

# STATE OF NEW YORK

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3052

2019-2020 Regular Sessions

## IN ASSEMBLY

January 28, 2019

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Introduced by M. of A. KIM, VANEL, PHEFFER AMATO, NIOU, ORTIZ, ABBATE, McDONOUGH, JONES, COLTON, D'URSO -- read once and referred to the Committee on Health

AN ACT to direct cities with a population of one million or more which employ health inspectors to oversee the compliance of restaurants and food establishments

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

1 Section 1. Short title. This act shall be known as and may be cited as  
2 the "restaurant owner whistleblower protection act".

3 § 2. a. All cities with a population of one million or more which  
4 employ health inspectors to oversee the compliance of restaurants and  
5 food establishments with local health regulations shall establish an  
6 independent oversight body to receive anonymous complaints about health  
7 inspectors from restaurant owners or employees.

8 b. Such independent oversight body shall investigate any consistent  
9 reporting about health inspectors from restaurant owners or employees  
10 and shall refer such cases to the city's investigative agency.

11 c. Such independent oversight body shall provide:

12 i. a hotline number and website to intake complaints provided in the  
13 following languages: Arabic; Bengali; Chinese; French; Haitian-Creole;  
14 Korean; Russian; Spanish and Urdu; and

15 ii. an annual summary report to the restaurant associations and the  
16 public of complaints by restaurant owners, that includes how many total  
17 complaints, top type of complaints, and investigative findings.

18 § 3. All cities with a population of one million or more which employ  
19 health inspectors to oversee the compliance of restaurants and food  
20 establishments with local health regulations shall establish a process  
21 by which restaurants and food establishments can refuse to participate  
22 in an inspection by paying a fee to reschedule the inspection visit, up  
23 to three times. The fees to be imposed shall be:

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

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- 1     a.   seventy-five   dollars paid by the restaurant or food establishment
- 2     to the agency employing the health inspector for the first time resched-
- 3     uling;
- 4     b.   one hundred fifty dollars paid by the restaurant or food establish-
- 5     ment   to the agency employing the health inspector for a second resched-
- 6     uling; and
- 7     c.   two hundred fifty dollars paid by the restaurant or food establish-
- 8     ment to the agency employing the health inspector for a third reschedul-
- 9     ing.
- 10    § 4. This act shall take effect immediately.