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

995

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. ROSENTHAL, DINOWITZ, BROOK-KRASNY, WEISENBERG, CASTRO, COOK, ROBINSON, GLICK, MAISEL, HIKIND, ABINANTI, HOOPER -- Multi-Sponsored by -- M. of A. ABBATE, ARROYO, BOYLAND, CRESPO, CROUCH, ENGLEBRIGHT, GOTTFRIED, McDONOUGH, 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 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:

Section 1. Subdivision 1 of section 1347 of the public health law is amended to read as follows:

1. All departments and boards of health and the commissioner or commissioners thereof shall have the power to enforce the provisions of sections thirteen hundred forty-five to thirteen hundred [forty-seven] FORTY-EIGHT, inclusive, of this [chapter] TITLE.

S 2. Section 1348 of the public health law is renumbered section 1349 and amended to read as follows:

S 1349. Hotel sanitation; application of article. The provisions of sections thirteen hundred forty-five to thirteen hundred forty-seven[, inclusive,] of this [chapter] TITLE, shall not apply to cities having a population of one million inhabitants or over.

S 3. The public health law is amended by adding a new section 1348 to read as follows:

S 1348. HOTEL SANITATION; BEDBUG NOTIFICATION AND TRAINING. 1. HOTELS AND MOTELS SHALL NOTIFY EMPLOYEES OF THE PRESENCE OF BEDBUGS ON THE PREMISES AND SHALL SPECIFY WHICH ROOMS ARE INFESTED.

2. NOTIFICATION SHALL BE MADE PROMPTLY FOLLOWING THE DISCOVERY OF BEDBUGS ON THE PREMISES.

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

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3. IN CONCERT WITH THE DEPARTMENT, HOTELS AND MOTELS SHALL DEVELOP AND ADMINISTER BEDBUG TRAINING THAT SHALL BE PROVIDED TO EMPLOYEES WHO MAY BE EXPOSED TO BEDBUGS AS A PART OF THEIR DAILY ACTIVITIES.

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

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

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

7. FOR PURPOSES OF THIS SECTION:

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

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

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