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

5889

2011-2012 Regular Sessions

I N A S S E M B L Y

March 2, 2011

Introduced by M. of A. CYMBROWITZ, BRENNAN, PHEFFER -- read once and referred to the Committee on Health

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:

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

S 1352-D. PUBLIC FOOD SERVICE ESTABLISHMENT GRADING SYSTEM. 1. THE COMMISSIONER, OR, WHERE APPLICABLE, THE LOCAL HEALTH OFFICER IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE, SHALL ESTABLISH AND IMPLEMENT A SYSTEM FOR GRADING AND CLASSIFYING INSPECTION RESULTS FOR PUBLIC FOOD SERVICE ESTABLISHMENTS, INCLUDING BUT NOT LIMITED TO, RESTAURANTS, DINING ROOMS, DELIS, BAKERIES OR ANY OTHER PLACE WHERE FOOD IS PREPARED, SOLD OR SERVED FOR CONSUMPTION BY THE GENERAL PUBLIC. SUCH SYSTEM SHALL USE LETTERS TO IDENTIFY AND REPRESENT SUCH GRADING AND CLASSIFICATION. IN ESTABLISHING SUCH SYSTEM OF STANDARDS AND GRADES, THE COMMISSIONER OR, WHERE APPLICABLE, THE LOCAL HEALTH OFFICER OF A CITY HAVING A POPULATION OF ONE MILLION OR MORE SHALL TAKE INTO ACCOUNT THE PROVISIONS OF THIS TITLE, THE PROVISIONS OF THE SANITARY CODE AND PROVISIONS OF LOCAL ORDINANCES OR REGULATIONS TO ESTABLISH A GRADING SYSTEM THAT REFLECTS THE SAFETY AND SANITATION OF THE PREMISES AND FOOD HANDLING PRACTICES TO ENSURE COMPLIANCE WITH STATE AND LOCAL HEALTH LAWS.

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

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

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

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