

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2013**

No. 93

Introduced by Council Members Van Bramer, Arroyo, Greenfield, James, Koo, Rose, Vallone, Wills, Rodriguez, Eugene, Brewer, Vann, Chin, Garodnick, Gennaro, Jackson, Lander, Levin, Williams and Halloran.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to develop a consultative inspection program for food service establishments.

Be it enacted by the Council as follows:

Section 1. Chapter 15 of title 17 of the administrative code of the city of New York is amended by section 17-1504 to read as follows:

§ 17-1504 *Food Service Establishment Consultative Inspection Program.* a. *The department shall implement a consultative inspection program for food service establishments.*

b. *Such consultative inspections shall be optional, and performed for educational and informational purposes only. A consultative inspection shall not result in a notice of violation being issued for general violations, critical violations, imminent health hazards or public health hazards. A consultative inspection shall not impact a food service establishment's inspection cycle.*

c. *Upon completion of a consultative inspection, the inspector shall review the results with the owner or operator of the food service establishment, and advise the owner or operator of potential violations and how to remedy such violations.*

d. *Nothing in this section shall prohibit the department from taking appropriate action if a*

food service establishment fails to remedy a public health hazard at the time of the consultative inspection.

e. The department may charge a fee which shall be set by rule promulgated by the commissioner.

f. The department may schedule the consultative inspection based on factors, set by rule promulgated by the commissioner, including but not limited to demand, prioritization according to inspection history, and the inspection cycle of the food service establishment.

g. Within the consultative inspection program for food service establishments, the department shall develop a system for newly licensed food service establishments whereby such establishments may schedule the consultative inspection prior to their first initial inspections for a nominal fee which shall be set by rule promulgated by the commissioner.

§2. This local law shall take effect one hundred eighty days after its enactment into law, provided that the commissioner may promulgate any rules necessary for implementing and carrying out the provisions of this local law prior to its effective date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on October 9, 2013 and returned unsigned by the Mayor on November 8, 2013.

MICHAEL M. McSWEENEY, City Clerk Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 93 of 2013, Council Int No. 1146-A of 2013) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.