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

5693

2011-2012 Regular Sessions

I N A S S E M B L Y

February 25, 2011

Introduced by M. of A. SPANO, CASTRO, N. RIVERA, O'DONNELL, JAFFEE -- Multi-Sponsored by -- M. of A. BOYLAND, BRENNAN, DINOWITZ, DUPREY, GLICK, PHEFFER, SAYWARD, STEVENSON, TITONE -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to municipal regulation of bedbug infestations at public places

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 1504 to read as follows:

S 1504. MUNICIPAL BEDBUG CONTROL. 1. FOR THE PURPOSES OF THIS SECTION, "PUBLIC PLACE" MEANS A PLACE OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT AS DEFINED IN SUBDIVISION NINE OF SECTION TWO HUNDRED NINETY-TWO OF THE EXECUTIVE LAW.

2. THE OPERATOR OF ANY PUBLIC PLACE, AT WHICH THERE EXISTS A BEDBUG INFESTATION, SHALL IMMEDIATELY PROVIDE WRITTEN NOTICE THEREOF TO THE MUNICIPALITY IN WHICH SUCH PUBLIC PLACE IS LOCATED, AND SHALL CLOSE THE PUBLIC PLACE TO ACCESS BY THE PUBLIC. UPON PROVISION OF NOTICE TO THE APPROPRIATE MUNICIPALITY, THE OPERATOR OF THE AFFECTED PUBLIC PLACE SHALL POST CONSPICUOUS NOTICE OF SUCH BEDBUG INFESTATION ON EVERY ENTRANCE TO THE PUBLIC PLACE.

3. WITHIN FIVE BUSINESS DAYS OF PROVIDING NOTICE OF A BEDBUG INFESTATION AT A PUBLIC PLACE TO A MUNICIPALITY, THE OPERATOR OF THE PUBLIC PLACE SHALL CONTRACT WITH A PESTICIDE APPLICATOR, CERTIFIED PURSUANT TO TITLE NINE OF ARTICLE THIRTY-THREE OF THE ENVIRONMENTAL CONSERVATION LAW, FOR THE EXTERMINATION AND ERADICATION OF THE BEDBUGS CAUSING THE INFESTATION.

4. NO PUBLIC PLACE WITH A BEDBUG INFESTATION SHALL BE OPEN FOR PUBLIC ACCESS UNTIL THE PESTICIDE APPLICATOR WHICH EXTERMINATED AND ERADICATED THE BEDBUGS CERTIFIES IN WRITING THAT THE BEDBUGS HAVE BEEN EXTERMINATED AND THERE ARE NO LONGER ANY TRACES OF BEDBUGS AT SUCH PUBLIC PLACE, AND

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

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SUCH CERTIFICATION IS FILED WITH THE MUNICIPALITY IN WHICH THE PUBLIC PLACE IS LOCATED.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law.