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

10063

I N A S S E M B L Y

June 10, 2014

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The administrative code of the city of New York is amended by adding two new sections 17-302 and 20-119 to read as follows:

S 17-302 INSPECTIONS; PROHIBITIONS. NO OFFICER OR EMPLOYEE OF THE DEPARTMENT WHO IS CONDUCTING AN INSPECTION OF A PREMISES LICENSED OR REGULATED UNDER THIS TITLE SHALL UTILIZE ANY DEVICE OR TECHNOLOGY WHICH PERMITS THE USER TO CONDUCT A LIVE FEED OF DATA OR IMAGES TO A REMOTE VIEWER. THE PROVISIONS OF THIS SECTION SHALL NOT PROHIBIT AN INSPECTOR FROM PHOTOGRAPHING OR RECODING IMAGES, DATA OR COMMUNICATIONS FOR THE PURPOSES OF FUTURE ACCESS AND VIEWING.

S 20-119 INSPECTIONS; PROHIBITIONS. NO OFFICER OR EMPLOYEE OF THE DEPARTMENT WHO IS CONDUCTING AN INSPECTION OF A PREMISES LICENSED OR REGULATED UNDER THIS TITLE SHALL UTILIZE ANY DEVICE OR TECHNOLOGY WHICH PERMITS THE USER TO CONDUCT A LIVE FEED OF DATA OR IMAGES TO A REMOTE VIEWER. THE PROVISIONS OF THIS SECTION SHALL NOT PROHIBIT AND INSPECTOR FROM PHOTOGRAPHING OR RECORDING IMAGES, DATA OR COMMUNICATIONS FOR THE PURPOSES OF FUTURE ACCESS AND VIEWING.

S 2. The public health law is amended by adding a new section 1311 to read as follows:

S 1311. INSPECTIONS; PROHIBITIONS. NO OFFICER OR EMPLOYEE OF THE DEPARTMENT OR OF ANY LOCAL BOARD OF HEALTH WHO IS CONDUCTING AN INSPECTION OF A PREMISES LICENSED OR REGULATED UNDER THIS CHAPTER SHALL UTILIZE ANY DEVICE OR TECHNOLOGY WHICH PERMITS THE USER TO CONDUCT A LIVE FEED OF DATA OR IMAGES TO A REMOTE VIEWER. THE PROVISIONS OF THIS SECTION SHALL NOT PROHIBIT AN INSPECTOR FROM PHOTOGRAPHING OR RECORDING IMAGES, DATA OR COMMUNICATIONS FOR THE PURPOSES OF FUTURE ACCESS AND VIEWING.

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

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

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

S 4. This act shall take effect immediately.