

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

4589--B

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to the establishment of a letter grading system to classify inspection results for certain public food service establishments

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

1 Section 1. The public health law is amended by adding a new section
2 1352-d to read as follows:
3 S 1352-D. PUBLIC FOOD SERVICE ESTABLISHMENT GRADING SYSTEM. 1. THE
4 COMMISSIONER, OR, WHERE APPLICABLE, THE LOCAL HEALTH OFFICER IN A CITY
5 HAVING A POPULATION OF ONE MILLION OR MORE, SHALL ESTABLISH AND IMPL-
6 MENT A SYSTEM FOR GRADING AND CLASSIFYING INSPECTION RESULTS FOR PUBLIC
7 FOOD SERVICE ESTABLISHMENTS, INCLUDING BUT NOT LIMITED TO, RESTAURANTS,
8 DINING ROOMS, DELIS, BAKERIES, OR ANY OTHER PLACE WHERE FOOD IS
9 PREPARED, SOLD, OR SERVED FOR CONSUMPTION BY THE GENERAL PUBLIC. SUCH
10 SYSTEM SHALL USE LETTERS TO IDENTIFY AND REPRESENT SUCH GRADING AND
11 CLASSIFICATION. IN ESTABLISHING SUCH SYSTEM OF STANDARDS AND GRADES, THE
12 COMMISSIONER OR, WHERE APPLICABLE, THE LOCAL HEALTH OFFICER OF A CITY
13 HAVING A POPULATION OF ONE MILLION OR MORE SHALL TAKE INTO ACCOUNT THE
14 PROVISIONS OF THIS TITLE, THE PROVISIONS OF THE SANITARY CODE AND
15 PROVISIONS OF LOCAL ORDINANCES OR REGULATIONS TO ESTABLISH A GRADING
16 SYSTEM THAT REFLECTS THE SAFETY AND SANITATION OF THE PREMISES AND FOOD
17 HANDLING PRACTICES TO ENSURE COMPLIANCE WITH STATE AND LOCAL HEALTH
18 LAWS.

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

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1 2. SUCH PUBLIC FOOD SERVICE ESTABLISHMENT SHALL CONSPICUOUSLY POST
2 NEAR THE ENTRANCE TO SUCH ESTABLISHMENT THE LETTER GRADE IDENTIFYING AND
3 REPRESENTING SUCH ESTABLISHMENT'S MOST RECENT INSPECTION RESULT. SUCH
4 POSTING SHALL BE DONE IN ACCORDANCE WITH RULES AND REGULATIONS PROMUL-
5 GATED BY THE COMMISSIONER OR, IN A CITY HAVING A POPULATION OF ONE
6 MILLION OR MORE, BY THE LOCAL HEALTH OFFICER.

7 S 2. This act shall take effect one year after it shall have become a
8 law. Effective immediately, the commissioner of health may promulgate
9 rules and regulations to implement this act prior to such date.