

817--B

Cal. No. 1410

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sens. LITTLE, CARLUCCI, GALLIVAN, LARKIN, MARCHIONE, SAVINO, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

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 NONALCOHOLIC BEVERAGES, LIMITED TO INCIDENTAL REFRESHMENTS (SUCH AS
7 BAKED GOODS, SANDWICHES, SNACKS AND PLATTERS) OR THOSE REQUIRED BY THE
8 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. ACTIVITIES

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

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1 OF FUNERAL ESTABLISHMENT EMPLOYEES OR CATERING EMPLOYEES SHALL BE LIMIT-
2 ED TO (I) PREPARING SUCH BEVERAGES AND (II) SERVING SUCH INCIDENTAL
3 REFRESHMENTS OR NONALCOHOLIC BEVERAGES UNDER THIS SECTION.

4 NO ACTIVITIES UNDER THIS SECTION SHALL INCLUDE THE CONSUMPTION OF ANY
5 ALCOHOLIC BEVERAGE. NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, A
6 FUNERAL ESTABLISHMENT SHALL NOT OPERATE AS A FOOD SERVICE ESTABLISHMENT
7 OR CATERER.

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