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I N A S S E M B L Y

March 7, 2012

Introduced by M. of A. ROSENTHAL, DINOWITZ, BROOK-KRASNY, WEISENBERG, CASTRO, COOK, ROBINSON, LINARES, GLICK, MAISEL, McENENY, HIKIND, P. RIVERA, ABINANTI -- Multi-Sponsored by -- M. of A. ABBATE, ARROYO, BOYLAND, CRESPO, CROUCH, ENGLEBRIGHT, GOTTFRIED, McDONOUGH, J. MILLER, NOLAN, REILLY, SCHIMEL, TITONE -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to requiring hotels and motels to notify employees in writing of the presence of bedbugs on the premises and requires the development and administration of training on methods and procedures for the eradication of bedbugs

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

1 Section 1. Subdivision 1 of section 1347 of the public health law is
2 amended to read as follows:
3 1. All departments and boards of health and the commissioner or
4 commissioners thereof shall have the power to enforce the provisions of
5 sections thirteen hundred forty-five to thirteen hundred [forty-seven]
6 FORTY-EIGHT, inclusive, of this [chapter] TITLE.
7 S 2. Section 1348 of the public health law is renumbered section 1349
8 and amended to read as follows:
9 S 1349. Hotel sanitation; application of article. The provisions of
10 sections thirteen hundred forty-five to thirteen hundred forty-seven[,
11 inclusive,] of this [chapter] TITLE, shall not apply to cities having a
12 population of one million inhabitants or over.
13 S 3. The public health law is amended by adding a new section 1348 to
14 read as follows:
15 S 1348. HOTEL SANITATION; BEDBUG NOTIFICATION AND TRAINING. 1. HOTELS
16 AND MOTELS SHALL NOTIFY EMPLOYEES OF THE PRESENCE OF BEDBUGS ON THE
17 PREMISES AND SHALL SPECIFY WHICH ROOMS ARE INFESTED.
18 2. NOTIFICATION SHALL BE MADE PROMPTLY FOLLOWING THE DISCOVERY OF
19 BEDBUGS ON THE PREMISES.
20 3. IN CONCERT WITH THE DEPARTMENT, HOTELS AND MOTELS SHALL DEVELOP AND
21 ADMINISTER BEDBUG TRAINING THAT SHALL BE PROVIDED TO EMPLOYEES WHO MAY
22 BE EXPOSED TO BEDBUGS AS A PART OF THEIR DAILY ACTIVITIES.

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

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1 4. TRAINING SHALL BE ADMINISTERED WITHIN A REASONABLE TIME AFTER
2 HIRING AND ONCE AGAIN EACH YEAR THEREAFTER.

3 5. TRAINING SHALL INCLUDE BEDBUG IDENTIFICATION, PROCEDURES FOR
4 REPORTING INFESTATIONS TO PEST MANAGEMENT AND TREATING INFESTATIONS, AS
5 APPROPRIATE.

6 6. UPON DISCOVERY OF BEDBUGS, THE HOTEL OR MOTEL SHALL TAKE THE ROOM
7 OR AREA OUT OF SERVICE, BUT NO ITEMS SHALL BE REMOVED UNTIL A PEST
8 CONTROL MANAGEMENT COMPANY HAS INSPECTED THE AREA.

9 7. FOR PURPOSES OF THIS SECTION:

10 A. "HOTEL AND MOTEL" SHALL MEAN ESTABLISHMENTS DISTINGUISHED AS
11 HOTELS, MOTELS, BUNGALOW COLONIES, OR ANY OTHER ESTABLISHMENT COMPARABLE
12 OR EQUIVALENT TO ANY OF THOSE PREVIOUSLY MENTIONED. THE TERM SHALL NOT
13 INCLUDE THOSE PLACES OR FACILITIES NOT HAVING THE GENERAL CHARACTER-
14 ISTICS OF A MOTEL OR HOTEL AS THAT TERM IS GENERALLY UNDERSTOOD AND THE
15 COMMISSIONER SHALL HAVE THE POWER TO EXEMPT FROM THIS SECTION A PLACE OR
16 FACILITY THAT IS NOT WITHIN THE INTENT OF THIS DEFINITION OF A MOTEL OR
17 HOTEL.

18 B. "EMPLOYEE" SHALL MEAN ANY PERSON EMPLOYED FOR HIRE THAT MAY BE
19 EXPOSED TO BEDBUGS AS A PART OF THEIR DAILY ROUTINE. SUB-CONTRACTORS AND
20 INDEPENDENT CONTRACTORS WHO WORK TWENTY HOURS OR MORE PER WEEK ARE
21 DEEMED "EMPLOYEES" FOR PURPOSES OF THIS SECTION.

22 S 4. This act shall take effect on the one hundred twentieth day after
23 it shall have become a law. Effective immediately, the commissioner of
24 health is authorized to promulgate any and all rules and regulations and
25 take any other measures necessary to implement this act on its effective
26 date, on or before such date.