# STATE OF NEW YORK

7644

# IN SENATE

February 3, 2020

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

AN ACT to amend the public health law, in relation to requiring food service establishments to make deliveries of food in tamper evident packaging

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

Section 1. Section 1352 of the public health law is amended by adding a new subdivision 5 to read as follows:

**5. (a) For purposes of this subdivision, the term "tamper evident packaging" shall mean packaging having one or more indicators or barriers to entry which, if breached or missing, can reasonably be expected to provide visible evidence to consumers that tampering has occurred.**

**(b) Any food service establishment doing business in this state which offers food for delivery shall package and deliver such food in tamper evident packaging. Such packaging shall also include a label with the words "Sealed for your protection. Do not consume if broken or missing". The provisions of this section shall apply to all food deliveries made by a food service establishment, including, but not limited to, food deliveries made by a food delivery service.**

**(c) Any food service establishment in violation of this subdivision shall be subject to a civil fine in the amount of two hundred fifty dollars for each violation.**

**(d) The commissioner is authorized to promulgate rules and regulations necessary for the implementation of this subdivision.**

§ 2. This act shall take effect on the one hundred twentieth 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 date.

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

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