

7747

I N S E N A T E

June 4, 2014

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

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:

1 Section 1. The public health law is amended by adding a new section  
2 3444 to read as follows:

3 S 3444. FOOD SERVICE IN FUNERAL ESTABLISHMENTS. (A) A FUNERAL ESTAB-  
4 LISHMENT MAY PROVIDE SPACE, FACILITIES, EQUIPMENT OR SUPPLIES FOR THE  
5 PREPARATION, SALE, SERVICE, DISTRIBUTION OR CONSUMPTION OF FOOD OR  
6 BEVERAGES IN THE FUNERAL ESTABLISHMENT TO OR BY PERSONS IN THE FUNERAL  
7 ESTABLISHMENT FOR THE PURPOSE OF ARRANGING FOR, ATTENDING OR PARTICIPAT-  
8 ING IN THE CARE AND PREPARATION OF A BODY OF A DECEASED PERSON FOR  
9 DISPOSITION, MOURNING, A FUNERAL OR MEMORIAL CEREMONY OR SERVICE, OR AN  
10 OPEN HOUSE OR SIMILAR COMMUNITY FUNCTION.

11 (B) ACTIVITIES UNDER THIS SECTION MAY INCLUDE THE SERVICES OF A CATER-  
12 ER NOT OWNED BY OR AFFILIATED WITH THE FUNERAL ESTABLISHMENT. EMPLOYEES  
13 OF THE FUNERAL ESTABLISHMENT MAY PREPARE BEVERAGES AND MAY SERVE FOOD OR  
14 BEVERAGES UNDER THIS SECTION.

15 (C) NO ACTIVITIES UNDER THIS SECTION SHALL TAKE PLACE IN THE EMBALMING  
16 OR PREPARATION ROOM OF THE FUNERAL ESTABLISHMENT, UNLESS REQUIRED BY THE  
17 RELIGIOUS PRACTICES OF THE DECEASED PERSON OR THE DECEASED PERSON'S  
18 FAMILY AND SUBJECT TO OTHERWISE APPLICABLE LAW AND REGULATIONS.

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

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

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

LBD15463-01-4