Cumulative supplement to the sanitary code of the City of New York, including regulations : as amended to December 9, 1953.

CUMULATIVE SUPPLEMENT

TO

THE SANITARY CODE OF THE CITY OF NEW YORK

INCLUDING REGULATIONS

As Amended to December 9, 1953

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INCLUDING REGULATIONS

As Amended to December 9, 1953

DEPARTMENT OF HEALTH OF THE CITY OF NEW YORK

ROBERT F. WAGNER.....*Mayor*

LEONA BAUMGARTNER, M.D.....*Commissioner*

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CUMULATIVE SUPPLEMENT

TO

THE SANITARY CODE OF THE CITY OF NEW YORK

INCLUDING REGULATIONS

As Amended to December 9, 1953

INTRODUCTORY NOTE

This is the Fourth Supplement to the Sanitary Code of the City of New York and the regulations thereunder, published and distributed on February 10, 1948. This Supplement is cumulative and includes all amendments and newly enacted provisions up to December 9, 1953, the date of the last meeting of the Board of Health in 1953.

The Table of Contents appearing on pages 1 to 10 inclusive, indicates whether a particular section or regulation has been amended, revised, reenacted, or whether it is a newly adopted provision. The correction of errors made and the addition of material omitted in the printing of the 1948 edition is also noted.

Sanitary Code and Regulations

ARTICLE 2

Animals

***§11. Horses, cattle, swine, sheep, geese, and goats; not to be kept or yarded without a permit.** No horses shall be yarded and no cattle, swine, sheep, geese, or goats, shall be kept or yarded within or adjacent to the built-up portions of The City of New York, without a permit issued therefor by the Commissioner of Health.

(Amended October 9, 1950, Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section eleven of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

***§12. Keeping of cows regulated.**

No cows shall be kept in the City of New York without a permit issued therefor by the Commissioner of Health or otherwise than in accordance with the terms of the said permit and with the regulations of the Board of Health.

(Amended October 9, 1950, Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section twelve of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

REGULATIONS

Regulations governing the keeping of cows within the City of New York for domestic purposes only.

Regulation 1. Construction of floors of cow stables. Floors of all cow stables must be constructed of some non-absorbent material and shall be so graded as to discharge all drainage into properly trapped sewer-connected drains. Where no sewer is provided, the drains must discharge into properly connected cesspools. The floor opening of each drain shall be covered by a suitable metal strainer.

Regulation 2. Floors and cow beds. All floors and cow beds must be kept clean and sanitary at all times.

Regulation 3. Adequate light to be provided. Every stable shall be adequately lighted by natural or artificial means.

Regulation 4. Adequate ventilation to be provided. Every stable shall be adequately ventilated to the external air by means of windows or other openings.

Regulation 5. Walls and ceilings. Walls and ceilings must be smooth and kept clean and sanitary.

Regulation 6. Size of stable. Stable shall be of sufficient size to provide 600 cubic feet of air space for each cow.

Regulation 7. Disposal of liquid excreta. All liquid excreta must be discharged through a proper connection into a sewer or properly constructed cesspool, or must be absorbed by some suitable material.

Regulation 8. Removal of manure. Manure must be removed from the stable as often as may be necessary to prevent the creation of a nuisance, or the discharge of offensive odors.

Regulation 9. Disposal of manure. Upon its removal from the stable, manure must be immediately taken from the premises or stored in boxes provided for that purpose, and removed from such boxes daily.

Regulation 10. Construction of manure boxes. Manure boxes constructed of cement and furnished with closely fitting metal lined covers shall be provided of sufficient capacity for the needs of the stable.

Regulation 11. Stable not to cause a nuisance. Every stable shall be maintained so as not to cause a nuisance or permit of the breeding of flies. *(S. C. §72.)*

(These Regulations omitted in error from February 10, 1948 Edition).

***§16. Shelter for homeless animals; site to be approved; conduct thereof regulated.**

No shelter for homeless animals shall hereafter be opened or established in The City of New York unless the site therefor be first approved by the Commissioner of Health; and no such shelter shall be conducted in said city without a permit therefor issued by the said Commissioner or otherwise than in accordance with the terms of said permit and with the regulations of the Board of Health.

(Amended October 9, 1950, Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section sixteen of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

REGULATIONS

Regulations governing establishments for sheltering homeless animals.

Regulation 1. Location. (a) No site for a shelter for homeless animals shall be approved in the City of New York when said proposed site is within 200 feet of any inhabited dwelling, tenement house, manufactory, office building, church, hospital, public or private school or other institution of learning.

(b) Where there are practical difficulties or unnecessary hardships in carrying out the strict letter of the provisions of this regulation, the Board of Health shall have power, in a specific case, to vary any provision thereof, in harmony with the general purpose and intent of section 16 of the Sanitary Code and the regulations thereunder, so that the public health and welfare may be secured and substantial justice done, provided that, before such variance is granted, the applicant therefor shall establish, to the satisfaction of the Board of Health, that such variance would not conflict or be inconsistent with or in violation of the provisions of any law, rule or regulation of any federal, state or municipal authority.

(Amended April 12, 1949. Filed with the City Clerk April 20, 1949 and published in the City Record April 23, 1949.)

***§18. Sale of small animals regulated.**

No person shall sell or keep for sale at any place in The City of New York any dogs, cats, birds, or other small animals, without a permit therefor issued by the Commissioner of Health or otherwise than in accordance with the terms of said permit and with the regulations of the Board of Health.

(Amended October 9, 1950, Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under Section eighteen of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

***§19. Live rabbits, or poultry; the keeping, killing and sale regulated.**

No live rabbits or poultry shall be brought into, or kept, held, offered for sale, sold or killed in, any yard, area, cellar, coop, building, premises, public market, or other public place, except premises used for farming in unimproved sections of the City, without a permit therefor issued by the Commissioner of Health, or otherwise than in accordance with the terms of said permit and with the regulations of the Board of Health.

The word "poultry" as used herein shall be deemed to mean and include chickens, geese, ducks and other fowls or domestic birds used for food purposes.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section nineteen of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

REGULATIONS

Regulations governing the sale of live rabbits or poultry.

***Regulation 13. No live rabbits or poultry to be sold except to those holding permits to handle.**—No live rabbits or poultry, in crate or coop lots, shall be sold to any person unless such person is authorized

to handle and deal in live poultry by permit granted for that purpose by the Commissioner of Health, or has received written permission, to transport live rabbits or poultry through the City of New York, from the Commissioner of Health.

(Amended October 9, 1950. Filed with the City Clerk Ocotber 31, 1950 and Published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that this Amendment take effect immediately."

§20. Birds of psittacine family regulated; importation, breeding and sale prohibited; exception.

(Repealed February 4, 1952. Filed with the City Clerk February 5, 1952, and Published in the City Record February 8, 1952.)

REGULATIONS

Regulations governing birds of the psittacine family received and kept at public zoological gardens or laboratories carrying on scientific research.

(Repealed February 4, 1952. Filed with the City Clerk February 5, 1952, and Published in the City Record Rebruary 8, 1952.)

ARTICLE 3

Births, Fetal Deaths and Deaths

§32. Fetal death defined; duty of physician, midwife, superintendent of hospital, parents and others to report in accordance with this section and the regulations of the Board of Health; confidential supplementary medical report; registry to be kept; duty of funeral director.

(g) The supplementary medical report of a fetal death shall contain such medical information pertaining to the fetal death as the Board of Health may prescribe. The supplementary medical report shall be deemed not a part of the certificate of fetal death and shall be regarded and treated as a confidential and privileged communication, and shall not be subject to subpoena except in a criminal action or proceeding or open to inspection for any purpose whatsoever, except for official purposes by a federal, state, county or municipal agency charged by law with the duty of detecting or presecuting crime, or for scientific purposes approved by the Board of Health.

(Amended April 14, 1952. Filed with the City Clerk April 17, 1952, and published in the City Record April 24, 1952.)

§33. Deaths; duty of physicians and superintendent of hospital to report and keep registry; confidential medical report; medical examiner to report deaths; duty of funeral directors.

(c) The certificate of death shall be in such form and contain such data and information as the Board of Health may from time to time prescribe, including personal particulars regarding the deceased and a medical certificate of death. A medical diagnosis of the cause of death shall be reported by the certifying physician in a confidential medical report which shall be filed with the certificate of death, but which shall be deemed not a part of such certificate and shall be regarded and treated as a confidential and privileged communication, and shall not be subject to subpoena except in a criminal action or proceeding or open to inspection for any purpose whatsoever, except for official purposes by a federal, state, county or municipal agency charged by law with the duty of detecting or prosecuting crime, or for scientific purposes approved by the Board of Health. The physician who signs the certificate of death shall be deemed to have executed the same when he enters the name of the deceased and completes the medical certificate of death and the confidential report. When the body of the decedent is delivered to a representative of the City Mortuary for burial in the City Cemetery or other disposal, the physician shall complete the entire certificate.

(Amended April 14, 1952. Filed with the City Clerk April 17, 1952, and published in the City Record April 24, 1952.)

§38. Dead bodies of human beings; transportation or disposal permit required; transportation locally within the City of New York.

(d) When a person dies during the period of "home care" given by a municipal or voluntary hospital at which he was a patient, a permit may be granted for removal of the body from the home to such hospital for the performance of an autopsy, provided (1) that the request for such permit is made by a physician or interne registered with the department of health in accordance with section two hundred eighteen of the sanitary code, and (2) that the death has not occurred under

circumstances requiring report to the office of the chief medical examiner. The request may be made and the permit may be granted by telephone. Notwithstanding the provisions of subdivision (a) of this section, such permit may be issued prior to the filing of a death certificate, but the body may not be removed from the hospital after autopsy except in accordance with the provisions of subdivisions (a) or (b) of this section. "Home care", for the purposes of this subdivision, shall mean and include the continued medical supervision given by a staff physician of a municipal or voluntary hospital, as part of the general medical care offered by such hospital, to a patient who has been transferred to his home from the hospital.

(Subdivision (d) adopted February 14, 1950. Filed with the City Clerk February 20, 1950 and published in the City Record February 24, 1950.)

***§45. Cemeteries, crematories, mausoleums, vaults, and tombs; consent required for establishment; disinterment permits.**

No new cemetery or crematory, and no new mausoleum, vault, or tomb outside of an existing cemetery, to be used for the reception of dead human bodies shall be established in the City of New York without the consent of the Commissioner of Health of The City of New York. In the event of a change in the name of any cemetery or crematory in the City of New York, the Commissioner of Health shall be notified by the owner thereof. No grave, vault, tomb or other place of interment in which there is a human body or any part thereof, shall be opened, exposed or disturbed, without a disinterment permit therefor issued by the Commissioner of Health or otherwise than in accordance with the terms of such permit and the regulations of the Board of Health, except for the purpose of placing therein another body for which a burial permit has been obtained. Every body buried in any such place shall be so buried that the top of the outside container shall be at least three (3) feet below the level of the ground except that when the casket is enclosed in a concrete or metal vault, the top of such vault shall be at least two (2) feet below the level of the ground.

(S. C. §168; Generally revised March 11, 1947, effective June 1, 1947 and amended March 9, 1948, effective April 1, 1948. Filed with the City Clerk March 12, 1948 and published in the City Record March 20, 1948 and amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that consents and permits heretofore issued by the Board of Health under section forty-five of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

***§46. Funeral directing and funeral establishments regulated; permit required; definitions.**

(a) No person, firm or corporation shall engage in or by a sign or otherwise advertise or profess to be engaged in the practice of funeral directing in the City of New York, or maintain a funeral establishment in said city, without an appropriate permit therefor from the Commissioner of Health of the City of New York or otherwise than in accordance with the terms of such permit and the regulations of the Board of Health. The fee for such permit and the duration thereof shall be as set forth in Section 191 of the Sanitary Code. Such a permit, however, shall not be required in the case of a funeral director licensed by the State of New York who does not engage in business for himself or maintain a funeral establishment, but is employed by or works under the direction of a business permit holder. Every such funeral director who is not a business permit holder is required to register with the Department of Health of the City of New York.

(b) Permits under this section may be issued only to an individual holding a license from the State of New York as an undertaker or funeral director, except that a permit may be issued to a partnership or corporation or the legal representative of a deceased funeral director where the funeral establishment in connection with which such permit is desired is under the immediate personal supervision, direction, management and control of a licensed manager holding such a State license and duly designated as such manager in the application or as otherwise provided in the regulations of the Board of Health.

(c) Permits issued under this section shall be divided into three classes, namely:

(1) To engage in the practice of funeral directing and maintain within the City of New York a funeral establishment where dead human bodies may be brought, pending final disposition, for care, preparation, and safekeeping, and where the relatives and friends may gather for funeral services.

(2) To engage in the practice of funeral directing and maintain within the City of New York a funeral establishment consisting of an office only where dead human bodies are not brought at any time for any purpose.

(3) To engage in the practice of funeral directing without a funeral establishment within the city. This class of permit shall be for funeral directors who maintain a funeral establishment outside the City of New York but within the State of New York.

(d) An applicant for a permit under this section must be the holder of a valid certificate of registration issued by the New York State Department of Health for the funeral establishment designated in the application.

(e) Whenever used in this Sanitary Code the following terms shall mean and include:

1. "Funeral establishment"—Every place or premises devoted to or used in the care and preparation for burial of human dead, or maintained or held out to the public by advertising or otherwise as the office or place for the transaction of business by a funeral director.

2. "Funeral Director"—A person duly licensed by the State of New York as an undertaker or funeral director who holds a permit from the Board or Commissioner of Health to engage in the practice of funeral directing, or a person so licensed who is registered with the Department of Health of the City of New York and is employed by or works under the direction of an individual, corporation, partnership or legal representative of a deceased funeral director, holding such a permit.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section forty-six of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

REGULATIONS

§46. Regulations Governing the Business of the Practice of Funeral Directing.

Regulation 1. Application for business permit.

(a) An application for a permit to engage in the business or practice of funeral directing and to maintain a funeral establishment in the City of New York, shall be made to the Commissioner of Health on a form provided for such purpose and shall be filed with the Department of Health. Every such application shall be accompanied by a certificate of occupancy from the Department of Housing and Buildings for the funeral establishment designated in the application.

Regulation 3. Conduct of establishment.

(c) The permit issued by the Commissioner of Health of the City of New York shall be conspicuously displayed in the funeral establishment for which it was issued.

(d) No name, except the name of the permittee and the name of the licensed manager or managers contained in the application filed with the Commissioner of Health for said establishment, shall be shown or displayed upon or in said funeral establishment.

Regulation 5. Power of attorney.

3. If the permit holder is an individual, then a copy of the power of attorney, properly acknowledged, shall be filed with the Department of Health, together with a statement, properly acknowledged, that the grantor of the power of attorney will be responsible for all the acts of his said appointee.

4. If the permit holder is a firm or corporation, then the power of attorney and the statement assuming responsibility for the acts of the holder of the power of attorney shall be executed in the same manner as is required of firms and corporations applying for a permit, and shall be filed with the Department of Health.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

REGULATIONS

General Regulations relating to Sections 31 to 45.

Regulation 4. Removal, burial, cremation or transportation permit. No permit to remove, ship, cremate or bury the remains of the dead body of a human being shall be issued until a certificate shall be furnished by or on behalf of the holder of a business permit issued under

Section 46 of the Sanitary Code, which certificate shall contain the name, business address and business permit number of the permittee and shall certify that such permittee has been employed by the nearest available relative or other authorized person, naming such person specifically, without any solicitation by or on behalf of such permittee in connection with the procurement of the case. "Solicitation" as used herein and in such certificate shall mean and include those actions prohibited by paragraphs 6 and 7 of Regulation 6 of Section 46 of the Sanitary Code. Such certificate shall be signed by the permittee in person or by a licensed manager of such permittee or other representative acting under a power of attorney registered with the Department of Health. If signed by such manager or representative, the name and state license number of the signer shall be included. The certificate herein referred to may be placed on the back of the death certificate.

Regulation 5. Application for cremation permit. No permit for the cremation of the remains of the dead body of a human being shall be issued by the Department of Health unless the application for such permit shall be made by the nearest relative of the deceased or other authorized person, supported by an affidavit establishing his authority, and the applicant shall assume all responsibility for the said cremation and shall state the name of the business permit holder authorized to make arrangements for the cremation of the said remains, and the place where the cremation is to be done. No such permit shall be issued unless the Chief Medical Examiner shall consent to such cremation.

(Amended March 13, 1950. Filed with the City Clerk March 17, 1950 and printed in the City Record March 23, 1950.)

ARTICLE 4

Buildings

§53. Nuisances, conditions dangerous and prejudicial to life or health; duties of owners, tenants, lessees, occupants, and persons in charge of buildings and lots.

Every owner, lessee, tenant, occupant or person in charge of any building or premises in the City of New York shall keep and cause to be kept the sidewalk, flagging and curbstone abutting on said building or premises free from obstructions and nuisances of every kind, and shall sweep and remove or cause to be swept and removed therefrom all garbage, refuse, filth, dirt, and other offensive material and shall keep such sidewalk, flagging, and curbstone free from garbage, refuse, filth, dirt, and other offensive material. No such owner, tenant, lessee, occupant or person in charge shall allow anything in, on, or about such building or premises, or any condition arising or existing therein or thereon, to become a nuisance, or dangerous or prejudicial to life or health.

(S. C. §41; Amended December 28, 1916, October 30, 1918 and October 14, 1948. Filed with the City Clerk on October 20, 1948 and published in the City Record October 25, 1948.)

§54. Dwellings; sanitary conditions; duties of owner and lessee.

1. No owner or lessee of any building, or any part thereof, shall lease or let or hire out or allow the same or any part thereof to be occupied by any person, or allow any one to dwell or lodge therein, except when said building or such parts thereof are sufficiently lighted, ventilated, provided, and accommodated, and are in all respects in that condition of cleanliness and wholesomeness for which this code or any law of this state provides, or in which the said code or any such law requires any such premises to be kept. Nor shall any such person, having power to prevent the same, rent, let, hire out, or allow, to be used as or for a place of sleeping or residence, any cellar in any building, or any room of which the floor is damp by reason of water from the ground, or which is impregnated or penetrated by any offensive gas, smell, or exhalation, prejudicial to health.

2. Notwithstanding the provisions of subdivision 1 of this section, an apartment or room in a cellar of a tenement as defined in subdivision 11 of section 4 of the multiple dwelling law which was occupied for living purposes on April first, nineteen hundred fifty-three, may thereafter continue to be occupied for such purposes until July first, nineteen hundred fifty-five provided that such apartment or room and such cellar comply with the following standards:

a. Light and ventilation—size of rooms

1. Each room used for living purposes shall be in compliance with the requirements of section 31, subdivision 6; section 213, subdivision 2 and 3, and section 214, subdivision 1, paragraphs a and c, of the multiple dwelling law.

