

3576

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. PERRY -- Multi-Sponsored by -- M. of A. CLARK,
ESPAILLAT, GALEF, PHEFFER, WEISENBERG -- read once and referred to the
Committee on Health

AN ACT to amend the general business law and the public health law, in
relation to requiring operators of petting zoos and other public
establishments featuring animals to maintain hand washing or hand
cleansing facilities

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

1 Section 1. The general business law is amended by adding a new section
2 399-ff to read as follows:
3 S 399-FF. PETTING ZOOS. 1. FOR PURPOSES OF THIS SECTION THE TERMS:
4 (A) "PETTING ZOO" SHALL MEAN A PLACE WHERE A COLLECTION OF ANIMALS ARE
5 KEPT FOR THE EXPRESS PURPOSE OF VIEWING, TOUCHING, HOLDING AND PETTING
6 BY PATRONS AND VISITORS TO THE ESTABLISHMENT; AND
7 (B) "HAND WASHING OR HAND CLEANSING FACILITY" SHALL MEAN ANY METHOD OF
8 CLEANSING THE HANDS THAT KILLS GERMS AND BACTERIA INCLUDING, BUT NOT
9 LIMITED TO, SOAP AND RUNNING WATER, ANTI-BACTERIAL FLUIDS, FOAMS OR
10 GELS, AND ANTI-BACTERIAL OR ANTISEPTIC WIPES OR TOWELS.
11 2. ALL PETTING ZOO OPERATORS SHALL PROVIDE AND MAINTAIN AT LEAST ONE
12 CLEARLY DESIGNATED HAND WASHING FACILITY FOR PATRONS AND VISITORS TO THE
13 ESTABLISHMENT TO WASH OR CLEANSE THEIR HANDS UPON EXITING SUCH PETTING
14 ZOO AREA. SUCH HAND WASHING OR HAND CLEANSING FACILITY SHALL BE MAIN-
15 TAINED AT OR WITHIN NO MORE THAN FIFTY FEET OF THE EXIT FROM SUCH
16 PETTING ZOO AREA.
17 3. EVERY EXIT FROM A PETTING ZOO AREA SHALL HAVE A SIGN CONSPICUOUSLY
18 POSTED THAT SHALL STATE, IN A CLEAR AND LEGIBLE TYPEFACE, THE FOLLOWING:
19 "ANIMALS AT PETTING ZOOS MAY CARRY GERMS AND BACTERIA THAT CAUSE
20 DISEASE. IT IS STRONGLY RECOMMENDED THAT PERSONS WASH THEIR HANDS UPON
21 EXITING THE PETTING ZOO AREA". SUCH SIGN SHALL ALSO INDICATE THE DIREC-
22 TION IN WHICH SUCH HAND WASHING OR HAND CLEANSING FACILITY IS LOCATED.

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

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1 4. ANY OPERATOR OF A PETTING ZOO WHO FAILS TO MAINTAIN A HAND WASHING
2 OR HAND CLEANSING FACILITY AND PROPER SIGNAGE IN VIOLATION OF THIS
3 SECTION SHALL BE SUBJECT TO A CIVIL FINE IN THE AMOUNT OF NOT LESS THAN
4 FIVE HUNDRED DOLLARS FOR EACH DAY IN WHICH SUCH PETTING ZOO IS OPERATED
5 IN VIOLATION OF THIS SECTION.

6 5. THE SALE OF FOOD PREPARED FOR IMMEDIATE CONSUMPTION BY HUMANS SHALL
7 BE PROHIBITED WITHIN FIFTY FEET OF ANY PETTING ZOO AREA. ANY OPERATOR OF
8 A PETTING ZOO WHO VIOLATES THIS SUBDIVISION SHALL BE SUBJECT TO A CIVIL
9 FINE OF NOT MORE THAN ONE THOUSAND DOLLARS PER VIOLATION.

10 S 2. The public health law is amended by adding a new section 1311 to
11 read as follows:

12 S 1311. HAND WASHING FACILITIES AT CERTAIN PUBLIC ESTABLISHMENTS
13 FEATURING ANIMALS. 1. ALL PUBLIC ESTABLISHMENTS INCLUDING, BUT NOT
14 LIMITED TO, CARNIVALS, FAIRS AND AMUSEMENT PARKS, AS SUCH TERMS ARE
15 DEFINED IN SECTION EIGHT HUNDRED SEVENTY-C OF THE LABOR LAW, FARMS, AND
16 FARMERS' MARKETS, AS SUCH TERM IS DEFINED IN SECTION TWO HUNDRED SIXTY
17 OF THE AGRICULTURE AND MARKETS LAW, WHICH FEATURE DISPLAYS OF LIVE
18 ANIMALS THAT PATRONS MAY REASONABLY BE EXPECTED TO COME INTO PHYSICAL
19 CONTACT WITH FOR THE PURPOSE OF TOUCHING, HOLDING OR PETTING SHALL
20 PROVIDE HAND WASHING OR HAND CLEANSING FACILITIES FOR SUCH PATRONS. HAND
21 WASHING OR HAND CLEANSING FACILITIES MAY BE TEMPORARY OR PERMANENT
22 FIXTURES AND SHALL INCLUDE ONE OR MORE OF THE FOLLOWING: SOAP AND
23 RUNNING WATER; ANTI-BACTERIAL FLUIDS, FOAMS OR GELS; OR ANTI-BACTERIAL
24 OR ANTISEPTIC WIPES OR TOWELS.

25 2. SIGNS SHALL BE CONSPICUOUSLY POSTED AND SHALL STATE IN A CLEAR AND
26 LEGIBLE TYPEFACE, THE FOLLOWING: "ANIMALS MAY CARRY GERMS AND BACTERIA
27 THAT CAN CAUSE DISEASE TO PEOPLE. IT IS STRONGLY RECOMMENDED THAT
28 PERSONS WASH OR CLEANSE THEIR HANDS AFTER TOUCHING, HOLDING OR PETTING
29 THE ANIMALS." SUCH SIGNS SHALL ALSO INDICATE WHERE THE HAND WASHING OR
30 HAND CLEANSING FACILITY IS LOCATED.

31 3. THE COMMISSIONER MAY MAKE RULES GUARDING AGAINST THE SPREAD OF
32 BACTERIA AND VIRUSES AT PUBLIC ESTABLISHMENTS THAT FEATURE ANIMALS AS
33 PROVIDED IN SUBDIVISION ONE OF THIS SECTION, TO PERSONS EMPLOYED AT OR
34 TO PATRONS OF SUCH ESTABLISHMENTS WHERE SUCH ESTABLISHMENTS ARE LOCATED
35 OUTSIDE THE CITY OF NEW YORK, AND WHERE SUCH ESTABLISHMENTS ARE LOCATED
36 WITHIN THE CITY OF NEW YORK, THE COMMISSIONER OF PUBLIC HEALTH OF THE
37 CITY OF NEW YORK MAY MAKE AND ENFORCE SUCH RULES.

38 S 3. This act shall take effect on the one hundred eightieth day after
39 it shall have become a law.