

4589

2009-2010 Regular Sessions

I N S E N A T E

April 24, 2009

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed 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:

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

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

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

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

21 C. IN ESTABLISHING AND IMPLEMENTING THE SYSTEM OF STANDARDS PURSUANT  
22 TO THIS SUBDIVISION, THE COMMISSIONER SHALL CONSULT WITH REPRESENTATIVES  
23 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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1 D. WHERE THE COMMISSIONER DETERMINES THAT LOCAL ORDINANCES OR REGU-  
2 LATIONS ARE SUFFICIENT TO SATISFY THE REQUIREMENTS OF THIS SUBDIVISION,  
3 SUCH LOCAL ORDINANCES OR REGULATIONS SHALL NOT BE PRE-EMPTED BY THE  
4 STATEWIDE SYSTEM ESTABLISHED PURSUANT TO THIS SUBDIVISION.

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