2. The arrangement of rooms in cellars of tenements existing before April twelfth, nineteen hundred one shall be in compliance with the requirements of section 213, subdivision 3, of the multiple dwelling law.
3. The arrangement of rooms in cellars of tenements erected on or after April twelfth, nineteen hundred one shall be in compliance with the requirements of section 213, subdivision 2, of the multiple dwelling law.
4. The size of rooms in cellars of tenements erected after April twelfth, nineteen hundred one shall be in compliance with the requirements of section 214, subdivision 1, paragraphs a and c, of the multiple dwelling law.
5. All windows shall be maintained in a good condition of repair and be readily openable.
6. All court and areaway walls adjacent to the windows of rooms in apartments in cellars shall be white-washed or painted with a light-colored paint.
7. Each room used for living purposes shall have at least one electrical outlet, for lighting purposes.
8. All passageways shall be adequately lighted at all times (including outside areaway adjoining entrance), and free of noxious fumes or odors.

b. Sanitary facilities
1. Each apartment in the cellar shall be provided with a separate water-closet compartment for exclusive use of the occupants.
2. The water-closet compartment shall be conveniently located on the same level with the cellar apartment, shall be completely closed off from all other parts of the cellar, and shall be ventilated in conformity with the provisions of sections 76 and 250 of the multiple dwelling law.
3. Each apartment in the cellar shall be provided with bathing facilities similar to the accommodations provided for such purpose in the apartments above the first-story level. In any event, there shall be at least one bathtub or a combination wash-tray and bathtub within each cellar apartment.
4. Each cellar apartment shall be provided with a sink or a wash-basin. The trap for such fixture shall be not less than two (2) inches in diameter.
5. Every bath, shower, basin or sink shall be supplied with running hot and cold water. In the case where the entire building is not supplied with a central hot-water supply system, cellar apartments shall be equipped to provide hot water in the same manner as the other apartments in the building.
6. All plumbing shall be properly connected, free of leaks and obstructions, and have proper water-pressure. All house traps must be properly sealed and maintained gas-tight.

c. Sanitary conditions
1. The premises shall be clean and free from rodents and vermin.
2. All yards and courts and all parts of the cellar shall be free and clear of all rubbish and debris.
3. All yard, court and areaway drains shall be kept in good working order and free of obstruction.
4. Where dumbwaiters are provided extending to the cellar, the part of the dumbwaiter shaft therein shall be clean, with no accumulation of refuse or garbage therein. The dumbwaiter shaft shall be provided with self-closing doors of incombustible material.
5. All openings and windows shall be protected from the entry of rodents.

d. Ceiling and walls; sanitary condition and heights
1. Walls, ceilings and floors shall be maintained in good condition of repair and free of dampness, and shall have reasonably smooth surfaces, free of holes and cracks in which vermin may harbor. Walls and ceilings shall be finished with light-colored, easily-cleaned non-absorbent material.
2. The ceiling and walls of the cellar (outside of the apartment) shall be whitewashed periodically.
3. Minimum height of ceilings shall be seven (7) feet, except that within the living rooms at any point eighteen (18) inches or less from the side walls there may be a clearance of at least six (6) feet three (3) inches between the finished floor and any pipe, beam, or other appurtenance of the building.

e. Heating

1. Each cellar apartment shall be heated from a central heating plant or by other means, except kerosene heaters and portable gas heaters.

f. Structural arrangement; egress facilities; fire protection

1. Partitions separating apartments from other parts of the cellar and all partitions within the apartments shall be of wood stud and lath, and shall be plastered or covered with plaster boards on both sides. Matched-board or other wood partitions and all dwarf partitions are prohibited.
2. Except for windows, access doors, and partition sash windows, each room within the cellar apartment which is used for living purposes shall be completely separated from every other room and every hall within such apartment.
3. No room in the cellar apartment shall be occupied by a boarder or roomer.
4. Two means of egress shall be provided for each cellar apartment. One such means of egress shall lead to the street and the other means of egress shall lead to a rear yard. Access to the street may be obtained either by means of an existing interior stair connected to the first story public hall which in turn provides access to the street, or by means of a front areaway which provides egress by a stair to the street. In any event, window openings shall not be considered as an adequate means of egress.
5. At least one of the two means of egress shall be so arranged that it will not be necessary to pass through any boiler room or heater room in order to gain access to the street or to the yard.
6. All passageways and exits shall be free of encumbrances.
7. Inside and outside stairs providing egress from the cellar shall be in good condition and repair and be provided with suitable handrails.
8. There shall be no accumulation or storage of refuse, papers, or inflammable or useless material in the cellar.
9. All electric or gas-fired cooking equipment shall be maintained in good condition. All gas appliances shall be connected with rigid piping, shall operate properly, shall be free from leaks, and shall have adequate gas-pressure. All electric wiring shall be of the permanent type, in conformity with the requirements of the department of water supply, gas and electricity.
10. Kerosene-burning equipment is prohibited in cellar apartments.
11. All doors opening to the public halls from rooms or apartments in cellars, and all outside doors, shall be in good condition of repair and be provided with self-closing devices.

(Amended July 14, 1953. Filed with the City Clerk July 22, 1953 and published in the City Record August 1, 1953.)

***§58. Stables; to be maintained in accordance with the Regulations of the Board of Health.**

No stable shall be maintained in the City of New York without a permit therefor issued by the Commisioner of Health or otherwise than in accordance with the terms of said permit and with the Regulations of the Board of Health. The provisions of this section shall apply to the owner, lessee, tenant, occupant, or person in charge of such stable.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section fifty-eight of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

§62. Sleeping in cellars or any place dangerous or prejudicial to life or health, prohibited.

1. No person having the right and power to prevent the same shall knowingly cause or permit any person to sleep or remain in any cellar, in any bathroom, in any room where there is a water-closet, or in any place dangerous or prejudicial to life or health, by reason of the want of ventilation or drainage, or by reason of the presence of any poisonous, noxious, or offensive odor or substance, or otherwise.

2. Notwithstanding the provisions of subdivision 1 of this section, an apartment or room in a cellar of a tenement as defined in subdivision 11 of section 4 of the multiple dwelling law which was occupied for living purposes on April first, nineteen hundred fifty-three, may thereafter continue to be occupied for such purposes until July first, nineteen hundred fifty-five provided that such apartment or room and such cellar comply with the standards prescribed by subdivision 2 of section 54 of the sanitary code.

(Amended July 14, 1953. Filed with the City Clerk July 22, 1953 and published in the City Record August 1, 1953.)

ARTICLE 5

Cold Storage

***§73. Issuance of certificates for pork refrigerated for the destruction of trichinae regulated; permit required.**

No person shall issue any certificate certifying the refrigeration of pork at a temperature and for the period necessary for the destruction of trichinae, without a permit issued therefor by the Commissioner of Health or otherwise than in accordance with the terms of said permit and with the regulations of the Board of Health.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section seventy-three of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

ARTICLE 7

Diseases

§86. Duty of persons in charge of hospitals, and of physicians, to report certain diseases and conditions.

1. It shall be the duty of the manager, superintendent, or person in charge, of every hospital, institution, or dispensary, in The City of New York, to report in writing to the Department of Health, the full name, address and age of every occupant or inmate thereof, or person treated therein, affected with any one of the diseases or conditions mentioned in the list contained in subdivision 3 hereof, stating the name of the disease or condition and the date of onset, within 24 hours after the time when the case is diagnosed, except that in the case of a venereal disease the initials instead of the name may be given. It shall be the duty of every physician in the said city to make a similar report to the said department within the same period, relative to any person found by such physician to be affected with any one of the said diseases or conditions.

2. The word "condition" as used in this section shall be taken to mean any of those reportable pathological conditions or matters listed herein in subdivision 3 under the headings entitled "Communicable Disease Carriers", "Food Poisoning", "Miscellaneous" and "Occupational Diseases". Wherever in said list reference is made to another section of the Sanitary Code, any additional requirements or reporting of additional information prescribed in such other section shall be complied with. Wherever in said list any disease or condition is marked by an asterisk (*), such disease or condition shall be reported immediately by telephone or messenger in addition to the written report as required herein.

3. The reportable diseases and conditions are as follows:

A. COMMUNICABLE DISEASES

Actinomycosis.
Ancylostomiasis (Hookworm disease).
*Anthrax.
Chancroid (See Section 88).
Chicken Pox (Varicella).
*Cholera (Asiatic).
Conjunctivitis, acute infectious.
(a) Ophthalmia neonatorium.
(b) Acute epidemic conjunctivitis (Suppurative conjuctivitis, pink eye).

*Diarrhea in the newborn up to 3 weeks of age occurring in a nursery for the newborn.
Diphtheria.
Diphyllobothrium latum infection.
Dysentery.

(a) Amebic (Including Amebiasis).

(b) Bacillary.

Encephalitis, epidemic, acute, all forms.
Echinococus disease.

Filariasis, all forms.

German Measles (Rubella).
Glanders.
Gonococcal infection (Gonorrhea) (See Section 88).
Granuloma inguinale (See Section 88).

Hepatitis, infectious (Acute catarrhal jaundice, homologous serum jaundice, post-transfusion hepatitis).

*Impetigo contagiosa neonatorum occurring in a hospital giving maternity service.
Influenza.

Kerato-conjunctivitis, infectious (Superficial punctate keratitis or nummular keratitis).

Leprosy.
Leptospirosis icterohemorrhagica (Weil's Disease).
Lymphogranuloma Venereum (Venereal Lymphadenitis, Durant-Nicholas Favre). (See Section 88).

Malaria.
Measles (Rubeola).
Meningitis, meningococcus (Epidemic cerebrospinal meningitis), including meningococcemia.
Mumps (Parotitis, epidemic).

Paratyphoid fever.
*Plague, all forms.
Pneumonia, primary atypical (virus pneumonia or pneumonia of unknown itiology).
Pneumonia, all other forms (Give etiological agent, if determined).
*Poliomyelitis, anterior, acute (Infantile paralysis.)
*Psittacosis (Parrot fever) including Ornithosis.
*Rabies (human).

Rickettsialpox.
Rocky Mountain spotted fever.

Scarlet Fever (Scarlatina) (See Streptococcal sore throat).
Schistosomiasis.
Septicemia, puerperal (Every case of infection accompanied by rise of temperature during the puerperal period, and which is related to the delivery and is not due to other obvious cause. By rise in temperature is meant an oral temperature of 100.4° F. (38° C) or higher taken by standard technique at least four times a day on any two of the first ten postpartum days, exclusive of the first 24 hours).
*Smallpox (Variola).
Streptococcal sore throat, including Scarlet Fever.
Syphilis (See Section 88).

Tetanus.
Trachoma.
Trichinosis.
Tuberculosis, all forms.
Tularemia.
Typhoid fever.
Typhus fever.

Undulant fever (Malta fever).

Whooping Cough (Pertussis).

Yellow Fever.

B. COMMUNICABLE DISEASE CARRIERS.

*Cholera (Asiatic).
Diphtheria.
Dysentery.
(a) Amebic (Including Amebiasis).
(b) Bacillary.
Paratyphoid fever.

C. FOOD POISONING.

Botulism.
*Food Poisoning—group of cases. (The occurrence of a number or group of cases of illness, including group cases of diarrhea or sore throat, which appear to be due to the consumption of unwholesome, spoiled, contaminated or poisonous articles of food).

D. OCCUPATIONAL DISEASES.

Any disease or poisoning due to occupation.

E. MISCELLANEOUS.

*Abortions, criminal (See Section 90).
*Animal bites (See Section 10).
Drug poisoning — (Poisoning, acute or chronic, by drugs due to self medication or on prescription).
Any other poisoning by inhalation or ingestion of toxic agents.

(S. C. §133; Amended September 17, 1918, January 27, 1921, December 27, 1928, December 30, 1930, June 23, 1931, November 21, 1933, October 22, 1935, December 8, 1936, June 8, 1939, January 12, 1943, May 11, 1943, January 11, 1944, December 12, 1944; December 11, 1945, March 11, 1947, September 9, 1947, October 14, 1947, January 13, 1948 and amended June 14, 1949. Filed with the City Clerk June 20, 1949 and published in the City Record June 28, 1949.)

REGULATIONS

§87. Regulations governing the reporting and control of tuberculosis.

Regulation 8. Records to be confidential. 1. All reports of cases of tuberculosis made in accordance with the provisions of this section, and all records of clinical or laboratory examinations for or indicating the presence of tuberculosis, are confidential and shall not be open to inspection by the public or by any person other than the Commissioner of Health, an authorized representative of the Department of Health, and such other persons as may be authorized by law to inspect such reports and records, without the consent in writing of the person whose record it is or his legal representative. If the person to whom such records relate is dead, such records shall not be open to inspection without the consent in writing of his legal representative, and if there be none of the next of kin of the deceased in the following order of priority:

a. Husband or wife.

b. Children over the age of twenty-one (21) years. If all children are under the age of twenty-one (21) years the guardian or guardians thereof duly appointed by a court of competent jurisdiction may issue such consent.

c. Grandchildren over the age of twenty-one (21) years. If all grandchildren are under the age of twenty-one (21) years the guardian or guardians thereof duly appointed by a court of competent jurisdiction may issue such consent.

d. Father and mother, or the survivor thereof.

e. Brothers and sisters.

f. Any other next of kin in equal degree to the decedent who are or would be entitled to share in the decedent's estate, if any.

2. If there are two or more persons who are authorized under subdivision 1 of this regulation to issue such consent, the consent of all shall be required, except that where a person entitled to give such consent cannot be located or is outside of the United States, the Commissioner

of Health or his duly designated representative may, in his discretion, dispense with the consent of such person, provided that such person has not filed within ten (10) days after the application for inspection, written objections thereto. Before such records are open to inspection there shall be submitted proof, satisfactory to the Commissioner of Health or his duly designated representative, that all persons entitled under subdivision 1 of this regulation to give such consent, have so consented, or that their consent has been dispensed with as hereinbefore provided.

3. The Commissioner of Health or his authorized representative may furnish such information as he deems proper and necessary to a physician or institution giving further treatment to a person affected with tuberculosis, or an agency approved by the Commissioner of Health for the purpose of prevention, treatment or social care, or to any person to whom the Commissioner of Health or a representative designated by him for that purpose deems necessary to divulge such information for the protection of health.

4. Except as provided by law, no custodian of any report or record mentioned in this section, the Commissioner of Health or any other person, institution or agency having control of or access to such reports or records shall divulge any part thereof so as to disclose the identity of the person to whom it relates.

(Amended July 12, 1949. Filed with the City Clerk July 15, 1949 and published in the City Record July 20, 1949.)

Regulation 10. Personnel; schools; agencies giving care to children.

(a) The board, officers, or other persons having charge, management or control of an educational institution shall require triennially, and the board, officers, or other persons having charge, management or control of an agency giving care to children shall require biennially, of all teachers and other employees who work in such educational institution or agency giving care to children and who come in contact with the students or children, and for new appointees at time of appointment, a certificate from a physician, on a form furnished by the Department of Health, certifying such teacher or other employee to be free from active tuberculosis. The certificate shall be based on a chest X-ray provided by the physician or the Department of Health. When the X-ray is provided by a physician, such teacher or employee shall submit the X-ray, properly identified, and certificate on form furnished by the Department of Health of The City of New York to the authorities of the educational institution or agency giving care to children not more than thirty (30) days after the taking thereof, for review by the Department of Health. In every case where the X-ray so submitted is not satisfactory, an X-ray of the chest of such teacher or employee shall be made by the Department of Health. The authorities of the educational institution or agency giving care to children shall place and keep on file the certificate of freedom from disease in communicable form but no such certificate shall be placed on file unless the X-ray has been made or reviewed by the Department of Health. Where the X-ray discloses a suspicious condition which cannot be properly evaluated on a single X-ray, such fact shall be endorsed on the certificate and the chest of such teacher or employee shall be further X-rayed, his sputum examined and such physical examinations by the Department of Health as may be indicated, made at such intervals as the said Department may require.

(b) No teacher or other employee affected with tuberculosis in a communicable or potentially communicable form shall be allowed to return to duty unless evidence, satisfactory to the Department of Health, is provided indicating freedom from such disease in a communicable form.

(c) The commissioner of health may in writing shorten the intervals of reexamination prescribed in subdivision (a) of this regulation to such intervals as he may deem, in his opinion, necessary for the protection of the health of the children who attend such educational institutions or agencies giving care to children.

(Amended June 8, 1953. Filed with the City Clerk June 18, 1953 and published in the City Record July 24, 1953.)

REGULATIONS

§88. Regulations 1-11 governing the examination, treatment, isolation and detention of persons affected with venereal diseases.

Regulation 2. Specimens of blood and bodily discharges to be obtained.

(b) Such specimens shall thereafter be promptly delivered to a laboratory of, or one approved by, the Commissioner of Health of the Department of Health of the City of New York, and in no event later than twenty-four (24) hours from the time such specimens have been obtained. In every case of a suspicious primary lesion of syphilis, such examining physician shall immediately refer the patient to a Health Department clinic or such an approved laboratory for dark field examination.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

Regulation 4. Treatment.—Every person who by the examination as provided for in Section 343gg of Article 17-b of the Public Health Law, is found to be suffering from or infected with syphilis, gonorrhea, chancroid, lymphogranuloma venereum or granuloma inguinale, in a communicable form, or who is reported to the Department of Health as suffering from or infected with syphilis, gonorrhea, chancroid, lymphogranuloma venereum or granuloma inguinale, in a communicable form, shall submit to an approved prescribed course of treatment, including in the case of syphilis, the use of penicillin or any equally effective antibiotic or drug and/or both arsenoxide and bismuth, administered by approved methods, unless there are specific contraindications to the use of any one of these drugs, and in the case of gonorrhea the use of a suitable antibiotic or medicinal preparation.

(Amended July 10, 1950. Filed with the City Clerk July 12, 1950 and published in the City Record July 15, 1950.)

§91. Isolation of persons affected with communicable disease, et cetera; quarantine of premises and exclusion of contacts.

1. It shall be the duty of every physician, immediately upon discovering a person affected with, or suspected of having a communicable disease, or being a carrier of communicable disease germs, to secure the isolation of such person, the quarantine of the premises, the exclusion of contacts from school or work, and to take such other action, as is or may be required by the regulations of the Board of Health.

2. The term "contacts" as used herein shall be taken to mean and include school principals, school superintendents, school teachers or instructors, school children, school custodians or attendants, librarians, and supervisors and instructors at, and children attending, an agency giving day care to children.

(Amended September 9, 1947. Filed with City Clerk September 19, 1947 and published in the City Record September 25, 1947.)

(This section, as it appears in the February 10, 1948 edition, is incorrect).

§95. Acts tending to promote spread of disease prohibited.

No person shall by any exposure of any individual sick of any communicable disease, or of the body of such person, or by any negligent act connected therewith, or in respect of the care or custody thereof, or by a needless exposure of himself, cause, contribute to, or promote, the spread of disease from any such person, or from any dead body.

(S. C. §143; Amended October 22, 1935, formerly §100; amended and renumbered §95 September 9, 1947; amended July 8, 1947 and further amended June 8, 1948. Filed with the City Clerk June 10, 1948 and published in the City Record June 15, 1948.)

REGULATIONS

§99. Regulations 1-12 governing the conduct and maintenance of dispensaries or clinics where human beings affected with syphilis, gonorrhea, chancroid, lymphogranuloma venereum or granuloma inguinale, communicable eye diseases or pulmonary tuberculosis are treated or cared for.

Regulation 10. Special requirements for syphilis.

(c) Penicillin or an equally effective antibiotic or drug and/or both arsenoxide and bismuth to be administered. The obligation to bring to an end the communicable stage at the earliest possible moment rests

on the dispensary or clinic to which the patient applies for treatment. Penicillin or any equally effective antibiotic or drug and/or both arsenoxide and bismuth shall be administered by approved methods to all cases of syphilis in a communicable form, unless there are specific contraindications to the use of any one of these drugs.

(Subdivision (c) amended May 5, 1950. Filed with the City Clerk May 15, 1950 and published in the City Record May 19, 1950.)

***§103. Clinical laboratories regulated and defined.**

1. No person shall conduct, maintain or operate a clinical laboratory in The City of New York without a permit therefor issued by the Commissioner of Health or otherwise than in accordance with the terms of said permit and the regulations of the Board of Health.

2. The term "cliincal laboratory" as used herein shall be deemed to mean any laboratory in which are performed bacteriological, biochemical, chemical, histological, pathological, physiological, serological, or other laboratory tests, examinations or analyses which contribute in any way as a help in the diagnosis, prophylaxis or treatment of disease or condition of the body.

3. No person shall conduct, maintain or operate a station or office in The City of New York for the reception of materials to be examined at a clinical laboratory outside The City of New York unless such laboratory is approved by the New York State Department of Health.

4. The provisions of this section shall not apply to a physician or group of physicians duly licensed under the laws of the State of New York who make such tests, examinations or analyses personally or by their own employees only in connection with the treatment and care of their own patients. They do, however, apply to a person or persons conducting such a laboratory on his or their own responsibility, even though materials are examined only for a specific physician or group of physicians.

