STATE OF NEW YORK

6146--A

2017-2018 Regular Sessions

IN ASSEMBLY

February 27, 2017

Introduced by M. of A. MOYA -- read once and referred 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 the establishment of a letter grading system to classify inspection results for mobile food service establishments and pushcarts in cities having a population of one million or more

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The public health law is amended by adding a new section 1352-f to read as follows:

§ 1352-f. Mobile food service establishment and pushcart grading system; cities of one million or more. 1. For purposes of this section, the terms "mobile food service establishment" and "pushcart" shall have the same definitions as provided in the sanitary code, and the term "department" shall mean the department of health and mental hygiene of a city having a population of one million or more.

2. The department shall establish and implement a system for grading and classifying inspection results for mobile food service establishments and pushcarts. Such system shall use letters to identify and represent an establishment's and pushcart's degree of compliance with the sanitary code and other applicable laws that require such establishments and pushcarts to operate in a sanitary manner so as to protect the public health. The letter A shall be the grade representing the highest degree of compliance with such code and laws.

3. The department shall advise each establishment or pushcart of the inspection grade received and shall provide the findings upon which such grade is based.

4. The department shall promulgate rules requiring each such mobile food service establishment and pushcart to conspicuously post the letter grade issued to the mobile food service establishment or pushcart by the

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

LBD00090-12-7

department. Such rules may require that each permittee enable the department to identify the mobile food service establishment's and pushcart's location at the time the mobile food service establishment or pushcart is operating, including electronically or by submission of a travel route by each such mobile food service establishment and pushcart to the department. Such rules may also require that a permit to operate the mobile food service establishment or pushcart or a license to vend from such mobile food service establishment or pushcart may be suspended or permanently revoked after notice and an opportunity to be heard for failure to comply with rules regarding location tracking.

5. The provisions of this section shall not apply to a mobile food service establishment or pushcart that is operated by a charitable organization solely to distribute food free of charge to the public, including but not limited to soup kitchens or other food distribution programs for the elderly, veterans, low income individuals and families, or the disabled.

6. Nothing in this section shall affect the authority of the department to take any other action necessary to protect the public health or to enforce the provisions of the sanitary code or any other law or rule applicable to the operation of a mobile food service establishment or pushcart.

§ 2. This act shall take effect one year after it shall have become a law; provided, however, that effective immediately any rules and regulations necessary to implement the provisions of this act on its effective date are authorized to be promulgated and completed on or before such date.