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

11399

I N A S S E M B L Y

June 9, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Rosenthal) -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the public health law, in relation to the creation and posting of food allergy posters in retail establishments

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

Section 1. The public health law is amended by adding a new section 1352-d to read as follows:

S 1352-D. FOOD ALLERGIES POSTERS. 1. FOR PURPOSES OF THIS SECTION, "FOOD SERVICE ESTABLISHMENT" SHALL HAVE THE MEANING AS SUCH TERM IS DEFINED IN THE STATE SANITARY CODE, EXCEPT THAT IT SHALL NOT INCLUDE ANY PUSHCARTS.

2. THE DEPARTMENT SHALL CREATE A POSTER CONTAINING INFORMATION ON FOOD ALLERGIES FOR USE IN FOOD SERVICE ESTABLISHMENTS IN BOTH ENGLISH AND SPANISH.

3. EVERY FOOD SERVICE ESTABLISHMENT SHALL POST, IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE DEPARTMENT, IN AN AREA VISIBLE TO ANYONE PREPARING OR SERVING FOOD, POSTERS CONTAINING INFORMATION ON FOOD ALLERGIES PROVIDED BY THE DEPARTMENT.

4. THE DEPARTMENT SHALL MAKE SUCH POSTERS AVAILABLE AND MAY CHARGE A FEE TO COVER PRINTING, POSTAGE AND HANDLING EXPENSES.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

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

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