(Adopted June 28, 1917; amended June 21, 1927, June 11, 1929, December 6, 1932, July 10, 1935, February 11, 1941. Filed with the City Clerk February 18, 1941 and published in the City Record February 20, 1941; formerly §105 renumbered §103 September 9, 1947 and generally revised July 9, 1948, effective September 1, 1948. Filed with the City Clerk July 19, 1948 and published in the City Record July 23, 1948. Amended July 12, 1949. Filed with the City Clerk July 15, 1949 and published in the City Record July 20, 1949 and Subdivision 1 amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section one hundred three of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

REGULATIONS

Regulations governing the conduct and maintenance of clinical laboratories.

Regulation 1. Application and permit. Application for a permit to conduct or maintain a clinical laboratory shall be made by the owner of the laboratory and the director on forms furnished by the Department of Health. A permit to conduct a clinical laboratory where the owner is not the director shall be issued jointly to the owner and the director thereof for the premises stated therein, and they shall be severally and jointly responsible to the Department of Health for the maintenance and conduct thereof, or for any violations of the Sanitary Code or the regulations adopted thereunder. There shall be designated thereon the classifications of the tests, examinations or analyses that may be performed in said laboratory, and no laboratory shall make or undertake to make any tests, examinations or analyses other than those within the classifications designated on the permit. The permit shall be valid for a period of one year from the date of issuance.

Regulation 2. Clinical laboratories. Clinical laboratories may make examinations only at the request of a physician or other person authorized by law to employ the results thereof in the conduct of his practice. The reports of such examinations must be reported directly to the physician or other authorized person requesting the examinations and not to the patients concerned except with the written consent of the physician or other authorized person.

Regulation 3. Director to be in charge; qualifications. No permit shall be issued to conduct a clinical laboratory unless such clinical laboratory shall have as a director in charge a person who shall be either: (a) a physician who is duly licensed to practice medicine in the State of New York, and who shall have had subsequent to graduation, four or more years of general clinical laboratory training in an acceptable laboratory; two years of which shall have been in the laboratory of an acceptable hospital, university or research institute; or (b) a person who was the holder of a director's permit issued by the Board of Health at any time within the year prior to February 11, 1941, pursuant to the then existing regulation; or (c) the holder of a temporary director's permit issued by the Commissioner of Health. A temporary director's permit for one year may be issued to a physician who is eligible to take the examination for license to practice medicine in the State of New York and who has the practical experience required in item (a) of this regulation. Not more than one such temporary director's permit shall be issued to any one physician. No laboratory may function without a director, and it shall be the duty of the director and the owner of a laboratory immediately to notify the Department of Health in writing of a termination of employment of a director or of a severance of a director's connection with the laboratory. In the temporary absence of a director for two weeks or more, a person satisfactory to the Department of Health shall be in charge of the laboratory. In such case, a request in writing shall be made to the Department of Health for the approval of the person who is to act as the temporary director, but such approval shall not be given for a period of more than two months. No qualified director shall direct more than two laboratories, exclusive of hospital laboratories which do not employ full time directors, without specific approval by the Board of Health.

Regulation 4. Duties of director. The director of a clinical laboratory shall direct, supervise and be personally responsible for all tests, examinations and analyses made in the laboratory of which he is in charge, and shall sign or countersign all reports of tests, examinations and analyses made in the said laboratory. The director shall be responsible for the appointment and employment of competent technicians who are suitably qualified for the work to which they are assigned.

Regulation 5. Permits revocable. Change of location or of ownership or of a director of a laboratory shall result in the forthwith revocation of the permit. Such permit may also be revoked in the discretion of the Commissioner of Health for violation of the Sanitary Code or its regulations or for other cause deemed sufficient by the Commissioner of Health.

Regulation 6. Laboratories in city hospitals exempted. Clinical laboratories in hospitals operated by The City of New York shall not be required to obtain a permit pursuant to Section 103 of the Sanitary Code, except that no such laboratory shall be approved for prenatal or premarital serological tests as required under the Public Health Law and the Domestic Relations Law respectively, unless it holds such a clinical laboratory permit for serology.

Regulation 7. Adequate equipment, location, ventilation and lighting required. No clinical laboratory shall be conducted or maintained, except in a part of a building or structure sufficiently and adequately lighted and ventilated by natural or artificial means. All tests shall be made in that part of the premises exclusively set apart for laboratory purposes, and the dimensions thereof and the equipment thereof shall be approved by the Bureau of Laboratories as sufficient to properly perform such tests, examinations or analyses of specimens as the laboratory undertakes to make. A laboratory shall be open to inspection at all times by authorized representatives of the Department of Health.

Regulation 8. Tissue specimens. All tissue specimens shall be examined and reported upon only by a qualified pathologist approved by the Department of Health, who shall sign every report of a tissue specimen examined by him upon the forms of the laboratory where he is employed or is the consultant. All such reports shall be countersigned by the director of such laboratory.

Regulation 9. Trial specimen. Every clinical laboratory shall examine and report promptly on all specimens submitted to it by the Bureau of Laboratories for the purpose of determining the accuracy of its work.

Regulation 10. Signs, advertisements. Signs or advertisements at locations other than clinical laboratories must state that specimens are received only for forwarding to such laboratories at the request of physicians or other authorized persons.

Regulation 11. Specimens to be numbered. Every specimen received at the laboratory for examination, test or analysis shall be numbered and so designated as definitely to establish the identity of each particular specimen.

Regulation 12. Records to be kept. The director of the laboratory shall cause a record to be kept wherein shall be entered the following information.

(a) The laboratory number and date of the receipt of every specimen to be tested, examined or analyzed.

(b) The initials (or an identifying number) of the person from whom the specimen was taken.

(c) The name and address of the physician or other authorized person submitting the specimen.

(d) The name of the person with date to whom the report of the result of the test is forwarded.

(e) The date the report of the result of the examination was forwarded to the Department of Health.

(f) The result of the laboratory test.

Copies of all reports shall be kept for at least one year and said reports, register or other records shall be open to inspection by a duly authorized representative of the Department of Health.

Regulation 13. Classification of test, etc. The tests, examinations or analyses to be designated on each permit to conduct a clinical laboratory, and each permit to act or be engaged as a Director shall be designated under the following classifications:

1. Bacteriology
2. Haematology
3. Biochemistry
4. Serology
5. Clinical Pathology
6. Surgical Pathology
7. Special examinations not included in other classifications.

Provided, that where the permit is issued for only certain tests, examinations or analyses under one of the aforesaid classifications, then the particular tests, examinations or analyses under such classification shall be designated in the permit, and the permittee shall be limited to such designated tests, examinations or analyses.

Regulation 14. Reports of positive findings to the Department of Health. The Director of every clinical laboratory shall report in writing within 24 hours, to the Bureau of Preventable Diseases of the Department of Health, the positive results of all examinations made of specimens in which were found:

1. Klebs-Loeffler bacilli, (presumptive diphtheria)
2. Tubercle bacilli, (tuberculosis)
3. Bacillus typhosus, (typhoid fever) Positive Widals (typhoid fever)
4. Bacillus paratyphosus A or B, (paratyphoid fever) Agglutination test (paratyphoid fever)
5. Intracellular Gram-negative diplococci in smears having the morphological characteristics of gonococci, (gonorrhea)
6. Intracellular Gram-negative diplococci in spinal fluid having the morphological characteristics of meningococci, (epidemic cerebrospinal meningitis)
7. All positive Wassermans, Kahn or Kline tests or modifications thereof, (syphilis)

8. Other laboratory findings which indicate the presumptive presence of any disease mentioned in Section 86 of the Sanitary Code

giving the name or initials or identifying number and address of the person from whom the specimen was taken, the name and address of the person forwarding the specimen and to whom the report was sent. After an initial positive result has been reported subsequent positive results in the case of the same patient need not be reported to the Department of Health.

Regulation 15. Separate application for directorship. A person who is not at the time engaged as a director of a clinical laboratory but desires to qualify as such, may file an application with the Bureau of Laboratories for such purpose on the form furnished by the Department of Health. A person who so qualifies shall be eligible to be employed as a director of a clinical laboratory at any time within a year from the date of qualification, upon the filing of a proper application for a permit to conduct a clinical laboratory as provided for in these regulations.

(Adopted June 28, 1917; amended December 11, 1917, December 31, 1918; section and regulations revised June 21, 1927; amended August 8, 1928; generally revised June 11, 1929; amended December 6, 1932, July 10, 1935 and February 11, 1941. Filed with the City Clerk February 18, 1941 and published in the City Record February 20, 1941. Former §105 renumbered §103 September 9, 1947; amended July 9, 1948, effective September 1, 1948. Filed with the City Clerk July 19, 1948 and published in the City Record July 23, 1948. Regulation 3 amended July 12, 1949. Filed with the City Clerk July 15, 1949 and published in the City Record July 20, 1949 and Regulations 3 and 5 amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

§104. Precautions to be observed by physicians for the prevention of ophthalmia neonatorum. 1. It shall be the duty of every physician in attendance on a confinement case, to instill in the eyes of the new-born child, immediately after delivery and before expulsion of the after-birth, a one (1%) per cent solution of nitrate of silver or an equally effective agent in order to prevent the development of ophthalmia neonatorum.

2. Whenever, in a specific case, the Board of Health is of the opinion that the carrying out of the strict letter of this section is not necessary for the prevention of ophthalmia neonatorum, such Board, in its discretion and in such specific case, may modify or waive the provisions of this section upon such conditions as it may deem necessary for the protection of the new-born children to whom such modification or waiver is applicable.

(Amended April 13, 1953. Filed with the City Clerk April 28, 1953 and published in the City Record May 1, 1953.)

***§107. X-ray laboratories; permit required.**

No person shall maintain, operate or conduct an X-ray laboratory or advertise or hold out to the public that an X-ray laboratory is maintained, operated or conducted, wherein radiographs are taken, diagnoses made or human beings examined or treated by X-rays, without a permit therefor issued by the Commissioner of Health, or otherwise than in accordance with the terms of said permit and with the Regulations of the Board of Health.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section one hundred seven of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

REGULATIONS

REGULATIONS GOVERNING THE CONDUCT AND MAINTENANCE OF X-RAY LABORATORIES IN THE CITY OF NEW YORK.

Regulation 6. Revocation of permit. A permit issued hereunder may be revoked at the discretion of the Commissioner of Health for violation of the Sanitary Code or of any regulation adopted thereunder, or for such other cause as may be deemed sufficient by the Commissioner of Health.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

***§107a. Shoe Fitting Fluoroscopy.**

No person shall maintain or operate an apparatus used for shoe fitting fluoroscopy, or advertise or hold out to the public that an apparatus used for shoe fitting fluoroscopy is maintained or operated, without a permit therefor issued by the Commissioner of Health, or otherwise than in accordance with the terms of said permit and with the regulations of the Board of Health.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section one hundred seven a of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

REGULATIONS

REGULATIONS GOVERNING THE OPERATION AND MAINTENANCE OF APPARATUS USED FOR SHOE FITTING FLUOROSCOPY.

Regulation 7. Revocation of permit. A permit issued hereunder may be revoked at the discretion of the Commissioner of Health for violation of the Sanitary Code or of any regulation adopted thereunder, or for such other cause as may be deemed sufficient by the Commissioner of Health.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

§108. Blood donors and use of blood donors regulated; blood banks and plasma banks regulated; definitions.

2. No blood bank or plasma bank shall be maintained or operated in The City of New York, other than in hospitals maintained by The City of New York, in hospitals in which there is a clinical laboratory under permit from the Board or Commissioner of Health for bacteriology, blood typing and serology, or in places where special permission has been granted by the Board or Commissioner of Health, or otherwise than in accordance with the regulations of the Board of Health.

(Subdivision 2 amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

REGULATIONS

Regulations governing Blood Donors, Blood Banks and Plasma Banks

Regulation 1. Grouping of professional blood donors donating blood for immediate transfusion or storage in a blood bank.

The blood grouping of each professional blood donor donating blood for immediate transfusion or for storage within a blood bank for whole blood transfusion shall be established by suitable tests performed at laboratories of hospitals maintained by The City of New York or in clinical laboratories under permit of the Board or Commissioner of Health by testing his blood with known group specific sera and it is recommended that his serum be tested against known group A and group B corpuscles (international classification).

Regulation 3. Physical, seriological and other examinations of all professional and voluntary blood donors required immediately prior to transfusion or collecting of blood.

(b) The physical examination shall include an examination of the following organs: skin, mouth, pharynx, heart, lungs, abdomen (particularly liver and spleen) and the lymphatic glands, and in the male, the anus and genitalia. The donor shall approximate an average weight for height according to standard tables. The pulse and temperature of the blood donor shall also be taken and any indication that the blood donor's condition is not normal shall debar such donor from service at that time. No blood donor shall be used for transfusion purposes who exhibits suspicious scars or symptoms of syphilis, gonorrhea or other venereal disease or who gives a history of jaundice within the past year not due to common duct obstruction, syphilis, malaria, relapsing fever, trypanosomiasis, leishmaniasis, or of donating blood in excess of the maximum amount as stated in Regulation 2, or who presents evidence of

heart disease, diabetes, hyperthyroidism, hypertension greater than either 180 systolic or 100 diastolic, leukemia, asthma, tuberculosis, venereal disease or any other communicable disease, evidence of drug addiction, or who has any obvious infection of the teeth or gums with suppurative lesions. No female who is pregnant or is post-partum less than a period of one year shall be permitted to act as a blood donor except in an emergency or where her physician certifies his approval in writing. An individual under the age of 18 or over the age of 60 shall not be used as a donor except in an emergency.

(Subdivision (b) of Regulation 3 amended March 8, 1949. Filed with the City Clerk March 15, 1949 and published in the City Record March 19, 1949. Regulation 1 amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950 and Regulation 1 amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

***§109. Blood Donor Agency.**

No person shall conduct, maintain or operate a blood donor agency in the City of New York without a permit therefor issued by the Commissioner of Health or otherwise than in accordance with the terms of the said permit and the regulations of the Board of Health.

Blood Donor Agency defined.—As used herein the term "blood donor agency" shall be taken to mean and include any office, registry, place or establishment which employs, engages or supplies or advertises or holds out to employ, engage or supply any person or persons whose blood is or may be used for transfusion purposes.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section one hundred nine of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

REGULATIONS GOVERNING BLOOD DONOR AGENCY

Regulation 1. Applications. Applications for permits to conduct or manage a blood donor agency shall be made by the individual who proposes to conduct same, and if by a corporation, by an officer thereof and if by a co-partnership, by one of the members of the said co-partnership, upon official forms furnished for such purposes by the department of health.

Regulation 2. Records. In every blood donor agency a record shall be kept by the owner thereof in which shall appear the name and address of every blood donor listed in such agency. Such record shall also contain a brief statement of the service rendered by every blood donor furnished by such agency and shall show the name of the physician who requested the service, the name of the patient served, the place where the transfusion occurred, the quantity of blood taken and the date of the transfusion. Such record shall be open to inspection by a representative of the department of health at all times.

Regulation 3. Permits not transferable. A permit issued to a particular person, firm or corporation shall not be transferred to any other person or corporation without the written consent of the department of health.

Regulation 4. Revocation. A permit issued herein shall be revoked by the commissioner of health for the violation of any of the above regulations.

(Adopted November 21, 1930. Regulations 2, 3, 4 amended January 11, 1944. Filed with the City Clerk January 13, 1944 and published in the City Record January 17, 1944; amended July 9, 1948. Filed with City Clerk July 19, 1948 and published in the City Record July 23, 1948. Repealed and reenacted October 14, 1948. Filed with the City Clerk October 20, 1948 and published in the City Record October 25, 1948. Regulation 4 amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

§110. Maternity and Newborn Services Regulated.

1. No person, partnership, organization, association or corporation shall operate, conduct or maintain a maternity and newborn service otherwise than in accordance with the regulations of the board of health.

2. As used in this section and the regulations hereunder, the term "maternity and newborn service" shall mean and include any hospital, institution or place in which, as a regular practice, pregnant women are delivered of babies or pregnant and puerperal women receive obstetric care, or in which newborn infants receive care. In the case of a hospital, institution or place which has other services, only that part in which, as a regular practice, pregnant women are delivered of babies or pregnant and puerperal women receive obstetric care or in which newborn infants receive care shall be deemed a maternity and newborn service within the meaning of this section. The care of a pregnant or puerperal woman in her residence or in a physician's office shall not constitute such residence or office a maternity and newborn service within the meaning of this section.

(Repealed and re-enacted April 13, 1953, effective June 1, 1953. Filed with the City Clerk May 4, 1953 and published in the City Record May 8, 1953.)

REGULATIONS GOVERNING MATERNITY AND NEWBORN SERVICES GENERAL REGULATIONS

Regulation 1. Definitions.

As used in these regulations, the following terms shall mean and include:

"Maternity service." Those parts of a maternity and newborn service where pregnant or puerperal women receive care.

"Newborn service." Those parts of a maternity and newborn service where newborn infants receive care.

"Maternity bed." Any bed in the maternity service, other than beds in the labor and delivery rooms, in which antepartum or postpartum patients receive care.

"Registered professional nurse." A nurse who has been graduated from a professional school of nursing and who holds a license issued by the department of education of the state of New York to practice as a registered professional nurse and who has registered with such department in accordance with the provisions of article 139 of the education law.

"Qualified nutritionist." Any person who has been graduated with a bachelor's degree in home economics from an institution of learning approved by the University of the State of New York and has had at least two years' experience as a nutritionist in a health or welfare agency; or who has received a master's degree in nutrition from such an institution and has had at least one year's experience as a nutritionist in a health or welfare agency; or who has had the equivalent of such training and experience.

"Qualified dietician." Any person who has been graduated with a bachelor's degree in home economics from an institution of learning approved by the University of the State of New York and has had an interneship as a dietician in a hospital approved by the American Dietetics Association, or who has had the equivalent of such training and experience.

"Qualified obstetrician." A physician who:

1. Is a dyplomate of the American Board of Obstetrics and Gynecology, or one whose training and experience would qualify for admission to the examination by such board, or
2. Is a fellow of the American College of Surgeons (in the specialty of obstetrics and gynecology), or
3. Has the rank of associate attending obstetrician or higher, at a voluntary or municipal hospital approved for residency training in obstetrics by the Council on Medical Education and Hospitals of the American Medical Association.

"Qualified pediatrician." A physician who:

1. Is a diplomate of the American Board of Pediatrics or one whose training and experience would qualify for admission to the examination by such board, or

2. Has the rank of associate attending pediatrician or higher, at a voluntary or municipal hospital approved for residency training in pediatrics by the Council on Medical Education and Hospitals of the American Medical Association.

"Qualified anesthetist." A physician who is a diplomate of the American Board of Anesthesiology or one whose training and experience would qualify him for admission to the examination by such board.

Regulation 2. Compliance with Related Laws.

Each maternity and newborn service shall conform to all local, state, and federal regulations relating thereto.

Regulation 3. Approval of Plans.

a. Each maternity and newborn service in existence on June 1, 1953 shall, on or before September 1, 1953 file with the department of health a floor plan drawn to scale showing the dimensions, layout and use of all rooms and other space assigned to such service together with such information as to staff, personnel, equipment and procedures as may be required by said department. Each maternity and newborn service proposed to be constructed after June 1, 1953 shall, before being constructed, file with the department of health, a floor plan drawn to scale showing the dimensions, layout and use of all rooms and other space assigned to such service together with such information as to staff, personnel, equipment and procedures as may be required by such department, and such proposed maternity and newborn service shall not be constructed unless such plan shall have been approved by said department. No change shall be made by an existing or proposed maternity and newborn service in the dimensions, layout or use of the rooms or other space as shown on the floor plan filed with or approved by the department of health as aforesaid, unless such change shall have been approved or ordered by said department.

b. In the event that it is necessary for a maternity and newborn service in existence on June 1, 1953 to make any major changes in the dimensions, layout or use of the rooms or other space assigned to such service in order to comply with the requirements of these regulations, such maternity and newborn service shall be allowed three years from the date when these regulations take effect to complete such changes.

