

4283

2013-2014 Regular Sessions

I N   S E N A T E

March 19, 2013

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Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the state finance law, the public health law and the education law, in relation to requiring gluten cross contamination safeguards in food establishments owned, operated or leased by any department or agency of the state or the state university of New York

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

1     Section 1. The state finance law is amended by adding a new section  
2     146-a to read as follows:  
3     S 146-A. CONTRACTS FOR FOOD SERVICE ESTABLISHMENTS. NOTWITHSTANDING  
4     ANY OTHER PROVISIONS OF LAW, ALL NEW CONTRACTS, RENEWAL CONTRACTS OR  
5     CHANGE ORDERS FOR AN EXISTING CONTRACT MADE AND AWARDED BY ANY DEPART-  
6     MENT OR AGENCY OF THE STATE OR THE STATE UNIVERSITY OF NEW YORK, FOR THE  
7     OPERATION OF A FOOD SERVICE ESTABLISHMENT, SHALL CONTAIN A PROVISION  
8     REQUIRING THE CONTRACTOR OR VENDOR OPERATING SUCH ESTABLISHMENT IN A  
9     STATE-OWNED, OPERATED OR LEASED BUILDING TO TAKE REASONABLE PRECAUTIONS  
10    TO AVERT THE CROSS-CONTAMINATION OF GLUTEN-FREE FOODS PREPARED BY SUCH  
11    ESTABLISHMENT BY FOOD CONTAINING GLUTEN.  
12    S 2. Section 206 of the public health law is amended by adding a new  
13    subdivision 29 to read as follows:  
14    29. THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF EDUCA-  
15    TION, SHALL PROMULGATE RULES AND REGULATIONS SPECIFYING REASONABLE METH-  
16    ODS TO AVERT THE CROSS-CONTAMINATION OF GLUTEN-FREE FOODS BY FOODS  
17    CONTAINING GLUTEN DURING THE PREPARATION OF SUCH FOOD IN CAFETERIAS AND  
18    RESTAURANTS OR ANY OTHER FOOD ESTABLISHMENT OPERATED BY A VENDOR OR  
19    CONTRACTOR ON PROPERTIES OWNED, OPERATED OR LEASED BY ANY DEPARTMENT OR  
20    AGENCY OF THE STATE OR THE STATE UNIVERSITY OF NEW YORK.  
21    S 3. The education law is amended by adding a new section 101-c to  
22    read as follows:

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

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1 S 101-C. RULES AND REGULATIONS; GLUTEN CROSS-CONTAMINATION PREVENTION.  
2 THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF HEALTH, SHALL  
3 PROMULGATE RULES AND REGULATIONS SPECIFYING REASONABLE METHODS TO AVERT  
4 THE CROSS-CONTAMINATION OF GLUTEN-FREE FOODS BY FOODS CONTAINING GLUTEN  
5 DURING THE PREPARATION OF SUCH FOOD IN CAFETERIAS AND RESTAURANTS OR ANY  
6 OTHER FOOD ESTABLISHMENT OPERATED BY A VENDOR OR CONTRACTOR ON PROPER-  
7 TIES OWNED, OPERATED OR LEASED BY THE STATE UNIVERSITY OF NEW YORK.  
8 S 4. This act shall take effect on the thirtieth day after it shall  
9 have become a law, provided, however, that effective immediately, the  
10 addition, amendment, or repeal of any rule or regulation necessary for  
11 the implementation of this act on its effective date is authorized and  
12 directed to be made and completed on or before such effective date.