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2015-2016 Regular Sessions

I N   S E N A T E

(PREFILED)

January 7, 2015

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Introduced by Sens. LITTLE, CARLUCCI, GALLIVAN, LARKIN, MARCHIONE, SAVINO -- 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 NATURE OF INCIDENTAL REFRESHMENTS (SUCH AS BAKED  
7     GOODS, SANDWICHES, SNACKS, PLATTERS AND HOT TRAYS) OR THOSE REQUIRED BY  
8     THE RELIGIOUS PRACTICES OF THE DECEASED PERSON OR THE DECEASED PERSON'S  
9     FAMILY, IN THE FUNERAL ESTABLISHMENT TO OR BY PERSONS IN THE FUNERAL  
10    ESTABLISHMENT FOR THE PURPOSE OF ARRANGING FOR, ATTENDING OR PARTICIPAT-  
11    ING IN THE CARE AND PREPARATION OF A BODY OF A DECEASED PERSON FOR  
12    DISPOSITION, MOURNING, A FUNERAL OR MEMORIAL CEREMONY OR SERVICE, OR AN  
13    OPEN HOUSE OR SIMILAR COMMUNITY FUNCTION THAT IS RELATED TO THE BUSINESS  
14    OF FUNERAL DIRECTING.  
15    (B) ACTIVITIES UNDER THIS SECTION MAY INCLUDE THE SERVICES OF A CATER-  
16    ER NOT OWNED BY OR AFFILIATED WITH THE FUNERAL ESTABLISHMENT. ACTIV-  
17    ITIES OF FUNERAL ESTABLISHMENT EMPLOYEES SHALL BE LIMITED TO PREPARING  
18    BEVERAGES AND SERVING FOOD OR BEVERAGES UNDER THIS SECTION.  
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

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

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1 BE DEEMED TO BE A FOOD SERVICE ESTABLISHMENT BECAUSE OF ACTIVITIES UNDER  
2 THIS SECTION.

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