

**NEW YORK CITY  
DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

**Notice of Adoption of Amendments  
to Chapter 6 of Title 24 of The Rules of The City New York**

In compliance with section 1043(b) of the New York City Charter (“Charter”), a notice of intention to amend Chapter 6 of Title 24 of the Rules of the City of New York was published in the New York City Record on April 7, 2022, and a public hearing was held on May 11, 2022. At the hearing, one person testified and submitted a written comment, and three other people submitted written comments. In response to the testimony and the comments received, no changes have been made to the proposed rule.

The NYC Department of Health and Mental Hygiene (“Department”) rule governs changes to the types of foods that may be sold from a food cart or truck with a fresh fruits and vegetables permit (“green cart”) and locations where a green cart may vend as required by section 13 of Local Law 18 of 2021.

**Statement of Basis and Purpose**

The New York City Administrative Code (“Administrative Code”) established the green cart program (“Program”) in 2008 to expand access to fresh produce by designating 1,000 mobile food vending permits for the sale of whole, uncut fruits and vegetables in police precincts that otherwise have limited access to these healthy foods. Local Law 18 of 2021 (“Local Law 18”) expanded the Program by allowing green cart vendors to also offer bottled water; prepackaged, cut or sliced fruits and vegetables, and other foods the Department’s Commissioner may designate; and single-ingredient nuts, and authorizing the Department to designate green cart vending in additional police precincts where the rate of fresh produce consumption is substantially lower than the citywide average and the rate of nutrition-related health problems is elevated when compared to the rest of the city. This rule specifies details about the additional foods and designates the police precincts where vending is newly allowed.

**Statutory Authority**

As amended by Local Law 18, sections 17-307(a) and (c) and 17-324.1 of the Administrative Code allow the Department to expand by rule items that green carts may vend and locations where green carts may vend.

\*\*\*

The rules are as follows.

Deleted material appears in [brackets]. New material is underlined. The terms “shall” and “must” may be used interchangeably and denote mandatory requirements unless the context clearly indicates otherwise.

**Section 1.** Paragraph (5) of subdivision (a) of section 6-03 of Chapter 6 of Title 24 of the Rules of the City of New York is amended to read as follows:

(5) Class E mobile food vending unit means a green cart or [other non-processing] mobile food vending unit in or on which only non-potentially hazardous uncut fruits and vegetables are sold or held for sale or service.

**Section 2.** The row regarding Class E in Table 1 of section 6-05 of Chapter 6 of Title 24 of the rules of the City of New York is amended to read as follows:

<b>Class E:</b> Non-potentially hazardous uncut fruit and vegetables [(including green carts)]; <u>raw prepackaged shelled nuts and shelled nuts. No other foods.</u>	No	No	No	No	Yes	No	No	No	No
--	----	----	----	----	-----	----	----	----	----

**Section 3.** Section 6-07 of Chapter 6 of Title 24 of the Rules of the City of New York is amended to read as follows:

**§ 6-07. Green Cart Foods Offered and Vending Locations.**

(a) [The Department will permanently affix on each green cart a decal that is easily identifiable and distinguishable from any other decal on the green cart. Such decal shall contain the fresh fruits and vegetables permit number issued to the owner of each such green cart and the borough and police precincts in which the green cart is authorized to operate. A decal may not be removed or transferred to any other mobile food vending unit, except by the Department.] Foods offered. Green carts may offer only the following foods:

(i) Unprocessed, unfrozen, raw fruits and vegetables that have not been combined with other ingredients.

(ii) Prepackaged raw, cut or sliced fruits or vegetables, which may include dried herbs and spices and which do not contain added sodium or added natural or artificial sweeteners.

(iii) Prepackaged, still or carbonated water, which may contain flavoring or minerals but does not contain sodium or natural or artificial sweeteners and must have zero calories.

(iv) Raw, single-ingredient nuts. Shelled nuts must be prepackaged.

(b) [In addition to the above requirements specific to green carts, green carts must comply with all other applicable requirements pertaining to Class E mobile food vending units.]

All packaged foods must be labeled in accordance with NYS Department of Agriculture and Markets regulations.

(c) *Exemption of police precincts where green carts may vend.* Notwithstanding any provision in §17-307(b)(4)(b) of the Administrative Code, no fresh fruits and vegetables permit may be designated for use within either the 45th or 72nd police precincts of the City of New York.

(d) Additional police precincts where green carts may vend. Notwithstanding any provision in § 17-307(b)(4)(b) of the Administrative Code, fresh fruits and vegetables permits may be used within the

63rd and 69th police precincts of the City of New York.

\*\*\*