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

9950--A

R. R. 337

I N A S S E M B L Y

June 3, 2014

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Gottfried) -- read once and referred to the Committee on Health -- amended on the special order of third reading, ordered reprinted as amended, retaining its place on the special order of third reading

AN ACT to amend the public health law, in relation to food service in funeral establishments

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

Section 1. The public health law is amended by adding a new section 3444 to read as follows:

S 3444. FOOD SERVICE IN FUNERAL ESTABLISHMENTS. (A) A FUNERAL ESTABLISHMENT MAY PROVIDE SPACE, FACILITIES, EQUIPMENT OR SUPPLIES FOR THE PREPARATION, SALE, SERVICE, DISTRIBUTION OR CONSUMPTION OF FOOD OR BEVERAGES, IN THE NATURE OF INCIDENTAL REFRESHMENTS (SUCH AS BAKED GOODS, SANDWICHES, SNACKS, PLATTERS AND HOT TRAYS) OR THOSE REQUIRED BY THE RELIGIOUS PRACTICES OF THE DECEASED PERSON OR THE DECEASED PERSON'S FAMILY, IN THE FUNERAL ESTABLISHMENT TO OR BY PERSONS IN THE FUNERAL ESTABLISHMENT FOR THE PURPOSE OF ARRANGING FOR, ATTENDING OR PARTICIPATING IN THE CARE AND PREPARATION OF A BODY OF A DECEASED PERSON FOR DISPOSITION, MOURNING, A FUNERAL OR MEMORIAL CEREMONY OR SERVICE, OR AN OPEN HOUSE OR SIMILAR COMMUNITY FUNCTION THAT IS RELATED TO THE BUSINESS OF FUNERAL DIRECTING.

(B) ACTIVITIES UNDER THIS SECTION MAY INCLUDE THE SERVICES OF A CATERER NOT OWNED BY OR AFFILIATED WITH THE FUNERAL ESTABLISHMENT. ACTIVITIES OF FUNERAL ESTABLISHMENT EMPLOYEES SHALL BE LIMITED TO PREPARING BEVERAGES AND SERVING FOOD OR BEVERAGES UNDER THIS SECTION.

NO ACTIVITIES UNDER THIS SECTION SHALL INCLUDE THE CONSUMPTION OF ANY ALCOHOLIC BEVERAGE, UNLESS REQUIRED BY THE RELIGIOUS PRACTICES OF THE DECEASED PERSON OR THE DECEASED PERSON'S FAMILY, AND SUBJECT TO OTHERWISE APPLICABLE LAW AND REGULATIONS. A FUNERAL ESTABLISHMENT SHALL NOT BE DEEMED TO BE A FOOD SERVICE ESTABLISHMENT BECAUSE OF ACTIVITIES UNDER THIS SECTION.

S 2. This act shall take effect one hundred eighty days after it shall become a law, provided that the commissioner of health is authorized and directed to make regulations and take other actions necessary to implement this act on that date.

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

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