

7747--A

I N S E N A T E

June 4, 2014

Introduced by Sens. LITTLE, CARLUCCI, GALLIVAN, LARKIN, MAZIARZ, SAVINO
-- read twice and ordered printed, and when printed to be committed to
the Committee on Health -- committee discharged, bill amended, ordered
reprinted as amended and recommitted to said committee

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 ASSEM-
BLY, 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 SALE, SERVICE, DISTRIBUTION OR CONSUMPTION OF FOOD OR BEVERAGES IN THE
6 FUNERAL ESTABLISHMENT TO OR BY PERSONS IN THE FUNERAL ESTABLISHMENT FOR
7 THE PURPOSE OF ARRANGING FOR, ATTENDING OR PARTICIPATING IN THE CARE AND
8 PREPARATION OF A BODY OF A DECEASED PERSON FOR DISPOSITION, MOURNING, A
9 FUNERAL OR MEMORIAL CEREMONY OR SERVICE, OR AN OPEN HOUSE OR SIMILAR
10 COMMUNITY FUNCTION, PROVIDED, HOWEVER, THAT NOTHING IN THIS SECTION
11 SHALL BE CONSTRUED TO AUTHORIZE A FUNERAL ESTABLISHMENT FROM MAKING
12 AVAILABLE FOOD OR BEVERAGES AT AN EVENT OR FUNCTION THAT IS NOT RELATED
13 TO THE BUSINESS AND PRACTICE OF FUNERAL DIRECTING OR AS EXPRESSLY
14 PROVIDED IN THIS SECTION.

15 (B) ACTIVITIES UNDER THIS SECTION MAY INCLUDE LIMITED SERVICES OF A
16 CATERER NOT OWNED BY OR AFFILIATED WITH THE FUNERAL ESTABLISHMENT
17 INCLUDING THE FOLLOWING: DANISH, COOKIES, SANDWICHES, ASSORTED PLATTERS
18 AND HOT TRAYS OF FOODS. UNDER THIS SECTION, ACTIVITIES OF EMPLOYEES OF
19 THE FUNERAL ESTABLISHMENT ARE LIMITED TO PREPARING BEVERAGES AND SERVING
20 FOOD OR BEVERAGES.

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

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

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