

2981

2015-2016 Regular Sessions

I N A S S E M B L Y

January 20, 2015

Introduced by M. of A. GOTTFRIED -- read once and referred to the
Committee on Health

AN ACT to amend the public health law, in relation to food service in
funeral establishments

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The public health law is amended by adding a new section
2 3444 to read as follows:
3 S 3444. FOOD SERVICE IN FUNERAL ESTABLISHMENTS. (A) A FUNERAL ESTAB-
4 LISHMENT MAY PROVIDE SPACE, FACILITIES, EQUIPMENT OR SUPPLIES FOR THE
5 PREPARATION, SALE, SERVICE, DISTRIBUTION OR CONSUMPTION OF FOOD OR
6 BEVERAGES, IN THE NATURE OF INCIDENTAL REFRESHMENTS (SUCH AS BAKED
7 GOODS, SANDWICHES, SNACKS, PLATTERS AND HOT TRAYS) OR THOSE REQUIRED BY
8 THE RELIGIOUS PRACTICES OF THE DECEASED PERSON OR THE DECEASED PERSON'S
9 FAMILY, IN THE FUNERAL ESTABLISHMENT TO OR BY PERSONS IN THE FUNERAL
10 ESTABLISHMENT FOR THE PURPOSE OF ARRANGING FOR, ATTENDING OR PARTICIPAT-
11 ING IN THE CARE AND PREPARATION OF A BODY OF A DECEASED PERSON FOR
12 DISPOSITION, MOURNING, A FUNERAL OR MEMORIAL CEREMONY OR SERVICE, OR AN
13 OPEN HOUSE OR SIMILAR COMMUNITY FUNCTION THAT IS RELATED TO THE BUSINESS
14 OF FUNERAL DIRECTING.
15 (B) ACTIVITIES UNDER THIS SECTION MAY INCLUDE THE SERVICES OF A CATER-
16 ER NOT OWNED BY OR AFFILIATED WITH THE FUNERAL ESTABLISHMENT. ACTIV-
17 ITIES OF FUNERAL ESTABLISHMENT EMPLOYEES SHALL BE LIMITED TO PREPARING
18 BEVERAGES AND SERVING FOOD OR BEVERAGES UNDER THIS SECTION.
19 NO ACTIVITIES UNDER THIS SECTION SHALL INCLUDE THE CONSUMPTION OF ANY
20 ALCOHOLIC BEVERAGE, UNLESS REQUIRED BY THE RELIGIOUS PRACTICES OF THE
21 DECEASED PERSON OR THE DECEASED PERSON'S FAMILY, AND SUBJECT TO OTHER-
22 WISE APPLICABLE LAW AND REGULATIONS. A FUNERAL ESTABLISHMENT SHALL NOT
23 BE DEEMED TO BE A FOOD SERVICE ESTABLISHMENT BECAUSE OF ACTIVITIES UNDER
24 THIS SECTION.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 S 2. This act shall take effect one hundred eighty days after it shall
2 have become a law, provided that the commissioner of health is author-
3 ized and directed to make regulations and take other actions necessary
4 to implement this act on that date.