

10063

I N   A S S E M B L Y

June 10, 2014

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Introduced by COMMITTEE ON RULES -- (at request of M. of A. Miller) --  
read once and referred to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, the  
public health law and the executive law, in relation to prohibiting  
the use of certain devices or technology during the conduct of  
inspections

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

1     Section 1. The administrative code of the city of New York is amended  
2     by adding two new sections 17-302 and 20-119 to read as follows:  
3     S 17-302 INSPECTIONS; PROHIBITIONS. NO OFFICER OR EMPLOYEE OF THE  
4     DEPARTMENT WHO IS CONDUCTING AN INSPECTION OF A PREMISES LICENSED OR  
5     REGULATED UNDER THIS TITLE SHALL UTILIZE ANY DEVICE OR TECHNOLOGY WHICH  
6     PERMITS THE USER TO CONDUCT A LIVE FEED OF DATA OR IMAGES TO A REMOTE  
7     VIEWER. THE PROVISIONS OF THIS SECTION SHALL NOT PROHIBIT AN INSPECTOR  
8     FROM PHOTOGRAPHING OR RECODING IMAGES, DATA OR COMMUNICATIONS FOR THE  
9     PURPOSES OF FUTURE ACCESS AND VIEWING.  
10    S 20-119 INSPECTIONS; PROHIBITIONS. NO OFFICER OR EMPLOYEE OF THE  
11    DEPARTMENT WHO IS CONDUCTING AN INSPECTION OF A PREMISES LICENSED OR  
12    REGULATED UNDER THIS TITLE SHALL UTILIZE ANY DEVICE OR TECHNOLOGY WHICH  
13    PERMITS THE USER TO CONDUCT A LIVE FEED OF DATA OR IMAGES TO A REMOTE  
14    VIEWER. THE PROVISIONS OF THIS SECTION SHALL NOT PROHIBIT AND INSPECTOR  
15    FROM PHOTOGRAPHING OR RECORDING IMAGES, DATA OR COMMUNICATIONS FOR THE  
16    PURPOSES OF FUTURE ACCESS AND VIEWING.  
17    S 2. The public health law is amended by adding a new section 1311 to  
18    read as follows:  
19    S 1311. INSPECTIONS; PROHIBITIONS. NO OFFICER OR EMPLOYEE OF THE  
20    DEPARTMENT OR OF ANY LOCAL BOARD OF HEALTH WHO IS CONDUCTING AN  
21    INSPECTION OF A PREMISES LICENSED OR REGULATED UNDER THIS CHAPTER SHALL  
22    UTILIZE ANY DEVICE OR TECHNOLOGY WHICH PERMITS THE USER TO CONDUCT A  
23    LIVE FEED OF DATA OR IMAGES TO A REMOTE VIEWER. THE PROVISIONS OF THIS  
24    SECTION SHALL NOT PROHIBIT AN INSPECTOR FROM PHOTOGRAPHING OR RECORDING  
25    IMAGES, DATA OR COMMUNICATIONS FOR THE PURPOSES OF FUTURE ACCESS AND  
26    VIEWING.

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

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1 S 3. Section 381 of the executive law is amended by adding a new  
2 subdivision 7 to read as follows:

3 7. NO STATE OR LOCAL OFFICER OR AGENT WHO IS CONDUCTING AN INSPECTION  
4 OF ANY PREMISES TO DETERMINE COMPLIANCE WITH STATE OR LOCAL CODES SHALL  
5 UTILIZE ANY DEVICE OR TECHNOLOGY WHICH PERMITS THE USER TO CONDUCT A  
6 LIVE FEED OF DATA OR IMAGES TO A REMOTE VIEWER. THE PROVISIONS OF THIS  
7 SECTION SHALL NOT PROHIBIT AN INSPECTOR FROM PHOTOGRAPHING OR RECORDING  
8 IMAGES, DATA OR COMMUNICATIONS FOR THE PURPOSES OF FUTURE ACCESS AND  
9 VIEWING.

10 S 4. This act shall take effect immediately.