

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:

1 Section 1. The public health law is amended by adding a new section
2 1352-d to read as follows:

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

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

25 S 2. This act shall take effect one year after it shall have become a
26 law. Effective immediately, the commissioner of health may promulgate
27 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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