/amendment/B) for more detailed information to ensure compliance.

[1] A.B. A7291B, Reg. Sess. (N.Y. 2026) (to be codified at N.Y. Agric. & Mkts. Law § 214-p).
[2] N.Y. Agric. & Mkts. Law § 214-p(1)(a)(i-ii), as amended.
[3] N.Y. Agric. & Mkts. Law § 214-p(1)(a)(iii-iv), as amended.
[4] N.Y. Agric. & Mkts. Law § 214-p(5)(a-c), as amended.
[5] N.Y. Agric. & Mkts. Law § 214-p(1)(b), as amended.
[6] N.Y. Agric. & Mkts. Law § 214-p(1)(c), as amended.
[7] N.Y. Agric. & Mkts. Law § 214-p(2), as amended.
[8] N.Y. Agric. & Mkts. Law § 214-p(5)(d), as amended.
[9] N.Y. Agric. & Mkts. Law § 214-p(3)(a), as amended.
[10] N.Y. Agric. & Mkts. Law § 214-p(3)(a), as amended.
[11] N.Y. Agric. & Mkts. Law § 214-p(3)(b), as amended.
[12] N.Y. Agric. & Mkts. Law § 214-p(4)(c), as amended.

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[13] A.B. A7291B, Reg. Sess. (N.Y. 2026), at § 2.

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