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

8128--C

2011-2012 Regular Sessions

I N A S S E M B L Y

June 2, 2011

Introduced by M. of A. PAULIN, GOTTFRIED, CYMBROWITZ, GALEF -- read once and referred to the Committee on Health -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to requiring public food service establishment inspection results to be posted on the department of health's website and authorizing the establishment of a letter grading system to classify inspection results

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 INSPECTION RESULTS. 1. (A) THE DEPARTMENT SHALL MAKE AVAILABLE ON ITS WEBSITE ALL PUBLIC FOOD SERVICE ESTABLISHMENT INSPECTION RESULTS FOR THE MOST RECENT THREE YEARS.

(B) IF A COUNTY DEPARTMENT OF HEALTH OR LOCAL BOARD OF HEALTH MAINTAINS A WEBSITE, IT SHALL POST A LINK TO THE DEPARTMENT'S WEBSITE WHERE THE FOOD SERVICE ESTABLISHMENT INSPECTION RESULTS ARE AVAILABLE.

2. (A) THE COMMISSIONER SHALL ESTABLISH A SYSTEM FOR GRADING INSPECTION RESULTS FOR PUBLIC FOOD SERVICE ESTABLISHMENTS. SUCH SYSTEM SHALL USE LETTERS A, B, C OR D TO IDENTIFY AND REPRESENT SUCH GRADING. IN ESTABLISHING SUCH SYSTEM OF GRADING, THE COMMISSIONER SHALL TAKE INTO ACCOUNT THE PROVISIONS OF THIS TITLE AND THE PROVISIONS OF THE SANITARY CODE TO ESTABLISH A GRADING SYSTEM THAT REFLECTS THE SAFETY AND SANITA-

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

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TION OF THE PREMISES AND FOOD HANDLING PRACTICES TO ENSURE COMPLIANCE WITH STATE AND LOCAL HEALTH LAWS.

(B) THE DEPARTMENT MAY MAKE AVAILABLE ON ITS WEBSITE THE CORRESPONDING LETTER IDENTIFICATION FOR EACH PUBLIC FOOD SERVICE ESTABLISHMENT.

(C) A CITY WITH A POPULATION OVER ONE MILLION, WITH ITS OWN HEALTH CODE OR SANITARY CODE, THAT ESTABLISHES, ENFORCES AND MAINTAINS ITS OWN SYSTEM OF SCORING AND GRADING INSPECTIONS OF FOOD SERVICE ESTABLISHMENTS WITHIN ITS JURISDICTION SHALL BE EXEMPTED FROM THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect one year after it shall have become a law. Provided, however, that effective immediately, any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date.