

4589--C

Cal. No. 407

2009-2010 Regular Sessions

I N S E N A T E

April 24, 2009

Introduced by Sens. KLEIN, KRUEGER, ONORATO, SAMPSON, THOMPSON -- 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 -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

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 PREPARED,
9 SOLD OR SERVED FOR CONSUMPTION BY THE GENERAL PUBLIC. SUCH SYSTEM SHALL
10 USE LETTERS TO IDENTIFY AND REPRESENT SUCH GRADING AND CLASSIFICATION.
11 IN ESTABLISHING SUCH SYSTEM OF STANDARDS AND GRADES, THE COMMISSIONER
12 OR, WHERE APPLICABLE, THE LOCAL HEALTH OFFICER OF A CITY HAVING A POPU-
13 LATION OF ONE MILLION OR MORE SHALL TAKE INTO ACCOUNT THE PROVISIONS OF

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

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1 THIS TITLE, THE PROVISIONS OF THE SANITARY CODE AND PROVISIONS OF LOCAL
2 ORDINANCES OR REGULATIONS TO ESTABLISH A GRADING SYSTEM THAT REFLECTS
3 THE SAFETY AND SANITATION OF THE PREMISES AND FOOD HANDLING PRACTICES TO
4 ENSURE COMPLIANCE WITH STATE AND LOCAL HEALTH LAWS.
5 2. SUCH PUBLIC FOOD SERVICE ESTABLISHMENT SHALL CONSPICUOUSLY POST
6 NEAR THE ENTRANCE TO SUCH ESTABLISHMENT THE LETTER GRADE IDENTIFYING AND
7 REPRESENTING THE RESULT OF SUCH ESTABLISHMENT'S MOST RECENT GRADED
8 INSPECTION. SUCH POSTING SHALL BE DONE IN ACCORDANCE WITH RULES AND
9 REGULATIONS PROMULGATED BY THE COMMISSIONER. IN A CITY HAVING A POPU-
10 LATION OF ONE MILLION OR MORE, SUCH LETTER GRADES SHALL BE POSTED IN
11 ACCORDANCE WITH RULES PROMULGATED BY THE LOCAL HEALTH OFFICER.
12 S 2. This act shall take effect one year after it shall have become a
13 law. Effective immediately, the commissioner of health may promulgate
14 rules and regulations to implement this act prior to such date.