Regulation 4. Maximum Number of Patients.

Each maternity and newborn service shall obtain from the department of health a written authorization stating the maximum number of maternity patients and the maximum number of newborn infants which may be accommodated at any one time in such service. No maternity and newborn service shall admit maternity patients or newborn infants beyond the number stated in such authorization except in cases of emergency.

Regulation 5. Copy of Regulations to be Kept in the Maternity and Newborn Service.

A copy of these regulations shall be kept in each maternity and newborn service.

Regulation 6. Right of Inspection.

Authorized representatives of the department of health shall be permitted to inspect any maternity and newborn service at any time.

Regulation 7. Records and Reports.

Every maternity and newborn service shall keep such records and submit such reports as the commissioner of health or his duly designated representative may deem necessary for the purpose of carrying out the provisions of these regulations. Such records shall be available for inspection at all times by authorized representatives of the department of health.

Regulation 8. Facilities, Equipment and Supplies to be Maintained in Proper Order.

All facilities, equipment and supplies required under these regulations or necessary for the care of maternity patients and newborn infants shall at all times be maintained in proper working order. All solution, drugs and medications shall be maintained as provided by section 220 of the sanitary code.

Regulation 9. Clinical Laboratory.

Every hospital, institution or place having a maternity and newborn service, shall have on its premises laboratory facilities adequate to perform such urinalyses and hemotological, chemical and bacteriological tests as are necessary for safeguarding the lives of maternity patients and newborn infants. Such laboratory facilities shall be subject to the provisions of section 103 of the sanitary code and the regulations thereunder. In addition, every maternity and newborn service shall perform or have performed all necessary clinical, pathological and biochemical laboratory determinations in a laboratory under permit issued by the board or commissioner of health pursuant to section 103 of the sanitary code.

Regulation 10. X-Ray Laboratory.

Every hospital, institution or place having a maternity and newborn service, shall have on its premises an X-ray laboratory. Such laboratory shall be subject to the provisions of section 107 of the sanitary code and the regulations thereunder.

Regulation 11. Elevators.

Every hospital, institution or place having a maternity and newborn service in which the patients are moved from one floor to another, shall provide an elevator for use by patients. Such elevator shall be of sufficient size to accommodate a stretcher.

Regulation 12. Food Served to Patients.

All food served to patients in a maternity and newborn service shall be selected and prepared under the supervision of a qualified nutritionist of a qualified dietician or a nurse with special training in dietetics.

Regulation 13. Physician to be Present at All Times.

There shall be at all times in every hospital, institution or place having a maternity and newborn service, one or more physicians on the premises available for the care of the patients.

STAFF AND PERSONNEL

Regulation 14. Staff Requirements and Service Regulations.

Every hospital, institution or place having a maternity and newborn service, shall file with the department of health a set of minimum requirements as to the professional qualifications of its obstetric, pediatric, nursing and administrative staff and rules for the conduct of the maternity and newborn service and any amendments or changes to such requirements and rules. Such services shall be maintained in accordance with such requirements and rules, as well as with all regulations under the sanitary code applicable thereto.

Regulation 15. Chief of Staff for Maternity Service; To Establish Rules for Consultation.

The maternity service shall be under the supervision and direction of a qualified obstetrician who shall be chief of staff of the maternity service. The name of the incumbent chief of staff shall be filed with the department of health. Such chief of staff shall be responsible for the establishment and enforcement of the rules for the maternity service referred to in regulation 14, including rules for consultation with a qualified obstetrician in the presence of specified medical conditions.

Regulation 16. Chief of Staff for Newborn Service; To Establish Rules for Consultation.

The newborn service shall be under the supervision and direction of a qualified pediatrician who shall be chief of staff of the newborn service. The name of the incumbent chief of staff shall be filed with the department of health. Such chief of staff shall be responsible for the establishment and enforcement of the rules for the newborn service referred to in regulation 14, including rules for consultation with a qualified pediatrician in the presence of specified medical conditions.

Regulation 17. Administration of Anesthesia and Resuscitation.

Anesthesia shall be given only by a qualified anesthetist or under the supervision of such anesthetist by a physician or a registered nurse who has had special training in the handling of apparatus and materials for the administration of anesthesia. The administration and storage of anesthesia materials shall be such as to minimize all hazards to life and health. Facilities for resuscitation of the maternity patient and newborn infant shall be provided and procedures for their use shall be performed by trained personnel.

Regulation 18. Nursing Supervisor of Maternity Service.

The nurses and nursing care of the maternity service shall be under the supervision and direction of a registered professional nurse with postgraduate education or experience in maternity nursing. Such nursing supervisor shall be a full-time employee of the hospital, institution or place having a maternity and newborn service, and shall not, while acting in such capacity, be assigned to any service other than the maternity service.

Regulation 19. Nursing Supervisor of the Newborn Service.

The nurses and nursing care of the newborn service shall be under the supervision and direction of a registered professional nurse with postgraduate education or experience in the nursing care of newborn infants. Such nursing supervisor shall be a full-time employee of the hospital, institution or place having a maternity and newborn service, and shall not, while acting in such capacity, be assigned to any service other than the newborn service.

Regulation 20. Supervision of Nursing Work.

All nursing work performed by student nurses, practical nurses and attendants in a maternity and newborn service shall be supervised by registered professional nurses.

Regulation 21. Registered Professional Nurse to be Present in Labor and Delivery Room Unit.

There shall be present at such times when a patient is present in the labor and delivery room unit prescribed by regulation 35, at least one registered professional nurse who shall have had education or experience in maternity nursing. Such registered professional nurse shall not, during the hours of her assignment to the labor and delivery room unit, be assigned to or perform any duties outside the labor and delivery room unit.

Regulation 22. Registered Professional Nurse to be Present in Antepartum and Postpartum Clinics.

Whenever an antepartum or postpartum clinic of a maternity and newborn service is in session, there shall be present at all times in such antepartum or postpartum clinic during such session at least one registered professional nurse who shall have had education or experience in maternity nursing. Such registered professional nurse shall not, during the hours of her assignment to the antepartum or postpartum clinic, be assigned to or perform any duties outside of such antepartum or postpartum clinic.

Regulation 23. Number of Persons Giving Nursing Care to Maternity Patients.

In each in-patient maternity service there shall be, in addition to those persons giving nursing care in the delivery or labor rooms, a minimum of one person giving nursing care to not more than ten maternity patients during the day shift and a minimum of one person giving such care to not more than twenty maternity patients during the other shifts. Of those persons giving such care, there shall be a ratio of at least one registered professional nurse for not more than 20 maternity patients during the day shift and one registered professional nurse for not more than 30 patients during the other shifts.

Regulation 24. Number of Persons Giving Nursing Care to Newborn Infants.

For newborn infants weighing at birth more than 2,000 grams (4½ pounds), there shall at all times be a minimum of one person giving

nursing care to not more than 12 such infants. Of those persons there shall at all times be a ratio of at least one registered professional nurse for not more than 24 such infants.

Regulation 25. Separate Nursing Staff for Maternity and Newborn Service.

The nursing staff of a maternity and newborn service while assigned to such service shall be separate and distinct from the nursing staff of other services of the hospital, institution or place of which such maternity and newborn service is part.

Regulation 26. Nurse Trained in Care of Premature Infants.

Each maternity and newborn service shall employ full-time at least one registered professional nurse who has had training or experience in the care of premature infants.

Regulation 27. Social Service.

Every hospital, institution or place maintaining a maternity and newborn service shall have a social service department or shall be affiliated with a qualified social service agency.

Regulation 28. Physical Examinations and Health Records of Personnel.

All personnel working in a maternity and newborn service or in kitchens serving such services shall have a pre-assignment and thereafter an annual medical examination, and such interim examinations as may be required by the hospital, institution or place having a maternity and newborn service or the commissioner of health or his duly designated representative. The preassignment and annual examinations shall include a chest X-ray. Individual records of the health examinations of all personnel shall be kept on file.

Regulation 29. Exclusion of Personnel with Symptoms of Communicable Disease.

All personnel having symptoms suggestive of illness shall report such fact to a physician to be designated by the hospital, institution or place having a maternity and newborn service and all personnel found by such physician to have symptoms or signs of communicable disease shall be excluded from the maternity and newborn service and from the kitchen serving patients in the maternity and newborn service until they have been found to be free from disease.

CARE OF MATERNITY PATIENTS

Antepartum Care

Regulation 30. Physical Facilities.

In a maternity and newborn service having an antepartum clinic, adequate and properly arranged accommodations and facilities should be be provided for the physical comfort and convenience of patients and personnel. Sufficient and properly equipped examining rooms should be provided for the daily caseload.

Regulation 31. Services.

The services furnished to antepartum patients shall include adequate equipment, facilities, medical and nursing personnel as determined by the chief of staff of the maternity service for eliciting the patient's history and performing medical examinations, including urinalyses and weight and blood pressure determinations. Serological tests for syphilis, X-rays of the chest, determinations of Rh status and blood type and such other procedures as may be indicated shall be performed. Results of the patient's urinalysis shall be reported to a member of the medical staff of the antepartum clinic before such patient departs from the clinic.

In-Patient Care — General Regulations

Regulation 32. Separate Maternity and Newborn Service.

The maternity and newborn service shall be separate and apart from other services, except as otherwise provided for in regulations 30, 76, 79 and 84.

Regulation 33. Gynecological Operations.

Gynecological operative procedures shall not be performed in a maternity and newborn service except such as may become necessary for patients during pregnancy, delivery or the puerperal period, and such patients may be cared for in the maternity service.

Regulation 34. Examination of Maternity Patients.

On admission a complete history shall be taken, and a thorough physical examination shall be made of each maternity patient. If a maternity patient has or is suspected of having on admission, during labor or delivery, disease in a communicable form, she shall, during such period, be isolated on the maternity service from any other patient.

In-Patient Care — Care in Labor and Delivery Room Unit

Regulation 35. Integrated Labor and Delivery Room Unit.

The maternity patient in labor and during delivery shall be cared for in an integrated labor and delivery room unit. A ratio of at least one labor bed for not more than fifteen maternity beds shall be provided.

Regulation 36. Space and Capacity of Labor Room.

Each labor room shall have adequate working space with an area of not less than 70 square feet of floor space per bed, and at least three feet between beds, if there is more than one bed in the room. In maternity and newborn services, in existence or the construction of which has been completed on the date on which these regulations take effect there shall be no more than four beds in each labor room. In maternity and newborn services, the construction of which or in which major reconstruction of the labor and delivery units has begun after the date on which these regulations take effect, there shall be not more than one bed in each labor room; provided that if adequate arrangements for privacy of each patient in a labor room is furnished such labor room may have more than one bed, but not more than four.

Regulation 37. Number of Delivery Rooms.

Delivery rooms shall be provided in the ratio of at least one delivery room for not more than thirty maternity beds exclusive of beds for complications of pregnancy, or at least one delivery room shall be provided for not more than 1,000 deliveries per annum. There shall be not more than one delivery bed or table in each delivery room.

Regulation 38. Equipment in Delivery Room.

In addition to standard delivery room equipment, there shall be at all times in each delivery room, supplies and equipment for resuscitating infants, administering anesthesia and treating maternity patients for hemorrhage and shock. There shall also be at all times in each delivery room an incubator or heated crib of a safe type approved by the department of health.

Regulation 39. Blood Availability.

There shall be at all times, in each hospital, institution or place maintaining a maternity and newborn service, an adequate supply of blood immediately available as well as facilities and personnel for its administration.

Regulation 40. Facilities and Supplies in Labor and Delivery Rooms.

There shall be at all times in each labor and delivery room unit a quantity of sterile supplies and equipment sufficient to meet the needs of the patients cared for. There shall also be in each labor and delivery room unit dressing rooms and scrub-up facilities for physicians and nurses. A utility room containing facilities for the sterilization of bedpans and enema equipment shall also be provided. Facilities and personnel for any emergency laboratory tests as may be indicated shall be available at all times in or in close proximity to the labor and delivery room unit.

Regulation 41. Caesarean Section.

Operating facilities shall be available to perform caesarean sections either in a delivery room of the maternity and newborn service or in a

surgical operating room of the hospital, institution or place of which the maternity and newborn service is part. If the surgical operating room is used to perform caesarean sections, such room shall have equipment and be staffed in accordance with the provisions of regulations 8, 17, 38, 40, 42, 43, 48, and 49.

Regulation 42. Attendance of Patients.

There shall be someone in attendance at all times with a maternity patient who is in labor or under the influence of an anesthetic or obstetic analgesia. A ratio of at least one person in attendance for not more than every four such patients shall be maintained.

Regulation 43. Aseptic Techniques.

Vaginal examinations done on any patient in labor should be performed only under strict aseptic precautions, with the patient prepared as for delivery. Personnel in the delivery room shall follow the same aseptic techniques and procedures used in the oprating room.

IN-PATIENT CARE—POSTPARTUM CARE

Regulation 44. Floor Space and Physical Facilities.

Not less than 70 square feet of floor space per maternity bed, and in rooms containing more than one maternity bed, at least three feet between maternity beds shall be provided. In such rooms housing more than one patient, equipment shall be provided so that privacy can be afforded each patient when indicated.

Regulation 45. Sterilization of Equipment.

Bedpans and other equipment shall be properly sterilized before use by another patient.

Regulation 46. Toilet Facilities.

There shall be, for use of the patients, at least one wash basin with hot and cold running water and at least one flush toilet for not more than every ten maternity beds.

Regulation 47. Call System.

An efficient mechanical or electrical call system shall be provided for each maternity patient.

CARE OF NEWBORN INFANTS

Regulation 48. Identification.

There shall be placed on each newborn infant before he leaves the delivery room a means of identification and the infant shall bear such identification until he is discharged from the maternity and newborn service. No two infants born of different mothers shall be permitted to be in one delivery room at the same time. Each bassinet, incubator or heated crib shall have affixed or attached thereto a card clearly identifying the infant to whom such bassinet, incubator or heated crib is assigned.

Regulation 49. Protection of Newborn Infant in Delivery Room and During Transit.

Each infant shall be protected from exposure and infection while in the delivery room and during transit. Each newborn infant shall be transported separately at all times. Oxygen and heat shall be available during transit whenever necessary.

Regulation 50. Prevention of Ophthalmia Neonatorum.

Measures should be taken to prevent ophthalmia neonatorum as provided in section 104 of the sanitary code.

Regulation 51. Nursery for Newborn.

Unless required or permitted by these regulations to be kept elsewhere, as provided in regulations 67, 68, 69, 79, and 84, each newborn infant shall be housed in a regular nursery room.

Regulation 52. Number of Bassinets.

A ratio of at least one bassinet for each maternity bed in the maternity service exclusive of beds allocated for complications of pregnancy shall be provided.

Regulation 53. Capacity of Nursery.

There shall be no more than twelve infants in any nursery room at any one time.

Regulation 54. Floor Space.

There shall be provided in each nursery room an average of at least 20 square feet of floor space for each bassinet. There shall be at least two feet between bassinets.

Regulation 55. Examination of the Newborn Infant.

The newborn infant shall receive a complete physical examination on admission to the nursery for the newborn including examination for evidence of hemorrhage, injuries, defects or signs of infection and be further observed daily. Each infant shall be reexamined at the time of discharge. Each nursery room for newborn infants shall have contiguous thereto a room or rooms for the examination and treatment of such infants and for charting.

Regulation 56. Individual Bassinet and Care.

Each newborn infant shall have the exclusive use of a bassinet, incubator or heated crib with facilities for the storage of individual supplies. No bassinet, incubator or heated crib shall be attached to or connected with any other bassinet, incubator or heated crib. Each infant shall be given nursing care in the bassinet, incubator or heated crib and not on a common bathing or dressing table.

Regulation 57. Supplies and Equipment.

There shall be at all times in each nursery unit or its examination and treatment room or rooms, equipment and supplies for suction and oxygen administration. There shall be available at all times on the maternity and newborn service at least one incubator or heated crib for not more than every 24 bassinets, exclusive of the number of incubators or heated cribs required in the delivery and special nursery rooms as provided in regulations 38 and 69. In maternity and newborn services without a special nursery there shall be available at all times at least one incubator or heated crib for not more than every 12 bassinets.

Regulation 58. Weighing.

A weighing scale shall be provided for each nursery and, during use, shall be draped for each infant in such a manner as to prevent the spread of infection.

Regulation 59. Handwashing.

All persons shall wash their hands before handling an infant and after each handling of a soiled diaper or other soiled material.

Regulation 60. Handling of Diapers.

Soiled diapers shall be placed in a covered disposal can provided with a foot control. No rinsing of diapers or soiled linens shall be done in any nursery room or by personnel who care for or feed infants. Hampers for the disposal of soiled linens other than diapers shall be provided.

Regulation 61. Admission to Nursery.

Admission to any nursery shall be limited to personnel essential for the care of the infants and the maintenance of the nursery.

Regulation 62. Propping of Bottles.

Infants shall not be fed by means of propped bottles.

Regulation 63. Gowns and Masks.

All physicians shall don clean gowns and masks before examining or treating newborn infants. All other personnel except regularly assigned nursing personnel entering a nursery shall also don a clean gown before entering.

Regulation 64. Instruments for Examination.

Instruments shall be provided in each room used for the examination of infants and thoroughly cleansed before use on each infant.

Regulation 65. Cleaning of Bassinet.

Bassinets, incubators or heated cribs shall be thoroughly cleansed and a fresh set of clean supplies provided prior to use by another infant.

Regulation 66. Temperature in Nursery.

The temperature in all nursery rooms shall, at all times, be at least 68° F.

Regulation 67. Observation (Suspect) Nursery.

There shall be in each maternity and newborn service at least one observation (suspect) nursery room for newborn infants. In such observation (suspect) nursery room or rooms there shall be at least one bassinet for not more than every 16 bassinets located in the regular nursery room or rooms. At least 24 square feet of floor space shall be provided for each bassinet, and at least two feet of floor space between bassinets. Any infant who has been delivered of a mother who has or is suspected of having an infectious condition, and any infant who may have symptoms suggesting infection, shall be removed immediately to an observation (suspect) nursery room. If, after a period of observation, such infant is found not to have an infectious condition, he may be transferred to a regular nursery room, but if such infant is found to have an infectious condition, he shall be removed immediately to an isolation nursery room. Except as otherwise provided in this regulation, all provisions of regulations 53, 56, 57, and 59 to 66 inclusive shall also apply to all observation nursery rooms.

Regulation 68. Isolation Nursery.

There shall be at least one isolation nursery room for newborn infants in each maternity and newborn service or in the pediatric service of the hospital, institution or place of which the maternity and newborn service is part. In such isolation nursery room or rooms there shall be at least one bassinet for not more than 24 bassinets in the regular nursery room or rooms. At least 30 square feet of floor space shall be provided for each bassinet and at least two feet of floor space between bassinets. Each infected newborn infant shall be isolated in such an isolation nursery room and shall not be placed in a nursery for well infants during the remainder of his stay in the maternity and newborn service. Only infected infants shall be placed in an isolation nursery room. Nursing personnel, while working in an isolation nursery room, shall not give care to patients outside such isolation nursery room or perform any duties through which infection might be transmitted. Except as otherwise provided in this regulation, all provisions of regulations 53, 56, 57, and 59 to 66 inclusive shall also apply to all isolation nursery rooms.

REGULATIONS PERTAINING TO CARE OF INFANTS WEIGHING 2,000 GRAMS (4½ POUNDS) OR LESS AT BIRTH

Regulation 69. Special Nursery Service.

All maternity and newborn services electing to give continuing care to newborn infants weighing 2,000 grams (4½ pounds) or less at birth, shall provide a special nursery service which shall be a unit separate and apart from other units and services in the maternity and newborn service of the hospital, institution or place of which the maternity and newborn service is part. Such special nursery service shall include a nursery room or rooms, an area for charting and keeping records, space and facilities for the refrigeration of formulas and for cleaning, sterilization and storage of supplies and equipment. Provision shall also be made for the observation and isolation of infants suspected or known to have an infectious condition.

