

953

2015-2016 Regular Sessions

I N A S S E M B L Y

January 8, 2015

Introduced by M. of A. MILLER -- read once and referred to the Committee
on Cities

AN ACT to amend the administrative code of the city of New York, the
public health law and the executive law, in relation to prohibiting
the use of certain devices or technology during the conduct of
inspections

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

1 Section 1. The administrative code of the city of New York is amended
2 by adding two new sections 17-302 and 20-119 to read as follows:
3 S 17-302 INSPECTIONS; PROHIBITIONS. NO OFFICER OR EMPLOYEE OF THE
4 DEPARTMENT WHO IS CONDUCTING AN INSPECTION OF A PREMISES LICENSED OR
5 REGULATED UNDER THIS TITLE SHALL UTILIZE ANY DEVICE OR TECHNOLOGY WHICH
6 PERMITS THE USER TO CONDUCT A LIVE FEED OF DATA OR IMAGES TO A REMOTE
7 VIEWER. THE PROVISIONS OF THIS SECTION SHALL NOT PROHIBIT AN INSPECTOR
8 FROM PHOTOGRAPHING OR RECORDING IMAGES, DATA OR COMMUNICATIONS FOR THE
9 PURPOSES OF FUTURE ACCESS AND VIEWING.
10 S 20-119 INSPECTIONS; PROHIBITIONS. NO OFFICER OR EMPLOYEE OF THE
11 DEPARTMENT WHO IS CONDUCTING AN INSPECTION OF A PREMISES LICENSED OR
12 REGULATED UNDER THIS TITLE SHALL UTILIZE ANY DEVICE OR TECHNOLOGY WHICH
13 PERMITS THE USER TO CONDUCT A LIVE FEED OF DATA OR IMAGES TO A REMOTE
14 VIEWER. THE PROVISIONS OF THIS SECTION SHALL NOT PROHIBIT AN INSPECTOR
15 FROM PHOTOGRAPHING OR RECORDING IMAGES, DATA OR COMMUNICATIONS FOR THE
16 PURPOSES OF FUTURE ACCESS AND VIEWING.
17 S 2. The public health law is amended by adding a new section 1312 to
18 read as follows:
19 S 1312. INSPECTIONS; PROHIBITIONS. NO OFFICER OR EMPLOYEE OF THE
20 DEPARTMENT OR OF ANY LOCAL BOARD OF HEALTH WHO IS CONDUCTING AN
21 INSPECTION OF A PREMISES LICENSED OR REGULATED UNDER THIS CHAPTER SHALL
22 UTILIZE ANY DEVICE OR TECHNOLOGY WHICH PERMITS THE USER TO CONDUCT A
23 LIVE FEED OF DATA OR IMAGES TO A REMOTE VIEWER. THE PROVISIONS OF THIS

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

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1 SECTION SHALL NOT PROHIBIT AN INSPECTOR FROM PHOTOGRAPHING OR RECORDING
2 IMAGES, DATA OR COMMUNICATIONS FOR THE PURPOSES OF FUTURE ACCESS AND
3 VIEWING.
4 S 3. Section 381 of the executive law is amended by adding a new
5 subdivision 7 to read as follows:
6 7. NO STATE OR LOCAL OFFICER OR AGENT WHO IS CONDUCTING AN INSPECTION
7 OF ANY PREMISES TO DETERMINE COMPLIANCE WITH STATE OR LOCAL CODES SHALL
8 UTILIZE ANY DEVICE OR TECHNOLOGY WHICH PERMITS THE USER TO CONDUCT A
9 LIVE FEED OF DATA OR IMAGES TO A REMOTE VIEWER. THE PROVISIONS OF THIS
10 SECTION SHALL NOT PROHIBIT AN INSPECTOR FROM PHOTOGRAPHING OR RECORDING
11 IMAGES, DATA OR COMMUNICATIONS FOR THE PURPOSES OF FUTURE ACCESS AND
12 VIEWING.
13 S 4. This act shall take effect immediately.