# STATE OF NEW YORK

3133

2021-2022 Regular Sessions

# IN ASSEMBLY

January 22, 2021

Introduced by M. of A. KIM, VANEL, PHEFFER AMATO, NIOU, ABBATE, McDONOUGH, JONES, COLTON -- 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:**

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

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

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

c. Such independent oversight body shall provide:

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

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

§ 3. All cities with a population of one million or more which employ health inspectors to oversee the compliance of restaurants and food establishments with local health regulations shall establish a process by which restaurants and food establishments can refuse to participate in an inspection by paying a fee to reschedule the inspection visit, up 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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a. seventy-five dollars paid by the restaurant or food establishment to the agency employing the health inspector for the first time rescheduling;

b. one hundred fifty dollars paid by the restaurant or food establishment to the agency employing the health inspector for a second rescheduling; and

c. two hundred fifty dollars paid by the restaurant or food establishment to the agency employing the health inspector for a third rescheduling.

§ 4. This act shall take effect immediately.