STATE OF NEW YORK

6656

2019-2020 Regular Sessions

IN SENATE

August 19, 2019

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public health law, in relation to the securing of grease traps and interceptors by food establishments

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. Securing of grease traps and interceptors by food establishments. 1. For the purposes of this section "food establishment" shall mean any business or organization engaged in the preparation, sale or service of food.

2. A food establishment with a grease trap or interceptor manhole that is located outdoors or accessible to the general public shall ensure that such manhole is designed to withstand expected loads and prevent access by children. The manhole cover shall be secured by a bolt or locking mechanism or be constructed of round cast iron or similar construction rated for heavy road traffic with sufficient weight to prevent unauthorized access. A public water or sewer authority may specify either manner of manhole access exclusively, provided it conforms to this subdivision and prevents unauthorized access.

3. (a) A food establishment with a grease trap or interceptor manhole that is located outdoors or accessible to the general public shall ensure that such grease trap or interceptor manhole is secured or locked at all times.

(b) Notwithstanding paragraph (a) of this subdivision, a food establishment may unsecure or unlock a grease trap or interceptor manhole for the purpose of cleaning, maintenance or inspection, provided, however, that no food establishment shall allow or cause such manhole to be or remain unattended while unsecured or unlocked.

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

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4. A food establishment with a grease trap or interceptor manhole shall conspicuously display a warning sign at the location of such manhole. The form and content of such sign shall be promulgated by the commissioner.

5. (a) The commissioner, or his or her duly authorized agent or employee, shall conduct an annual inspection of the compliance of each food establishment with the provisions of this section.

(b) Every owner, operator, lessor, lessee or person in charge of any food establishment shall permit the commissioner, or his or her duly authorized agents or employees, to have access to all parts of any and all of such food establishment for the purpose of ascertaining whether the provisions of this section are being observed.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.