Regulation 70. Nursing Supervision.

The nurses and nursing care of such special nursery service shall be under the supervision and direction of a nursing supervisor who shall be a registered professional nurse with postgraduate education and experience in the care of infants weighing 2,000 grams (4½ pounds) or less at birth.

Regulation 71. Registered Nurse on Duty.

There shall be on duty at all times in such special nursery service at least one registered professional nurse who shall have had education or experience in the care of infants weighing 2,000 grams (4½ pounds) or less at birth.

Regulation 72. Ratio of Nursing Staff to Infants.

There shall be present at all times in the special nursery service a ratio of at least one member of the nursing staff to care for not more than six infants in such service.

Regulation 73. Space.

At least 30 square feet of floor space and two feet between, for each incubator, heated crib or bassinet shall be provided in the special nursery service.

Regulation 74. Individual Incubators.

An incubator or heated crib shall be provided for each infant requiring supplementary heat. Every such heated crib or incubator shall be equipped with a thermometer and an automatic safety device which shall warn of temperatures injurious to the health of the infant.

Regulation 75. Applicability of Other Regulations.

Except as otherwise provided in regulations 69 to 74 inclusive, all provisions of regulations 48 to 66 inclusive, other than those applicable solely to newborn infants weighing more than 2,000 grams at birth, shall also apply to the special nursery service.

FORMULA ROOM

Regulation 76. Physical Facilities.

A formula room separate from all other rooms shall be maintained in each maternity and newborn service or in the hospital, institution or place of which the maternity and newborn service is a part, unless all infant formulas are obtained from the holder or holders of a permit issued by the board or commissioner of health under section 174 of the sanitary code. Such formula room shall have an area for the reception and washing of glassware, utensils and other equipment and a separate area for the preparation, terminal sterilization and refrigeration of formulas. Space and facilities shall also be provided for the storing of necessary supplies and equipment.

Regulation 77. Formula Preparation Procedures.

Formula bottles, nipples and nipple caps shall be rinsed in running cold water prior to their return to the formula room. Formula bottles, nipples, nipple caps, and other formula equipment shall be washed in the receiving area of the formula room. The bottles of formula shall be properly covered with nipple and cap and terminally sterilized in a manner satisfactory to the department of health. Formulas shall not be stored in bulk. All milk and formulas shall be maintained at a temperature not higher than 50 degrees Fahrenheit. Efficacy of formula and nipple sterilization shall be determined by means of bacteriological testing at least once a month. Results of such tests shall be kept on file.

Regulation 78. Supervision.

A registered professional nurse or qualified dietician shall supervise during formula preparation.

Regulation 79. Ritual Circumcision.

In maternity and newborn services in which ritual circumcisions are performed, an area shall be provided for the circumcision procedure which shall be separate and apart from the place for visitors. The number of participants in the ritual circumcision procedure shall not exceed five. Each infant shall be examined by a physician on the day of the circumcision. Strict surgical aseptic technique shall be used during the circumcision. A registered professional nurse or physician shall be in attendance during the procedure.

SANITARY EQUIPMENT AND PROCEDURES

Regulation 80. Facilities for Handwashing.

Separate sinks with hot and cold running water, soap or detergent and cleanly laundered or disposable single-service towels shall be provided in each admission room, labor room, scrub-up room, utility room, nursery room, examination and treatment room, formula room, ritual circumcision room and other places where necessary. Elbow, knee or foot controlled sinks shall be provided in the labor and delivery room units and nursery rooms.

Regulation 81. Prevention of Contamination of Water Supply.

Plumbing, plumbing fixtures, sterilizers and other similar equipment installed on or after February 27th, 1939, shall be installed, constructed and maintained in accordance with the rules adopted by the Board of Standards and Appeals, and the provisions of the Administrative Code pertaining thereto. All plumbing, plumbing fixtures and other similar equipment installed prior to February 27th, 1939 shall be of such type and maintained in such manner as may be required by the commissioner of health or his duly designated representative to prevent contamination of the water or water supply of the hospital. In no case, however, shall waste piping from sterilizers connect directly with any drainage system.

Regulation 82. Dry Dusting or Dry Sweeping Prohibited.

Neither dry dusting nor dry sweeping shall be done in any part of a maternity and newborn service.

EXCEPTIONS

Regulation 83. Modification.

Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of these regulations, the board of health shall have the power in a specific case to modify any provisions thereof in harmony with the general purpose and intent of Section 110 of the sanitary code and these regulations, so that the public health may be secured and substantial justice done.

Regulation 84. Rooming-In Services.

Nothing in these regulations shall be construed to prohibit a maternity and newborn service from operating a rooming-in program for the maternity patient and her newborn infant, provided the commissioner of health approves such a program in writing after he has caused such maternity and newborn service to be inspected and has determined that any modifications from these regulations in such program provide care, protection of health and prevention from infection of the maternity patient and newborn infant equivalent to those afforded by these regulations.

(Repealed and re-enacted April 13, 1953, effective June 1, 1953. Filed with the City Clerk May 4, 1953 and published in the City Record May 8, 1953.)

REGULATIONS

§112. Regulations governing the providing of seminal fluid for artificial human insemination.

Regulation 5. Before artificial human insemination is undertaken, both the proposed donor and the proposed recipient shall have their bloods tested with respect to the Rh factor at a laboratory approved for serology by the Board or Commissioner of Health. If the proposed recipient is negative for the Rh factor, no semen shall be used for artificial insemination other than from a donor of siminal fluid whose blood is also negative for this factor.

(Regulation 5 amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

ARTICLE 8

Drugs, Devices and Cosmetics

§116. Drugs and devices; adulterated and misbranded, manufacture and sale of, prohibited.

No person shall manufacture or produce, or have, sell or offer for sale, or deliver or give away, in the City of New York, any drug or device which is adulterated or misbranded.

1. Adulterated Drugs. A drug or device shall be deemed to be adulterated:

(a) (1) If it consists in whole or in part of any filthy, putrid, or decomposed substance; or (2) if it has been prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health; or (3) if it is a drug and its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or (4) if it is a drug and it bears or contains, for purposes of coloring only, a coal-tar color other than one from a batch that has been certified by the Federal Security Agency, Food and Drug Administration.

(b) If it purports to be, or is represented as, a drug the name of which is recognized in an official compendium, and its strength differs from, or its quality or purity falls below, the standard set forth in such compendium. Such determination as to strength, quality or purity shall be made in accordance with the tests or methods of assay set forth in such compendium, or, in the absence or inadequacy of such tests or methods of assay, then in accordance with tests or methods of assay prescribed by regulations promulgated by the Federal Security Administrator. Deviations from the official assay may be made in the quantities of samples and reagents employed, provided they are in proportion to the quantities stated in the official compendium. No drug defined in an official compendium shall be deemed to be adulterated under this paragraph because (1) it exceeds the standard of strength therefor set forth in such compendium, if such difference from the standard is plainly stated on its label; or (2) it falls below the standard of strength, quality, or purity therefor set forth in such compendium if such difference from the standard is plainly stated on its label. Whenever a drug is recognized in both the United States pharmacopoeia and the homeopathic pharmacopoeia of the United States, it shall be subject to the requirements of the United States pharmacopoeia unless it is labeled and offered for sale as a homeopathic drug, in which case it shall be subject to the provisions of the homeopathic pharmacopoeia of the United States and not to those of the United States pharmacopoeia.

(c) If it is not subject to the provisions of paragraph (b) of this subdivision and its strength differs from, or its purity or quality falls below, that which it purports or is represented to possess.

(d) If it is a drug and any substance has been (1) mixed or packed therewith so as to reduce its quality or strength or (2) substituted wholly or in part therefor.

2. Misbranded Drugs and Devices. A drug or device shall be deemed to be misbranded:

(a) If its labeling is false or misleading in any particular.

(b) If in package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count, except as modified by reasonable variations as to quantity and exemptions as to small packages established by the State Board of Pharmacy.

(c) If any word, statement, or other information required by or under authority of this article to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(d) If it is for use by man and contains any quantity of the narcotic or hypnotic substance alpha-eucaine, barbituric acid, beta-eucaine, bromal, cannabis, carbromal, chloral, coca, cocaine, codeine, heroin, marihuana, morphine, opium, paraldehyde, peyote, or sulphonmethane; or any chemical derivative of such substance, which derivative has been by regulations promulgated by the State Board of Pharmacy, designated as, habit forming; unless its label bears the name and quantity, or proportion, of such substance or derivative and in juxtaposition therewith the statement

"Warning—May be habit forming."

(e) If it is a drug and is not designated solely by a name recognized in any official compendium unless its label bears (1) the common or usual name of the drug, if such there be; and (2) in case it is fabricated from two or more ingredients, the common or usual name of each active ingredient, including the kind and quantity by percentage, by weight or volume or amount of any alcohol, and also including, whether active or not, the name and quantity or proportion of any bromides, ether, chloroform, acetanilid, acetphenetidin, amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances, contained therein. Provided, that, to the extent that compliance with the requirements of clause (2) of this paragraph is impracticable, exemptions may be granted by the Board of Health.

(f) Unless its labeling bears (1) adequate directions for use; and (2) such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users: Provided, that, where any requirement of clause (1) of this paragraph, as applied to any drug or device, is not necessary for the protection of the public health, exemption of such drug or device from such requirement, may be granted by the Commissioner of Health.

(g) If it purports to be a drug the name of which is recognized in an official compendium, unless it is packaged and labeled as prescribed therein, except when the method of packing has been modified with the consent of the State Board of Pharmacy in accordance with its regulations. Whenever a drug is recognized in both the United States pharmacopoeia and the homeopathic pharmacopoeia of the United States, it shall be subject to the requirements of the United States pharmacopoeia with respect to packaging and labeling unless it is labeled and offered for sale as a homeopathic drug, in which case it shall be subject to the provisions of the homeopathic pharmacopoeia of the United States, and not to those of the United States pharmacopoeia.

(h) (1) If it is a drug and its container is so made, formed, or filled as to be misleading; (2) if it is an imitation of another drug; (3) if it is offered for sale under the name of another drug; or (4) if it bears a copy, counterfeit, or colorable imitation of the trademark, label, container or identifying name or design of another drug.

(i) If it is dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended or suggested in the labeling thereof.

(j) The labeling provisions of this section shall not apply to the compounding and dispensing of drugs on the written prescription of a physician, a dentist, a podiatrist or a veterinarian. Such labeling provisions shall apply to a drug dispensed in the course of conduct of a business of dispensing drugs pursuant to diagnosis by mail. The provisions contained in paragraphs (d) and (e) of subdivision 2 herein shall not be construed as modifying any of the provisions of section 118 which prohibits the sale of certain drugs at retail except on a written prescription.

(Amended April 9, 1946. Subdivision 2 (f) amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

(This section, as it appears in the February 10, 1948 edition, is incomplete. The completed section is printed above).

§118. Sale of harmful drugs regulated; prescription required.

1. No harmful drug as defined herein shall be sold at retail, or dispensed or given away to any person in the City of New York, except on a written prescription of a physician, dentist, podiatrist, or veterinarian, and no pharmacist or other person shall dispense any such drug without affixing to the container in which the drug is sold or dispensed, a label as required in subdivision 2 of Section 117 of this article. No prescription for a sulfonamide drug or for an hypnotic or somnifacient drug, as defined and listed in subdivision 3 of this section, shall be renewed or refilled by a pharmacist if the prescription bears any indication that it is not to be renewed or refilled; nor shall a copy or duplicate of such prescription be given away except to a representative of the Department of Health or such other agency as is authorized by law.

2. No manufacturer, wholesaler, jobber or dealer in drugs other than a retail pharmacist, shall sell or have in his possession a harmful drug, unless the container bears a label securely attached thereto, stating conspicuously in printed words the chemical as well as the common or usual name of the harmful drug and the quantity or proportion thereof. If the harmful drug is one of the drugs mentioned in paragraphs

(d) or (e) of subdivision 2 of Section 116 of this article, the label shall also comply with the respective requirements of such paragraphs.

3. For the purpose of this section the term "harmful drug" shall mean and include any of the following drugs or any derivatives or active principles when such derivatives or active principles have a similar therapeutic action, and any preparations, compounds or mixtures thereof, except that the said term "harmful drug" shall not for the purpose of this section mean or include any such preparations, compounds or mixtures as also contain any barbiturate as defined in and regulated by Section 118b:

Aconite—Except for external use in combination with other ingredients unfit for internal administration.

Amidopyrine.

Amphetamine (benzedrine)—Except for external use in combination with other ingredients unfit for internal administration.

Antimony and potassium tartrate (tartaremetic)—If in excess of ½ grain per dose.

Bichloride of Mercury—In dry form, or if in solution more than ¼ grain to the ounce.

Cannabis Indica (Indian hemp)—Leaf and flowering tops.

Cannabis Indica—Except for external use in combination with other ingredients unfit for internal administration.

Cantharides—Except for external use in combination with other ingredients unfit for internal administration.

Carbolic Acid—If stronger than 5 per cent, except preparations, compounds or mixtures containing derivatives of phenol which are used essentially for purposes of disinfection and antisepsis.

Chlorbutanol—

(a) Except for external use in combination with other ingredients unfit for internal administration.

(b) Except when used as a preservative or local anesthetic, if not in excess of ½ per cent by weight.

Cinchophen.

Cocaine.

Codeine—If in excess of 1 grain in 1 fluid or avoirdupois ounce.

Demerol (1-methyl-4-phenyl-piperidine-4-carbonic acid ethylester).

Digitalis.

Dinitrocresol.

Dinitrophenol.

Ergot.

Estrogen, natural or synthetic—For internal use; or for external use when advertised, sold or recommended for breast development.

Ether—

(a) Except for external use in combination with other ingredients unfit for internal administration.

(b) Except if used internally, when in preparations in accordance with formulae in the official compendium.

Eucaine, Alpha or Beta—Except for external use in combination with other ingredients unfit for internal administration.

Gossypium Radix (cotton root).

Hellebore.

Heroin.

Hypnotic and Somnifacient Drugs:

a. Allylisopropylacetyl-carbamide (sedormid)
b. Chloral (chloral hydrate)
c. Diethylsulfondiethylmethane (tetronal)
d. Diethylsulfonmethylethylmethane (trional)
e. Diethylsulfondimethylmethane (sulphonal)
f. Paraldehyde

Melubrin.

Morphine.

Oil of Croton.

Oil of Pennyroyal.

Oil of Savin.

Oil of Tansy.

Opium—Except Stokes' Expectorant or Brown Mixture, when sold in a quantity of not more than 4 fluid ounces.

Radium or other radio active substances.

Strophanthus.

Sulfonamide drugs—For internal or for external use.

Thyroid.

4. The provisions of this section shall apply to any of the above mentioned drugs whatever may be the name under or by which the same may be called or known.

5. No harmful drug shall be dispensed at retail in this City in the course of conduct of a business of dispensing drugs pursuant to diagnosis by mail.

6. Bichloride of Mercury tablets containing more than 0.1125 grams of mercury bichloride, when sold or dispensed, shall conform to the requirements of the United States pharmacopoeia and, in addition thereto, the "Large Poison Tablets of Mercury Bichloride" (U.S.P.) shall be stamped with the word "Poison."

7. The term "internal use" as used in this section shall mean and include administration orally or by parenteral injection. All other methods of administration including inhalation, spray, gargle, and wash, shall be deemed as external use.

8. This section shall not be construed as modifying the laws of the State of New York relative to the prescibing and dispensing of narcotic drugs or to the privileges of physicians, dentists, podiatrists or veterinarians to diagnose or prescribe within the limits of their respective licenses to practice.

9. This section shall not apply to the sale of any substance for use in the arts, or to articles or substances intended for generally recognized mechanical or industrial consumption or use; nor shall the term "given away" as used in this section apply to the distribution by manufacturers or wholesale dealers of samples to physicians, dentists, podiatrists or veterinarians, or to the trade.

(Adopted May 14, 1940; amended September 9, 1941, December 9, 1941, February 10, 1942, May 12, 1942, August 10, 1943, August 31, 1943, June 12, 1945, July 8, 1947, effective November 1, 1947 and amended July 9, 1948. Filed with the City Clerk July 19, 1948 and published in the City Record July 23, 1948.)

§118a. Sale of antibiotic drugs regulated.

1. Penicillin and preparations containing penicillin, and other antibiotic drugs shall not be sold at retail or dispensed or given away to any person in the City of New York except on the written prescription of a physician, dentist, podiatrist or veterinarian.

2. The provisions of this section shall not apply to the following antibiotic agents which are hereby specifically exempted:

a. Tyrothricin, when used in bandages or prepared dressings in a concentration not greater than 10 micrograms per square centimeter of bandage or dressing for topical application to the human skin.

b. Tyrothricin, when used in a solution in a concentration not greater than 0.02% for application to the mucous membranes of the nose and throat.

c. Tyrothricin, when used in ointments for local application in concentrations of .05% or less.

(Amended September 24, 1946.)

(This section, as it appears in the February 10, 1948 edition, is incomplete. The completed section is printed above).

§118c. Dispensing of barbiturates on prescription only; filling and refilling prescriptions.

1. No barbiturate as defined in Section 118b shall be sold, or dispensed, or given away in The City of New York except by a pharmacist or druggist on an original written prescription as defined in paragraph 7 of Section 115, which prescription shall include the name and address of the practitioner, the name and address of the patient, and if prescribed for an animal, the species of such animal. Telephone prescriptions from practitioners legally authorized to prescribe barbiturates may be filled by a pharmacist or druggist and, in such cases, the practitioners must furnish to the pharmacist or druggist a written prescription within seventy-two hours. If the written prescription is not received by the pharmacist or druggist within such period, the pharmacist or druggist shall make a record showing the name and address of the physician, the name and address of the patient, the amount of barbiturate dispensed and the time and date of dispensing. Such record shall be kept on file by the pharmacist or druggist for a period of not less than two years and shall be exhibited to representatives of the department of health upon request.

(Adopted July 8, 1947, effective November 1, 1947. Filed with the City Clerk July 15, 1947 and published in the City Record July 22, 1947. Subdivision 1 amended November 5, 1948. Filed with the City Clerk November 5, 1948 and published in the City Record November 10, 1948.)

REGULATIONS

§121. Regulations governing the distribution and sale of biological products prepared by the Department of Health.

Regulation 5. Distribution by the Department of Health.

(b) Biological products may be distributed through consignment stations established by the Commissioner of Health. The Department of Health shall determine which products shall be made available for distribution through these stations. Additional specific provisions concerning such distribution are incorporated in the contract entered between such consignment station agent and the Department of Health.

Regulation 6. Established price list.

The biological products referred to herein are divided into four groups merely for listing purposes, namely:

(A) Standard Products.

(B) Special Products.

(C) Rabies Vaccine.

(D) Bulk Products.

GROUP (A) STANDARD PRODUCTS.

Products for sale or free distribution on "free slip."

