

# STATE OF NEW YORK

592--B

Cal. No. 441

2017-2018 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2017

Introduced by Sen. PERALTA -- 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 -- committee discharged and said bill committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

1 Section 1. The public health law is amended by adding a new section  
2 1352-f to read as follows:

3 § 1352-f. Mobile food service establishment and pushcart grading  
4 system; cities of one million or more. 1. For purposes of this section,  
5 the terms "mobile food service establishment" and "pushcart" shall have  
6 the same definitions as provided in the sanitary code, and the term  
7 "department" shall mean the department of health and mental hygiene of a  
8 city having a population of one million or more.

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

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

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

4 4. The department shall promulgate rules requiring each such mobile  
5 food service establishment and pushcart to conspicuously post the letter  
6 grade issued to the mobile food service establishment or pushcart by the  
7 department. Such rules may require that each permittee enable the  
8 department to identify the mobile food service establishment's and  
9 pushcart's location at the time the mobile food service establishment or  
10 pushcart is operating, including electronically or by submission of a  
11 travel route by each such mobile food service establishment and pushcart  
12 to the department. Such rules may also require that a permit to operate  
13 the mobile food service establishment or pushcart or a license to vend  
14 from such mobile food service establishment or pushcart may be suspended  
15 or permanently revoked after notice and an opportunity to be heard for  
16 failure to comply with rules regarding location tracking.

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

23 6. Nothing in this section shall affect the authority of the depart-  
24 ment to take any other action necessary to protect the public health or  
25 to enforce the provisions of the sanitary code or any other law or rule  
26 applicable to the operation of a mobile food service establishment or  
27 pushcart.

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