S T A T E O F N E W Y O R K

3997

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

Introduced by M. of A. CYMBROWITZ -- Multi-Sponsored by -- M. of A. BRENNAN, PHEFFER, ROBINSON -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to providing for the establishment of a uniform letter grading system to classify inspection results for food places

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

Section 1. Section 1350 of the public health law is amended by adding a new subdivision 3 to read as follows:

3. THE COMMISSIONER SHALL ESTABLISH AND IMPLEMENT, AFTER INVESTIGATION AND PUBLIC HEARING, AN OFFICIAL AND UNIFORM SYSTEM OF STANDARDS FOR GRADING AND CLASSIFYING INSPECTION RESULTS FOR ANY PLACE ENGAGED IN THE PREPARATION, SALE OR SERVICE OF FOOD FOR AND TO THE GENERAL PUBLIC IN THIS STATE. SUCH SYSTEM SHALL USE LETTERS TO IDENTIFY AND REPRESENT SUCH GRADING AND CLASSIFICATION.

A. IN ESTABLISHING SUCH STANDARDS AND SYSTEM, THE COMMISSIONER SHALL TAKE INTO ACCOUNT THE PROVISIONS OF THIS TITLE, THE PROVISIONS OF THE SANITARY CODE AND PROVISIONS OF LOCAL ORDINANCES OR REGULATIONS.

B. UPON ESTABLISHMENT AND IMPLEMENTATION OF SUCH SYSTEM, THE COMMISSIONER SHALL REQUIRE ANY PLACE ENGAGED IN THE PREPARATION, SALE OR SERVICE OF FOOD FOR AND TO THE GENERAL PUBLIC IN THIS STATE TO DISPLAY ANY LETTER GRADE OR CLASSIFICATION RECEIVED BY SUCH PLACE PURSUANT TO THIS SUBDIVISION, IN A CONSPICUOUS LOCATION AND NEAR THE ENTRANCE OF SUCH PLACE, WITH LETTERING THAT IS LEGIBLE AND THAT SHALL BE IN AT LEAST THREE-QUARTERS OF AN INCH BOLDFACE TYPE. SUCH REQUIRED DISPLAY SHALL BE IN A FORM APPROVED BY AND IN ACCORDANCE WITH RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER.

C. IN ESTABLISHING AND IMPLEMENTING THE SYSTEM OF STANDARDS PURSUANT TO THIS SUBDIVISION, THE COMMISSIONER SHALL CONSULT WITH REPRESENTATIVES OF THE FOOD SERVICE INDUSTRY.

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

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S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately the commissioner of health is authorized to promulgate any and all rules and regulations and take any other measures necessary to implement this act on its effective date.