Product	Size	Container	Price
Bacterial Vaccines:			
1. Pertussis Vaccine	5 cc.	vial	$2.00
2. Pertussis Vaccine	10 cc.	vial	3.50
3. Typhoid Vaccine	2 cc.	vial	.25
4. Typhoid Vaccine	5½ cc.	vial	.50
5. Typhoid-Paratyphoid	2 cc.	vial	.25
6. Typhoid-Paratyphoid	5½ cc.	vial	.50
Diphtheria Products:			
7. Diphtheria Antitoxin	25,000 units	vial	5.00
8. Diphtheria Antitoxin	2,000 units	vial	1.00
9. Diphtheria Toxin for Schick Test and Schick Control	2-2 cc. vials	package	.50
10. Diphtheria Toxin for Schick Test	2 cc.	vial	.25
11. Diphtheria Toxoid Alum Precipitated	2-1 cc. vials	package	.50
12. Diphtheria Toxoid Alum Precipitated	6 cc.	vial	1.00
13. Diphtheria Toxoid Fluid	3 cc.	vial	.25
14. Diphtheria Toxoid Fluid	6 cc.	vial	.50
Smallpox Vaccine:			
15. Smallpox Vaccine	1 Vaccination	1 Capillary Tube	.10
16. Smallpox Vaccine	10 Vaccinations	10 Capillary Tubes	.75
Tetanus Products:			
17. Tetanus Antitoxin	1,500 units	vial	.50
18. Tetanus Antitoxin	20,000 units	vial	5.00
19. Tetanus Toxoid Alum Precipitated	2-1 cc. vials	package	1.25
20. Tetanus Toxoid Alum Precipitated	6 cc.	vial	2.00
21. Tetanus Toxoid Fluid	3 cc.	vial	1.00
22. Tetanus Toxoid Fluid	6 cc.	vial	1.50
Tuberculin:			
23. Tuberculin Intracutaneous Test	2-2 cc. vials (1:1000 and 1:10000 dilution)	package	.90
24. Tuberculin Intracutaneous Test	2 cc. (1:10000 dil.)	vial	.50
25. Tuberculin Intracutaneous Test	2 cc. (1:1000 dil.)	vial	.50
26. Tuberculin Intracutaneous Test	2 cc. (1:100 dil.)	vial	.50

GROUP (B) SPECIAL PRODUCTS:
These products may not be sold and are to be issued only on "free slip"; they are limited to distribution in the city only. The following prices are adopted only for accounting purposes.

Product	Size	Container	Price
1. Gamma Globulin	2 cc.	vial	$1.00
2. Pneumococcic Typing Antiserum (Rabbit)	0.5 cc.	vial	1.00

GROUP (C) RABIES VACCINE:
These products are distributed free to all residents notwithstanding ability to pay. In such cases the physician shall execute a free slip omitting therefrom any reference to patient's ability to pay. The following prices are for accounting purposes and for sales to non-residents.

Product	Size	Price
Rabies Vaccine:		
1. Rabies Vaccine	Full Course (14 doses)	$15.00
2. Rabies Vaccine	One Half Course (7 doses)	8.00
3. Rabies Vaccine	One Dose	1.25

GROUP (D) BULK PRODUCTS:

Product	Size	Container	Price
1. Citrated Normal Horse Blood	Bulk	1 quart bottle	$20.00
2. Normal Horse Serum	Bulk	1 quart bottle	30.00

(Amended November 15, 1949. Filed with the City Clerk November 18, 1949 and published in the City Record November 25, 1949. Regulation 5 amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)
(Amended April 14, 1952, effective June 1, 1952. Filed with the City Clerk April 17, 1952, and published in the City Record April 24, 1952.)

§125. Sale of valerian or valerianate, etc., regulated; permit.

1. (a) No person other than a duly licensed physician, veterinarian or pharmacist shall bring into the City of New York, or manufacture, use or have in his possession in the said City any valerian or valerianate or any of its derivatives, preparations or compounds or any synthetic substance having a similar, characteristic, strong, obnoxious odor of valerian or valerianate or any of its derivatives, preparations or compounds, without a permit issued therefor by the Commissioner of Health. The provisions of this section shall not apply to a person who has received same as a drug in the original container for medicinal purposes on a written prescription from a duly licensed physician or veterinarian as hereinafter provided.

3. No person other than one holding a fumigant permit from the Board or Commissioner of Health shall, in the City of New York, engage in the business of deodorizing or neutralizing the odors, vapors, gases or fumes from valerian or valerianate, or any compounds or derivatives thereof, or any synthetic substance having a similar, characteristic, strong, obnoxious odor of valerian or valerianate or any compounds or derivaties thereof.

(Subdivision 1 (a) and 3 amended November 13, 1950. Filed with the City Clerk November 15, 1950 and published in the City Record November 18, 1950. Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

§131. 2. Labeling of hair dyes containing metallic compounds.

(a) Every container or package of hair dye containing any metallic compound which metallic compound is present for the purpose of altering the color of the hair and which hair dye is not a coal-tar hair dye, shall bear a label securely attached with the following printed legend conspicuously displayed thereon:

"CAUTION

This product contains ingredients which may cause skin irritations on certain individuals and should be used with care."

(b) Solutions of silver salts in concentrations of 2% of silver or less shall not be deemed a metallic compound within the meaning of paragraph (a) of this subdivision.
(Amended April 13, 1953. Filed with the City Clerk April 28, 1953 and published in the City Record May 1, 1953.)

§133. Prohibited acts.

3. The sale, delivery for sale, holding for sale, or offering for sale or the giving away of any drug, device or cosmetic which is contaminated, unsound, defective, ineffective, or in a condition unfit for use internally or externally by man or animal, or which is in violation of this article.
(Subdivision 3 amended May 11, 1948. Filed with the City Clerk May 17, 1948 and published in the City Record May 21, 1948.)

ARTICLE 9
Food and Drink

§140a. Keeping or selling of adulterated meats prohibited; pumping devices on vehicles prohibited; samples; revocation of permits.

a. Definitions. As used in this section, the following terms shall mean and include:

1. "Pickled". Preserved by soaking in a curing solution.
2. "Pumped". Injected with a curing solution through the veins, arteries or muscular structure.
3. "Curing solution". A solution of salt, with or without sodium nitrate, sodium nitrite, sugar or flavoring material.
4. "Beef". Voluntary muscle tissue of the adult bovine animal.
5. "Cali ham". Shoulder of pork.
6. "Added water". That amount of water in meat which in weight exceeds four times the weight of the protein found in the meat.

b. Keeping or selling of adulterated meats prohibited. No person shall bring into the city of New York, or have, keep, sell or offer for sale in said city any pickled, pumped or otherwise processed beef, tongue, ham or cali ham which is adulterated. Where the tag, brand, stamp or other identification mark required by section one hundred forty-d of the sanitary code has been placed on such meat, it shall be presumptive evidence that the processing thereof has been completed. Such pickled, pumped or otherwise processed meat shall be deemed adulterated:

1. If it contains any gelatin or fat injected or pumped into the meat.
2. If it contains added water greater than ten percentum (10%) of the weight of the meat.
3. If it contains nitrite in excess of two hundred parts per million by weight.

c. Pumping devices on vehicles prohibited. No person shall have in or upon any vehicle transporting meat in the city of New York any hypodermic syringe, pump or other device that can be used for the injection of pumping of any fluid or other substance into meat.

d. **Samples; revocation of permits.** The department of health shall have the authority to take, without payment therefor, such samples of meat and of such other substances, as may be deemed necessary to carry out and enforce the provisions of this section. Where three samples, each taken on a different day, processed meat of a holder of a permit under sections one hundred forty-b or one hundred forty-c of the sanitary code have been found to be adulterated, the commissioner of health shall forthwith revoke the aforesaid permit of such person.

e. **Effect.** Nothing in this section shall be construed to limit the power and authority of the commissioner of health to suspend or revoke permits issued under sections one hundred forty-b and one hundred forty-c of the sanitary code where less than three samples have been found to be adulterated, or for cause other than violation of subdivision d of this section, or to affect the liability of any person for violation of subdivisions b or c of this section or of any other section of the sanitary code.

(Repealed and reenacted September 13, 1949, effective January 1, 1950. Filed with the City Clerk September 20, 1949 and published in the City Record September 23, 1949. Subdivisions (d) and (e) amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

***§140b. Permit to pickle or pump meats required.** a. Definitions. As used in this section, the following terms shall mean and include:

1. "Pickle". Preserve by soaking in a curing solution.
2. "Pumped". Injected with a curing solution into the veins, arteries or muscular structure.
3. "Curing solution". A solution of salt, with or without sodium nitrate, sodium nitrite, sugar or flavoring material.
4. "Beef". Voluntary muscle tissue of the adult bovine animal.
5. "Cali ham". Shoulder of pork.

*b. Permit. No person shall, in the city of New York, pickle or pump curing solution into any beef, tongue, ham or cali ham without a permit therefor issued by the commissioner of health or otherwise than in accordance with the terms of said permit and the regulations of the board of health. Where the tag, brand, stamp or other identification mark required by section one hundred forty-d of the sanitary code has been placed on such meat, it shall be presumptive evidence that the processing thereof has been completed.

(Adopted September 13, 1949, effective January 1, 1950. Filed with the City Clerk September 20, 1949 and published in the City Record September 23, 1949. Subdivision b amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the board of health under section one hundred forty-b of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sonner revoked by the commisioner of health."

*§140c. **Permit required to sell pickled or pumped meat at wholesale.** a. Definitions. As used in this section, the following terms shall mean and include:

1. "Pickled". Preserved by soaking in a curing solution.
2. "Pumped". Injected with a curing solution through the veins, arteries or muscular structure.
3. "Curing solution". A solution of salt, with or without sodium nitrate, sodium nitrite, sugar or flavoring material.
4. "Beef". Voluntary muscle tissue of the adult bovine animal.
5. "Cali ham". Shoulder of pork.

*b. **Permit.** No person shall have, keep, sell or offer for sale at wholesale in the city of New York, any pickled or pumped beef, tongue, ham or cali ham without a permit therefor issued by the commissioner of health or otherwise than in accordance with the terms of said permit and the regulations of the board of health. Where the tag, brand, stamp or other identification mark required by section one hundred forty-d of the sanitary code has been placed on such meat, it shall be presumptive evidence that the processing thereof has been completed.

c. Exception. The permit requirements of this section shall not apply to the having, keeping, selling or offering for sale of pickled or pumped meat at retail in a restaurant, butcher, delicatessen or other retail store or establishment in which such meat is sold directly to the ultimate consumer, nor to the holder of a permit issued under section one hundred forty-b of the sanitary code.

(Adopted September 13, 1949, effective January 1, 1950. Filed with the City Clerk September 20, 1949 and published in the City Record September 23, 1949. Subdivision b amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the board of health under section one hundred forty-c of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the commissioner of health."

§140d. Misbranding of pickled or pumped meat prohibited. a. Definitions. As used in this section, the following terms shall mean and include:

1. "Corned beef". Voluntary muscle tissue of the adult bovine animal which has been pickled or pumped.
2. "Cali ham". Shoulder of pork.
3. "Pickled". Preserved by soaking in a curing solution.
4. "Pumped". Injected with a curing solution through the veins, arteries or muscular structure.
5. "Curing solution". A solution of salt, with or without sodium nitrate, sodium nitrite, sugar or flavoring material.

b. Misbranding prohibited. No person shall have, keep, sell or offer for sale in the city of New York, any corned beef or pickled or pumped tongue, ham or cali ham which is misbranded. Each corned beef, pickled or pumped tongue, ham and cali ham shall be deemed misbranded if it is not legibly labeled with a tag attached thereto in a manner satisfactory to the department of health, or branded or stamped with an inscription thereon, containing the name and address or the identification mark of the plant in which such meat was pickled or pumped. Before any packer or processor of pickled or pumped meat uses an identification mark in lieu of the name and address of such packer or processor, such identification mark shall be filed with the department of health together with a sworn statement that it is the identification mark of such packer or processor.

(Adopted September 13, 1949, effective January 1, 1950. Filed with the City Clerk September 20, 1949 and published in the City Record September 23, 1949.)

REGULATIONS

§148. Regulations governing the conduct, maintenance and operation of any building, room or place where food is prepared, cooked, mixed, baked, smoked, preserved, exposed, bottled, packed, handled, stored, manufactured, offered for sale or sold.

Part 1—General regulations for the conduct, maintenance and operation of food establishments.

Regulation 39. The use of crab shells in the preparation, service and sale of food prohibited; exception. The use of crab shells in the preparation, service and sale of food is prohibited, except where such crab shells

have been cleansed and treated in a manner acceptable to the Department of Health. Where such cleansing or treatment is performed outside the City of New York, a statement certifying to the cleansing and treatment process employed shall be submitted by the official regulatory agency in charge of such cleansing, which has supervision over this operation, before such crab shells are permitted to be used in the City of New York for the preparation, service and sale of food.

(Adopted July 9, 1948. Filed with the City Clerk July 19, 1948 and published in the City Record July 23, 1948.)

Part 6—Additional regulations for establishments engaged in manufacturing sausages and the smoking, preparing or preserving of meat.

Regulation 101. Use of cellar prohibited; exception. The manufacturing of sausages and the smoking, preparing and preserving of meat in any cellar is prohibited. This regulation, however, shall not apply to the manufacturing of sausages and the smoking, preparing or preserving of meat, including the holding of meat during the period of pickling, in a cellar where such operations have been conducted in such cellar pursuant to a permit from the Board of Health issued prior to October 1, 1942, and has not been discontinued for a period of one year or more.

The foregoing provisions shall not apply to cellar premises used for the pickling of meat where, in the opinion of the Commissioner of Health, satisfactory sanitary precautions have been provided and where plans and specifications for such cellar premises have been approved by the Commissioner of Health. An applicant for a permit to hold meat in a cellar during the period of pickling shall submit with his application, duplicate copies of the plans of the said cellar, properly drawn to scale and all specifications, including refrigeration, drainage and plumbing system in said cellar. The entire cellar premises shall be properly drained and ratproofed. No overhead house drain, soil or waste pipe, water line or other pipe, unless properly enclosed and protected against leakage from condensation or otherwise, shall be permitted in any part of said cellar used for the holding of meat during the period of pickling. The walls, ceiling and floor of said cellar shall be of a smooth, hard material and shall be made water-tight. Any part of the cellar which is unrefrigerated shall be properly and adequately ventilated.

(Amended November 26, 1946 and amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

(This regulation, as it appears in the February 10, 1948 edition, is incomplete. The completed regulation is printed above).

***§148a. Wholesale food establishments or commissaries regulated, permit required; exception.**

1. No person shall have, keep, offer for sale or sell food at wholesale, or manufacture food for sale at wholesale or for the trade, or conduct a food commissary, in any room or building in the City of New York, without a wholesale food establishment permit from the Commissioner of Health or otherwise than in accordance with the terms of said permit of the regulations of the Board of Health.

(Subdivision 1 amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section one hundred forty-eight a of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health.

***§148c. Dry warehouses regulated; permit required; the term "dry warehouses for the storage of food" defined.** No person shall operate a dry warehouse for the storage of food in The City of New York without a permit therefor, issued by the Commissioner of Health or otherwise than in accordance with the terms of said permit and the regulations of the Board of Health. For the purpose of this section, a "dry warehouse for the storage of food" shall be taken to mean and include every place, room, or building in which food is stored for hire, except a refrigerated warehouse.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section one hundred forty-eight c of the sanitary code of the city of New York shall continue in full force

and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

*§149. **Conduct and maintenance of restaurants regulated; permit required.** No person shall conduct, operate, or maintain any restaurant in the City of New York without a permit therefor issued by the Commissioner of Health or otherwise than in accordance with the terms of said permit and the Regulations of the Board of Health. The term "restaurant", as herein used, shall be taken to mean and include every buffet, lunch room, grill room, lunch counter, dining-room of hotel, and every other public place where food is served, sold and consumed on the premises, every lunch counter in a saloon where food is sold or given away, and all kitchen appurtenant thereto or connected therewith.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section one hundred forty-nine of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

REGULATIONS

§149. **Regulations governing the preparation, storing, offering for sale and selling food and drink in kitchens, serving and dining rooms of hotels, restaurants, boarding houses, cafes, lunch rooms, saloons, grill rooms, buffets, or other public places.**

Regulation 41. The use of crab shells in the preparation, service and sale of food prohibited; exception. The use of crab shells in the preparation, service and sale of food is prohibited, except where such crab shells have been cleansed and treated in a manner acceptable to the Department of Health. Where such cleansing or treatment is performed outside the City of New York, a statement certifying to the cleansing and treatment process employed shall be submitted by the official regulatory agency in charge of such cleansing, which has supervision over this operation, before such crab shells are permitted to be used in the City of New York York for the preparation, service and sale of food.

(Adopted July 9, 1948. Filed with the City Clerk July 19, 1948 and published in the City Record July 23, 1948.)

REGULATIONS

§150. **General regulations governing the conduct of all retail stores.**

Regulation 29. The use of crab shells in the preparation, service and sale of food prohibited; exception. The use of crab shells in the preparation, service and sale of food is prohibited, except where such crab shells have been cleansed and treated in a manner acceptable to the Department of Health. Where such cleansing or treatment is performed outside the City of New York, a statement certifying to the cleansing and treatment process employed shall be submitted by the official regulatory agency in charge of such cleansing, which has supervision over this operation, before such crab shells are permitted to be used in the City of New York for the preparation, service and sale of food.

(Adopted July 9, 1948. Filed with the City Clerk July 19, 1948 and published in the City Record July 23, 1948.)

§150a. **Sale of fish in streets regulated; sale of fish in street prohibited; exception.**

All fish held, kept or offered for sale in and upon any street or public place in the City of New York shall be properly iced or refrigerated, and kept and displayed in such manner as not to cause a nuisance or be a menace to health.

All fish stands, push-carts or other vehicles shall be provided with tightly covered, water-tight, metal receptacles in which all refuse and waste material shall be immediately placed. All refuse and other waste material shall be removed as often as necessary and shall not be allowed to become a nuisance.

No shellfish shall be held, kept, sold or offered for sale on a push-cart or other vehicle, in any street or public place in said City, except in duly authorized public markets and in accordance with the terms of the permit issued therefor in such public markets by the Board or Commissioner of Health and the regulations of the Board of Health.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

REGULATIONS

Regulations Governing the Sale of Shellfish from Pushcarts and Other Vehicles in Duly Authorized Public Markets.

(Title amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

Regulation 7. Shellfish regulations; source of supply.—All shellfish held or kept in the storage place hereinbefore referred to, or sold or offered for sale from a pushcart or other vehicle, shall be purchased only from a dealer in possession of a permit from the Board or Commissioner of Health to sell shellfish in the City of New York. The containers of such shellfish shall be kept properly tagged as required by the regulations governing the sale of shellfish adopted by the Board of Health and relating to Section 164 of the Sanitary Code, and the provisions of said regulations applicable to retail sale of shellfish shall apply to the sale of shellfish from a pushcart or other vehicle.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*150b. Conduct and maintenance of retail food processing establishments regulated; permit required.

No person shall conduct, operate or maintain any retail food processing establishment in The City of New York without a permit therefor issued by the Commissioner of Health or otherwise than in accordance with the terms of said permit and the regulations of the Board of Health. The term "retail food processing establishment" as herein used, shall be taken to mean and include delicatessens, appetizing stores (stores specializing in food served as appetizers), box lunch stores or stores selling box lunches, caterers and retail food establishments which manufacture, mix, process, pickle or prepare food for off-the-premises consumption, but shall not be taken to mean and include restaurants, retail frozen dessert manufacturers, retail bakeries and soda fountains.

No person or persons shall be permitted to prepare, manufacture or handle food for sale in a dwelling or in any place other than one approved for such use by the Department of Health.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section one hundred fifty-b of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

*§155. Milk and milk products; sale regulated, permit required, exception; Health Department metal plates required on vehicles.

(1) No milk or milk products shall be held, kept, offered for sale, sold or delivered in the City of New York, without a permit issued therefor by the Board of Health or Commissioner of Health, as provided in subdivision (3) of this section, or otherwise than in accordance with the terms of said permit and with the regulations of the Board of Health.

(2) The permit requirement in this section shall apply to the sale or delivery of milk or milk products from vehicles directly to the consumer, but shall not apply to the sale of milk or milk products in retail stores where such milk or milk products are sold directly to the consumer, nor shall the provisions in this section apply to ice cream mix, condensed milk, or condensed skimmed milk, when sterilized and packed in hermetically sealed cans.

Permits heretofore issued for the sale of any of the aforesaid products in retail stores where such products are sold directly to the consumer shall be deemed revoked.

(3) Permits to sell milk or milk products in the City of New York shall be issued by the Board of Health or the Commissioner of Health and shall be divided into three classes as follows:

Class A—Issued by the Board of Health for a dealer who operates a pasteurizing plant in New York City.

Class B—Issued by the Commissioner of Health for a dealer who operates a milk and/or milk products depot.

Class C—Issued by the Commissioner of Health for a dealer who operates not more than one vehicle, in the delivery or distribution of milk and/or milk products, and who does not maintain his own pasteurizing plant or milk and/or milk products depot but utilizes the facilities of a pasteurizing plant or a milk and/or milk products depot located in the City of New York and under permit from the Board or Commissioner of Health.

(4) Every vehicle used in the transportation or delivery of milk or milk products in the City of New York, other than tank trucks, shall have affixed securely to the right side of the vehicle, in such a manner as to be visible at all times, a Health Department metal plate issued for the current year. Such metal plate shall be issued annually for each calendar year upon payment of one dollar, and shall not be transferable to another permittee. A revocation of any permit herein shall be deemed also as a revocation of the metal plate or plates issued to such permittee.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950 and further amended July 14, 1952. Filed with the City Clerk July 23, 1952, and published in the City Record July 25, 1952.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section one hundred fifty-five of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

***§155a. Vitamin D milk and milk products defined; production and sale thereof regulated; permit required.**

2. No milk or milk product shall be processed or treated for the purpose of increasing the Vitamin D content or potency thereof, in The City of New York, which milk or milk product is intended for sale or distribution in said city, and no milk or milk product which has been so processed or treated outside of The City of New York, and no milk or milk product produced from cows which have been fed with irradiated yeast, and no milk or milk product labeled or represented as "Vitamin D," or as possessing anti-rachitic quality or potency, shall be brought into The City of New York, for sale or distribution therein, without a permit therefor issued by the Commissioner of Health of The City of New York or otherwise than in accordance with the regulations of the Board of Health.

(Subdivision 2 amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section one hundred fifty-five a of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

REGULATIONS

§155a. Regulations governing the production, processing and sale of Vitamin D milk and milk products in the City of New York.

Regulation 5. Samples to be taken; analysis at expense of permittee. Samples of all Vitamin D milk or milk products, produced or processed or brought into the City of New York by a permittee, or sold, offered for sale or distributed in said city, shall be selected, sealed and marked for identification by representatives of the Department of Health, at such times as the Commissioner of Health deems necessary. Such samples shall be left with the respective permittee or person designated by him who shall submit the sample or samples to a laboratory designated or approved by the Department of Health within forty-eight hours to be tested or assayed for Vitamin D potency, at the expense of the permittee. Such laboratory immediately upon completion of such test or assay shall send one copy of the results of each test or assay to the permittee submitting the sample and another copy to the Department of Health. Failure to comply with this regulation shall be deemed sufficient cause for the revocation of "the Vitamin D Processing Permit" or "the Vitamin D Transportation Permit."

(Amended November 5, 1948. Filed with the City Clerk November 9, 1948 and published in the City Record November 13, 1948.)

Regulation 6. Revocation of permit. A permit issued hereunder may be revoked in the discretion of the Commissioner of Health for any violations of these regulations, the Sanitary Code or any other regulations adopted by the Board of Health relating to milk or milk products, or for such other cause as may be deemed sufficient by the Commissioner of Health.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

§155b. Homogenized milk and cream; production, labeling and sale regulated.

1. No homogenized milk or cream shall be held, kept, offered for sale or sold in the City of New York, unless such milk or cream was homogenized by a method acceptable to the Department of Health immediately prior to pasteurization.

2. The tags, caps or labels on containers of homogenized milk or cream shall bear the word "homogenized" in clear and legible type of not less than one-sixteenth (1/16) of an inch in size in addition to all the other information required thereon for pasteurized milk or cream under the provisions of the Sanitary Code and the regulations of the Board of Health.

(Amended April 10, 1950. Filed with the City Clerk April 13, 1950 and published in the City Record April 20, 1950.)

§156. Milk and milk products regulated; grades and designations for milk and cream; goat's milk regulated.

1. Milk and milk products produced, pasteurized, transported, handled, or stored, in the City of New York, or for the purpose of being shipped or brought into the said City, and milk and milk products held, kept, offered for sale, sold or delivered in said City, shall be so produced, pasteurized, transported, handled, stored, shipped, brought in, held, kept, offered for sale, sold or delivered in accordance with the regulations of the Board of Health, and in the case of milk and cream under the following grades and designations and not otherwise:

"Certified" milk or cream.
"Certified" milk or cream (pasteurized).
"Approved" milk or cream (pasteurized).
"Milk and cream (pasteurized) for manufacturing purposes."

2. This section shall also apply to goat's milk, and all provisions in this article and the regulations of the Board of Health, relating to milk and cows, shall likewise apply to goat's milk and to goats respectively, except that labels on goat's milk shall bear, in addition to the information required for milk, the word "goat's" immediately preceding the word "milk."

(Amended July 9, 1948, effective August 15, 1948. Filed with the City Clerk July 19, 1948 and published in the City Record July 23, 1948.)

REGULATIONS

§156. Regulations governing the production, pasteurization, transportation, handling, storage, sale and distribution of milk and milk products intended for human consumption in the City of New York.

Regulation 1. Applications. Applications for permits to sell milk or milk products in the City of New York shall be made to the Department upon official forms for such purpose. No such application shall be recommended approved until the source of the milk or milk products supply shall have been found to conform to the regulations governing the standards and requirements of such milk or milk products.

(Amended July 14, 1952. Filed with the City Clerk July 23, 1952, and published in the City Record July 25, 1952.)

Regulation 2. Procedure governing the approval of the source of supply.

(a) No milk or milk products from a creamery, shipping station or pasteurization plant shall be brought into, held, kept, offered for sale or sold in the City of New York, unless such creamery, shipping station, or pasteurization plant has been approved as a source of supply by the Board of Health and the dairy delivering such milk or milk products to such creamery, shipping station or pasteurizing plant has been approved as a source of supply by the Commissioner of Health.

(b) No milk or milk products from a dairy delivering milk or milk products direct to the consumer shall be brought into, held, kept, offered for sale or sold in the City of New York unless such dairy has been approved as a source of supply by the Board of Health.

(c) No creamery, shipping station, or pasteurization plant, or dairy delivering milk or milk products thereto, or dairy delivering milk or milk products direct to the consumer, shall be approved as a source of supply unless:

1. It is inspected by a duly authorized employee of the Department of Health of The City of New York in order to determine if the sanitary requirements of these regulations have been complied with and the milk and milk products produced and handled thereat shall have been found to conform in character to the standards and requirements of the particular grade and designation under which they are intended to be sold, or

2. It is inspected and approved for purposes of sanitary safety by a public health authority or other official regulatory agency acceptable to the Board of Health of the City of New York.

(d) Applications for approval of sources of milk or milk products supply shall be made to the Department upon official forms furnished for such purpose. Such applications shall after inspection and examination, or after receipt of a certification from a public health authority or other official regulatory agency acceptable to the Board of Health of the City of New York attesting to the systematic inspection and approval by such agency, be forwarded to the Board of Health in cases of sources of supply required to be approved by said Board, or to the Commissioner of Health in cases of sources of supply required to be approved by said Commissioner, with an appropriate report recommending the approval or disapproval of the source of supply and the grade and designation of the milk and milk products. Provided, however, that the provision of this regulation shall not apply to sources of milk or milk products supply approved by the Department of Health of The City of New York prior to December 19, 1917.

(Amended July 14, 1952. Filed with the City Clerk July 23, 1952, and published in the City Record July 25, 1952.)

(Regulation 2a repealed April 13, 1949. Filed with the City Clerk April 23, 1948 and published in the City Record April 28, 1948.)

Regulation 3. Milk and milk products depots required; exception.

1. An applicant for a Class C permit must file with the Department of Health at the time of his application a written authorization to use the facilities of a pasteurizing plant or a milk and/or milk products depot located in the City of New York and under permit from the Board or Commissioner of Health.

(Sub-paragraph one of paragraph (c) of subdivision four of regulation three amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

Regulation 4. Exclusion of sources of milk or milk products supply.

Upon receipt of a written report of a duly authorized employee of the Department of Health showing that the regulations of the Board of Health have not been complied with or upon the receipt of a communication from an official regulatory agency referred to in subdivision (c) of Regulation 2 of Section 156, that a source of supply of milk or cream for manufacturing purposes no longer meets the requirements of the certifying agency or that the milk or milk products from a particular source of supply have not been produced, pasteurized, transported, handled, stored, kept, offered for sale, or sold in accordance with the regulations hereinafter set forth, or such milk or milk products are a source of danger to the community, the Director of the Bureau of Food and Drugs is authorized and empowered to temporarily exclude such milk or milk products from the City of New York and no person, firm or corporation shall bring into, sell, offer for sale, or distribute in said City any such milk or milk products after receiving a written notice from said Director notifying him of such exclusion. Upon the receipt of a written report of a duly authorized agent of the Department of Health showing the regulations of the Board of Health have been complied with or upon the receipt of a written communication from the official regulatory agency referred to in subdivision (c) of Regulation 2 of Section 156 that the excluded source of supply meets the requirements of that agency,

said Director is further authorized and empowered to permit the bringing in, selling, offering for sale, or distributing in said City of such milk or milk products, excluded as aforesaid, if in his opinion the regulations have been complied with or the sources of danger removed at any time after such exclusion. Provided, however, the said Director shall report in detail to the Commissioner of Health every such exclusion and re-admission and the reasons therefore. The said Director of the Bureau of Food and Drugs, however, may delegate, in writing, such power to the Acting Director of said Bureau for such period and to such extent as shall be specified in such delegation.

(Amended July 14, 1952. Filed with the City Clerk July 23, 1952, and published in the City Record July 25, 1952.)

Regulation 5. Grading and designating milk and milk products; source of supply regulated.

1. No milk or milk products shall be graded or designated in a manner hereinbefore provided in these regulations until the source of supply of such milk or milk products shall have been, in each instance, approved by the Board of Health or the Commissioner of Health, as provided in subdivisions (a) and (b) of regulation 2 under section 156 of the Sanitary Code, and graded and designated in accordance with such approval.

2. No person shall bring into the City of New York any milk or milk products nor shall any person have, keep, sell, or offer for sale at any place in the City of New York any milk or milk products, the source of supply of which has not been approved by the Board of Health or the Commissioner of Health, as provided in subdivisions (a) and (b) of regulation 2 under section 156 of the Sanitary Code.

3. This regulation shall not apply (a) to condensed milk, condensed skimmed milk, or ice cream mix, which has been sterilized and packed in hermetically sealed cans at the place of manufacture, nor (b) to sweetened condensed milk or sweetened condensed skimmed milk to be used for manufacturing purposes only, provided it is shipped and kept in containers of a capacity not less than ten gallons and, if such containers are of metal, the outside surface of the upper half of the container including the cover is painted in a distinctive red color. The sweetened products referred to in clause (b), when in containers not hermetically sealed, may be used for food manufacturing purposes only when such manufacturing involves the heating of the product to at least 200 degrees Fahrenheit for a period not less than 15 seconds or its equivalent, but may not be used for the manufacturing of ice cream mix, frozen desserts, or milk products.

4. The above exceptions, however, shall not be construed as limiting the power and authority of the Department of Health to exclude milk or milk products which have been found to have been suspected of containing pathogenic bacteria or which have been found adulterated or misbranded or to contain an excessive number of bacteria, or which have been produced under insanitary conditions.

(Amended July 14, 1952. Filed with the City Clerk July 23, 1952, and published in the City Record July 25, 1952.)

§156

Regulation 6. Procedure governing the bacterial control of milk and milk products. The bacterial standards established for a particular grade and designation of milk or milk products constitutes one of the controlling factors in determining whether such milk or milk products are produced, pasteurized, transported and delivered in accordance with these Regulations, and the Department of Health of the City of New York will exercise the control furnished by such standards in the manner and in conformity with the restrictions herein set forth. Periodical samples for bacteriological examination shall be taken of milk and milk products before and after pasteurization. If as a result of the bacteriological examination of such samples, it appears that the milk or milk products does not conform to the bacterial standards prescribed for the particular grade and designation of such milk or milk products, and the bacterial content is in excess of such standards, a written notification shall be sent to the person, firm, or corporation holding a permit from the Board or Commissioner of Health. Such written notification shall call attention to the fact that the bacterial content of such milk or milk product is in

excess of the standards, that the cause of such excess must be immediately removed, and that additional samples will be taken of such milk or milk product within a specified time. Thereafter, and within the time specified in said written notice, additional samples shall be taken by the Department of Health and if the bacterial content of said milk or milk product is again found in excess of the prescribed bacterial standard and the cause thereof has not been removed a second written notification shall be forwarded to such person, firm, or corporation directing attention to such fact. Such written notification shall specify that further samples will be taken within a specified time and if such milk or milk product is again found to be in excess of the bacterial standard the Department of Health will take immediate steps to determine the cause thereof and, if it is found not to have been produced, pasteurized, handled, transported, offered for sale, and sold in accordance with these Regulations, to exclude such milk or milk product as graded and designated from the City of New York. The provisions of these Regulations shall not, however, be construed as limiting the power and authority of the Department of Health to exclude milk or milk products which have been found to have been suspected of containing pathogenic bacteria or which have been found adulterated or misbranded under the provisions of the Sanitary Code established by the Public Health Council of the State of New York or the Sanitary Code of the Board of Health of the Department of Health of the City of New York.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

§156

Regulation 6a. Communicable Disease on Dairy Farms. No milk or milk products which are produced on any farm approved as a source of supply for the city of New York on which there exists a case of diphtheria, streptococcal sore throat (including scarlet fever), bacillary dysentery, salmonella infection (including paratyphoid fever), or typhoid fever, shall be held, kept, sold, offered for sale or delivered in the city of New York unless such milk or milk products before delivery to the consumer have been:

(1) pasteurized, or

(2) made into evaporated milk, condensed milk, dried milk, butter or cheese, in the process of which the milk or milk products undergo heating equivalent to pasteurization, or

(3) made into cheese which is allowed to ripen or cure at a temperature of not less than 35 degrees Fahrenheit for a period of not less than 60 days.

(Repealed and reenacted March 9, 1953. Filed with the City Clerk March 12, 1953 and published in the City Record March 17, 1953.)

§156. Control of communicable diseases on dairy farms; precautions and conditions to be observed.

Regulation 6b. Subdivision 2.

2. No milk or milk product shall be shipped from a dairy farm, either directly or indirectly, to any pasteurizing plant, creamery, shipping station or other place from which milk or milk products are shipped either directly or indirectly, to the City of New York, if there be on said dairy farm a person affected with typhoid fever, para-typhoid fever, streptococcal sore throat including scarlet fever, diphtheria, or amebic or bacillary dysentery, unless the health authorities of the state in which the dairy farm is located shall have theretofore agreed to accept responsibility, and in the opinion of the Commissioner of Health of the City of New York, have a sufficient medical staff and necessary force, for the observance of the isolation precautions and conditions on dairy farms, as hereinafter mentioned in every case of typhoid fever, para-typhoid fever, streptococcal sore throat including scarlet fever, diphtheria, or amebic or bacillary dysentery, that may exist or occur on said dairy farm in their state.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

Regulation 6b. Control of Typhoid Carriers on Dairy Farms. No milk or milk products which are produced on any farm on which there is present a chronic typhoid carrier, shall be held, kept, sold, offered for sale or delivered in the city of New York unless the health authorities of

the state in which the farm is located agree to secure compliance with the following conditions:

(1) That the typhoid carrier shall not engage in any milking nor shall he handle the milk, milk products or utensils used in the production thereof, nor enter the milk house or barn where the cows are kept.

(2) That the typhoid carrier shall not reside on the premises except under conditions to be prescribed by the local health officer; provided, however, that if the local health officer is a part-time official such conditions shall be approved by a state health officer.

(3) That milk or milk products from such farm will be sold only after a special permit is issued by the local health officer and countersigned by a state health officer; provided, however, that a full-time local health officer may issue such permit without counter signature.

(4) That such milk or milk products will be sold or given away only to an individual or concern designated in the permit and which individual or concern restricts his or its output to a pasteurized product.

(5) That no milk or milk products which are to be subsequently sold nor any utensils used in the production of milk or milk products shall be brought into the house occupied by the carrier.

(6) That no changes shall be made in the source of the water supply or in the system by which the water is distributed on the farm, nor in the means of sewage disposal, without the approval of the local health officer and the additional approval of a state health officer if the local health officer is a part-time official.

(7) That all other persons living or employed on the farm except those who have had typhoid fever shall have been vaccinated against typhoid fever.

(8) That the local health officer shall obtain a written agreement signed by the carrier, or if the carrier be a minor by his parent or duly appointed guardian, and by the owner of such farm or his representative, stipulating that the conditions prescribed in paragraphs (1) through (7) will be carried out.

(Repealed and reenacted March 9, 1953. Filed with the City Clerk March 12, 1953 and published in the City Record March 17, 1953.)

§156

STANDARDS AND REQUIREMENTS OF APPROVED MILK SKIMMED MILK, AND CREAM (PASTEURIZED).

Regulation 48. Temperature of producers' milk and time of delivery. Milk for pasteurization shall be cooled immediately after milking to a temperature of sixty degrees (60°) fahrenheit or lower, and shall be so maintained until delivery to a receiving station, bottling or pasteurizing plant; except that, (a) morning's milk may be delivered without cooling prior to ten a. m. eastern standard time or eastern daylight saving time, whichever is in effect, and (b) night's milk may be delivered without cooling within four hours after milking—delivery in either case to be to a receiving station, bottling or pasteurizing plant. After delivery to a receiving station, bottling or pasteurizing plant all milk, cream and milk products shall be cooled to and maintained at a temperature of fifty degrees (50°) fahrenheit or lower until delivery to the consumer, except during processing which requires the heating of the milk or cream.

(Repealed and reenacted June 14, 1949. Filed with the City Clerk June 20, 1949 and published in the City Record June 28, 1949.)

§156

Regulation 51. Time of delivery and sale of milk, cream, flavored milk and flavored drink.

1. No milk, cream, flavored milk or flavored drink shall be delivered in The City of New York prior to the day or date when distribution may begin as indicated on the single service paper containers, or tags or caps attached to cans or bottles of such milk, cream, flavored milk or flavored drink except to a depot or pasteurizing plant of a wholesale dealer in milk or milk products; nor shall it be lawful to have, keep, offer for sale, sell or deliver any milk, flavored milk or flavored drink later than fifty-four (54) hours or any cream later than seventy-two (72) hours after

6 A. M. of the day or date when distribution may begin as indicated on the single service paper containers, or tags or caps attached to cans or bottles of such milk, cream, flavored milk or flavored drink.

(Subdivision 1 amended June 8, 1953. Filed with the City Clerk June 18, 1953 and published in the City Record June 24, 1953.)

§156

Regulation 53. Health of Employees. No person affected with any communicable disease which may be transmitted through milk or milk products, or who is a carrier of the germs of such a disease, shall act as a milker, bottler, washer or in any other capacity in connection with the handling of milk or milk products, or of any apparatus or equipment used in the handling, storing, bottling, pasteurizing or delivery of milk or milk products.

(Repealed and reenacted March 9, 1953. Filed with the City Clerk March 12, 1953 and published in the City Record March 17, 1953.)

Regulation 54. Pasteurization and bottling of milk and milk products.

3. Bottles or single service containers shall be filled with such milk or milk products at the place of, and immediately after pasteurization, except that in the case of sour cream, buttermilk and cultured buttermilk, the filling process may take place at a milk or milk products depot under permit from the Board or Commissioner of Health.

(Subdivision 3 of Regulation 54 amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

§156

REQUIREMENTS GOVERNING THE SALE AND DISTRIBUTION WITHIN THE CITY OF NEW YORK OF MILK, SKIMMED MILK, CREAM, SOUR CREAM, BUTTERMILK, CONDENSED OR CONCENTRATED MILK, CONDENSED SKIMMED MILK AND MODIFIED MILK.

Regulation 154. Labeling of milk and milk products, general provisions.

1. Each receptacle containing milk or milk products, or any beverage made from milk, a milk product or a milk substance, brought into the City of New York, or held, kept, offered for sale or sold therein, shall bear a label on which there shall be clearly and legibly printed the nature of the product contained in said receptacle, the name of the operator of the place where said receptacle was filed, and the address of said place, together with any additional information required in the Sanitary Code and in these regulations governing milk and milk products. Such label shall be securely affixed to the receptacle at the time when and the place where the milk or milk product, or the beverage made from milk, a milk product or a milk substance, is placed into said receptacle, and at no other place.

2. Where a bottle containing milk or a milk product is capped with one cap only, such single cap shall be considered to be the outer cap for the purposes of these labeling regulations. Where the outer cap consists of a transparent material, it may be of a color that will not affect its transparency and the labeling requirements shall appear on the inner cap. All caps and tags shall be of white or light-colored material, except when otherwise indicated. Metal caps, either of natural metal color, or with color specifications approved by the commissioner of health or his duly designated representative, and with the labeling requirements stamped or printed thereon, may also be used. Where a single service paper container is used, it shall be of white or light-colored material and the printed matter on such container must conform with the labeling requirements governing bottled milk or milk products, except when otherwise indicated.

3. No word, statement, picture, trade-mark, symbol, device, or printed matter of any kind, except the information pertaining to the milk or milk products required in the Sanitary Code and these regulations governing milk or milk products, shall appear on the inner caps or the

horizontal plane surface of outer caps on bottles, or the tags attached to cans or on that part of the single service paper container which bears the required information. The skirt portion of the cap may be used for other statements and information, provided such statements or information are not false or misleading. The arrangement of type and the printing of the required information on tags, inner caps, the horizontal plane surface of outer caps and on single service containers shall be subject to the approval of the commissioner of health or his duly designated representative. To obtain such approval, proof prints or drawings of such caps, tags and single service containers, shall be submitted in duplicate to the Department of Health, except that the statements or information placed on the skirt of the cap need not be submitted for approval.

4. When there is more than one pasteurizing plant or shipper in a town or village the commissioner of health or his duly designated representative may order means of identification in such case, if in his opinion it is necessary. Such means of identification shall appear on the caps, tags, or single service paper containers when so ordered by the commissioner of health or his duly designated representative.

5. No word, statement, picture, design, mark or device shall appear on any bottle or single service container which is false or misleading in any particular.

(Amended July 9, 1948, effective October 1, 1948. Filed with the City Clerk July 19, 1948 and published in the City Record July 23, 1948 and subdivision 3 amended April 10, 1950. Filed with the City Clerk April 13, 1950 and published in the City Record April 20, 1950.)

§156

3. No word, statement, picture, trade mark, symbol, device or printed matter of any kind, except the information pertaining to the milk or milk products required in the Sanitary Code and these regulations governing milk or milk products, shall appear on the inner caps or the horizontal plane surface of outer caps on bottles, or the tags attached to cans or on that part of the single service paper container which bears the required information. For the purposes of this regulation the horizontal plane surface shall not be deemed to include that portion of the cap that covers the pouring lip of the bottle. The skirt and that portion of the cap which covers the pouring lip of the bottle may be used for other statements and information, provided such statements or information are not false or misleading. The arrangement of type and the printing of the required information on tags, inner caps, the horizontal plane surface of outer caps and on single service containers shall be subject to the approval of the commissioner of health or his duly designated representative. To obtain such approval, proof prints of drawings of such caps, tags and single service containers, shall be submitted in duplicate to the Department of Health, except that the statements or information placed on the skirt and that portion of the cap which covers the pouring lip of the bottle need not be submitted for approval.

(Subdivision 3 of Regulation 154 amended May 5, 1950. Filed with City Clerk and published in the City Record May 19, 1950.)

§156

Regulation 154a. Outer cap requirements for approved milk and cream, buttermilk, cultured buttermilk, flavored milk and flavored drink. The opening of bottles and single service paper containers of "Approved Milk," "Approved Cream," "Buttermilk," "Cultured Buttermilk," "Flavored Milk" and "Flavored Drink" shall be provided with a cover cap or other acceptable device which will (a) satisfactorily protect the milk and cream, buttermilk, cultured buttermilk, flavored milk and flavored drink from contamination, (b) will completely and effectively cover the pouring lip of the bottle or single service paper container, and (c) will be of such type that its removal and replacement is capable of being readily detected. The requirements under provisions (b) and (c) shall not apply to a cap or device on bottles or single service paper containers of sour cream provided such cap or device partly covers the lip of such bottles and containers.

(Adopted July 9, 1948, effective October 1, 1948. Filed with the City Clerk July 19, 1948 and published in the City Record July 23, 1948.)

Regulation 155. Labeling requirements for approved milk and cream (pasteurized).

1. Tags, single service containers, and the horizontal plane surface of all outer caps shall bear the following information:

(a) The words, "N. Y. C. Dept. of Health," and the grade and designation, "Approved Milk or Cream (Pasteurized)," as the case may be, with the words, "Approved Milk" or "Approved Cream," in block letters not less than one-eighth (⅛) of an inch in height on caps and single service containers, and not less than one-quarter (¼) of an inch in height on tags,

(b) The place where pasteurization was performed and the name of the operator of such pasteurizing plant, and if desired, in addition thereto or in lieu of the operator's name, the name and address of the wholesale dealers from whom pasteurized, provided such dealer maintains his own distributing depot,

(c) The time when distribution of milk or cream may begin indicated by the words, "for distribution after 6 a. m." together with the day of the week, in the case of caps and single service containers, and with the date in the case of tags,

(d) In the case of cream, the words, "Light Cream," "Medium Cream," or "Heavy Cream," as the case may be, and if the product is sour cream, the word "Sour," inserted before the word, "Cream,"

(e) In the case of sour cream, the time when distribution may begin need not appear on the cap or single service container, and in lieu of the address of the place of pasteurization and the name of the operator thereof, the address of the place of bottling or filling and the name of the operator thereof may be shown,

(f) Any additional information required in the Sanitary Code or elsewhere in these regulations relative to milk or cream.

2. In the case of a single service container where the top horizontal plane surface is not used for the labeling information required in these regulations, in lieu of the printed matter required on the inner cap or the horizontal plane surface of the outer cap, there shall be on each of two opposite sides of the rectangular container a circle with an area of not less than 5% of the total lateral area of the entire container, in which shall be inserted the information hereinbefore required for outer caps on bottled milk or cream, and no word, statement, picture, trade-mark, symbol, device or printed matter of any kind, other than the aforesaid required information in the circle, shall appear anywhere on either of such sides. Provided, however, that with the approval of and in a manner satisfactory to the Department, the day of the week indicating the time when distribution may begin may be shown elsewhere than in the aforesaid circles. Provided, further, that in the case of a cylindrical or conical single service container, the lateral surface area shall be divided vertically into approximately two equal parts, and in lieu of the two required circles, only one circle shall be provided on one part with the information hereinbefore required, and no words, statement, picture, trade-mark, symbol, device or printed matter of any kind, other than the aforesaid required information in the circle, shall appear anywhere on such part of the container. The area of such single circle shall be not less than 10% of the total lateral area of the container. In no event shall a required circle have a diameter of less than one and five-sixteenth (1 5/16) inches.

3. In a case of a single service container where the top horizontal plane surface is used for the labeling information required by these labeling regulations, such labeling information shall be contained within a circle having an area of not less than fifty (50) per cent of the area of the entire horizontal plane surface. Provided, that, with the approval of and in a manner satisfactory to the Department, the day of the week indicating the time when distribution may begin may be shown elsewhere than in the aforesaid circle.

4. The time when distribution may begin, as indicated on the single service container or the cap or tag attached to the bottle or can of milk or cream, shall be not more than thirty-six (36) hours after pasteurization of such milk or cream.

5. Tags attached to all cans of cream (pasteurized) which has been standarized at a place other than where pasteurized shall bear the

following information: (a) the words, "N. Y. C. Dept. of Health Approved Cream (Pasteurized)"; (b) the place of pasteurization of the cream and the date and time when distribution may begin as indicated on the original tag; (c) the words, "Standardized at," followed with the address of the place where standardization was performed and the name of the operator performing the standardization. The date and time when distribution may begin, to be indicated on tags attached to cans of standardized cream, shall be that of the earliest date on the tags attached to the original cans of the milk or cream used for standardization.

6. Tags attached to all cans of milk or cream (pasteurized) which has been split at a place other than where pasteurized shall bear the following information: (a) the words, "N. Y. C. Dept. of Health Approved Milk or Cream (Pasteurized)"; (b) the place of pasteurization and the date and time when distribution may begin as indicated on the original tag; (c) the address of the place where the milk or cream was split and the name of the dealer performing the splitting.

7. All the information required by this regulation to be placed on the outer cap, the tag or single service container shall be clearly, legibly and conspicuously printed.

(Amended July 9, 1948, effective October 1, 1948. Filed with the City Clerk July 19, 1948 and published in the City Record July 23, 1948. Amended April 10, 1950. Filed with the City Clerk April 13, 1950 and published in the City Record April 20, 1950.)

***Regulation 165. Cold storage cream.**

1. Cream which has been kept in cold storage must be clearly and legibly labeled "cold storage cream".

2. Where fresh cream is mixed with cream which has been kept in cold storage, the final product must be labeled "cold storage cream".

3. This regulation shall not apply to sour cream.

(Amended May 8, 1950. Filed with the City Clerk May 15, 1950 and published in the City Record May 19, 1950.)

*The resolution of the Board of Health adopted May 8, 1950 provided "that the action of the Board of Health in adopting the foregoing amendment to said regulation is without prejudice to any question arising in any place as to whether or not sour cream is to be considered a manufactured product and is not to be construed in any way as a determination or opinion by the Board or Department of Health that sour cream is or is not a manufactured product."

Regulation 166. Labeling; limitations on milk and cream from outside sources.

1. Each receptacle containing milk or milk products approved for manufacturing purposes of the Department of Health on the basis of an acceptable official regulatory agency shall bear a green tag on which there shall be clearly printed in black ink the following information:

a. The nature of the product.
b. The name and address of the plant operator.
c. The place where the product was pasteurized or manufactured.
d. The date of pasteurization or manufacture.

2. Milk and cream from sources other than those inspected by a duly authorized agent of the Department of Health of The City of New York are subject to the following limitations and requirements in addition to any other limitations or requirements expressed elsewhere in these regulations:

1. The milk and cream must be used in manufactured food products only.

2. The manufacturing process must include the use of a time and temperature exposure not less than those now required for pasteurized fluid milk or cream.

3. The containers holding such milk or cream must be marked in a distinctive manner as provided in these regulations.

4. From August 15, 1948 to December 31, 1948, the amounts of milk and cream for manufacturing purposes from sources other than those inspected directly by a duly authorized agent of the Department of Health of The City of New York, shall be determined by the extent of the

deficit of the supply of cream available as this may appear from the records in the office of the Department of Health.

(Amended July 9, 1948, effective August 15, 1948. Filed with the City Clerk July 19, 1948 and published in the City Record July 23, 1948.)

§157a. Emergency distribution of milk.

The Commissioner of Health is authorized and empowered to purchase approved pasteurized milk and sell the same at cost at the child health stations and elsewhere in this city, or to contract for or permit the retail distribution of such milk at cost at the child health stations and elsewhere in his city, under his supervision and direction and in accordance with the regulations of the Board of Health. The resale of any such milk, by a purchaser or any other person, is prohibited.

In the sale of milk, pursuant to the provisions of this section, deposit for the bottle may be charged not exceeding the sum of three cents per bottle. Nothing herein contained shall in any wise affect the price paid to the producer for any of the milk herein referred to.

(Amended September 14, 1948. Filed with the City Clerk September 20, 1948 and published in the City Record September 23, 1948.)

***§159b. Sale of loose milk prohibited, exceptions.**

(a) No milk shall be offered for sale, sold or shall be dispensed direct to the consumer in the City of New York, in any container other than in bottles or individual containers, filled and properly capped or sealed and labeled at the plant where pasteurized, except where such milk is dispensed direct to the consumer for consumption on the premises where dispensed from a pump or other similar mechanical dispensing device satisfactory to the Board of Health and in accordance with the regulations of said Board. Such device shall be washed, sterilized, filled and sealed at the pasteurizing plant after filling. The seal or seals of the device, other than that necessary to be broken for the dispensing of milk, shall remain intact during the entire period of dispensing, and no milk shall be dispensed from the device after the seal has been broken. The milk container of the dispensing device shall be properly rinsed immediately after emptying and before being returned to the milk depot or pasteurizing plant.

(b) No person shall supply, deliver, offer for sale or sell in the City of New York, any milk in cans, except to restaurants, bakeries, or manufacturing establishments for cooking or manufacturing purposes, or to another wholesale milk dealer.

(c) The Commissioner of Health, upon proper application made by a hospital or an institution that feeds and cares for large number of persons, may issue a certificate exempting such hospital or institution from the foregoing provisions so as to permit the receiving and using thereat of such milk in cans. It shall be the duty of every person before supplying or delivering milk in cans to such hospital or institution to ascertain whether it holds such exemption certificate.

(d) A dispensing device shall not be deemed satisfactory unless it be simple in construction and so designated that (1) all the parts of the device with which milk comes in contact can be readily taken apart for cleaning and be easily cleaned and, in the assembled state, sterilized at the pasteurizing plant where filled; (2) that the device when filled may be so sealed that the contents cannot be tampered with without breaking or destroying the seal; and (3) that the milk, if not homogenized, will be kept thoroughly and automatically mixed so as to insure with each dispensing operation a proper proportion of the constituents of the milk contained in the dispensing device.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that certificates of exemption heretofore issued by the Board of Health under section one hundred fifty-nine b of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

REGULATIONS

REGULATIONS GOVERNING THE SALE OR DISTRIBUTION OF LOOSE MILK IN HOSPITALS, INSTITUTIONS, ETC., RELATING TO SECTION 159B, SANITARY CODE.

Regulation 1. Application. All hospitals or institutions applying for a certificate of exemption from the provisions contained in Section 159b of the Sanitary Code, pursuant to subdivision (c) thereof, shall make application to the Commissioner of Health upon forms furnished by the Department of Health.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

***§164. Shellfish defined; sale regulated; permits and registration:**

(1) No shellfish shall be brought into the City of New York, or held, kept, sold or offered for sale in said City, without the required permit therefor issued by the Commissioner of Health or otherwise than in accordance with the terms of said permit and with the regulations of the Board of Health. The permit herein referred to shall be divided into two classes, as follows:

Class A Permit—to sell shellfish at wholesale and retail.

Class B Permit—to sell shellfish at retail.

The term or phrase "at wholesale" wherever used in this section or other sections or regulations pertaining to shellfish shall be taken to mean and include the handling, transporting, delivering, offering for sale, or selling shellfish to dealers, restaurants, hotels, stores, stands or vehicles, for resale or further distribution, or otherwise than a retail sale direct to the consumer.

The term "shellfish" as used in this section or other sections or regulations pertaining to shellfish shall be taken to mean and include oysters, all kinds of clams, except surf clams (mactra solidissema), and mussels.

The requirement herein of a shellfish permit shall not apply to a shipper of shellfish into the City of New York who is registered with the Department of Health. A shipper of shellfish located in the State of New York but outside the City of New York who holds a shipper's shellfish certificate of approval from the New York State Conservation Department, or a shipper of shellfish located outside the State of New York who holds a shellfish certificate from the state agency having control over the shellfish industry of his state and such certificate or certification has been approved or endorsed by the United States Public Health Service, shall apply for registration and be registered with the Department of Health under this provision.

(2) No dealer in shellfish or other foods shall purchase or have in his possession shellfish received from a dealer who is not the holder of a permit to sell shellfish at wholesale, or a shipper of shellfish registered in the manner hereinbefore referred to, for shipping shellfish into the City of New York. It shall be unlawful to ship shellfish into the City of New York until the applicant's registration is approved and he has been so notified in writing by the Department of Health. Every registration as a shipper of shellfish into the City of New York shall expire on the date of expiration of his State shellfish certificate.

The Commissioner of Health shall have the right to deny registration to any applicant for registration as a shipper of shellfish into the City of New York when in his opinion the history of the said applicant is such as to show that he is a persistent violator of the shellfish regulations, or is of an unreliable character.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section one hundred sixty-four of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

REGULATIONS

§164. Regulations governing the sale in the City of New York.

Regulation 1. Application for permits and registration. Application for permits to sell shellfish in the City of New York at wholesale or at retail and applications for the registration of shippers of shellfish into the City of New York shall be made to the Department of Health upon official forms furnished for said purposes.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

Regulation 4. Exclusion of source of shellfish supply. Upon receipt of a written report of a duly authorized agent of the Department of Health, showing that the regulations of the Board of Health have not been complied with and that the shellfish from a particular source of supply have not been grown, planted, cultivated, stored, treated, transported, handled, kept, offered for sale or sold, in accordance with these regulations, or such shellfish are a source of danger to the community, the Commissioner of Health may exclude such shellfish from the City of New York, and no person shall bring into, sell, offer for sale or distribute in said city any such shellfish after notice from the said Commissioner of Health. Upon the receipt of a written report of a duly authorized agent of the Department of Health, showing that the regulations of the Board of Health have been complied with, the Commissioner of Health

may permit the bringing in, selling, offering for sale, or distributing in said city any such shellfish, excluded as aforesaid, if, in his opinion, the regulations have been complied with or the source of danger removed at any time after such exclusion.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

Regulation 13. Restaurants selling shellfish. A restaurant conducted under a permit from the Board or Commissioner of Health does not require a Class B permit to sell shellfish at retail for consumption on the premises, but all restaurants so selling shellfish at retail shall comply with the regulations herein governing the retail sale of shellfish.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

Regulations governing shellfish shucking in the City of New York.

Regulation 36. The use of crab shells in the preparation, service and sale of food prohibited; exception. The use of crab shells in the preparation, service and sale of food is prohibited, except where such crab shells have been cleansed and treated in a manner acceptable to the Department of Health. Where such cleansing or treatment is performed outside the City of New York, a statement certifying to the cleansing and treatment process employed shall be submitted by the official regulatory agency in charge of such cleansing, which has supervision over this operation, before such crab shells are permitted to be used in the City of New York for the preparation, service and sale of food.

(Adopted July 9, 1948. Filed with the City Clerk July 19, 1948 and published in the City Record July 23, 1948.)

REGULATIONS

§164a. **Regulations Governing the Taking and Marketing of Hard Clams from the Approved Area of Raritan Bay, New York, for Food Purposes, and Governing the Transplanting of Oysters and Hard Clams from the Non-Approved Area of Raritan Bay and Jamaica Bay, New York, to Approved Areas Outside the City of New York, for Purification Purposes.**

(Title amended December 14, 1950. Filed with the City Clerk December 18, 1950 and published in the City Record December 22, 1950.)

Regulation 3. Sale and shipment of hard clams.

(b) No bayman shall sell, ship or deliver such hard clams except directly to a wholesale shellfish dealer located in the Borough of Richmond, who is the holder of a Class A. permit to sell shellfish at wholesale, issued by the Board or Commissioner of Health.

(c) A bayman who holds, in addition to a bayman's permit, a Class A. permit to sell shellfish at wholesale, issued by the Board or Commissioner of Health for a place of business in the Borough of Richmond, may sell, ship and deliver such hard clams to points outside the Borough of Richmond.

(d) A bayman who holds, in addition to a bayman's permit, a Class B. permit to sell shellfish at retail, issued by the Board or Commissioner of Health for a place of business in the Borough of Richmond, may sell such hard clams at retail from such place of business.

(Subdivisions (b) (c) (d) of Regulation 3 amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*§167b. **Waterboats; permit required.**

No boat used to transport water to other vessels or places, for drinking or culinary purposes, shall be operated without a permit therefor issued by the Commissioner of Health or otherwise than in accordance with the terms of the permit and the regulations of the Board of Health.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section one hundred sixty-seven b of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

***§168. Water from wells; the use thereof regulated and restricted.**

Water from wells in the Borough of Manhattan shall not be used, in the City of New York, for drink; nor shall water from wells in the Borough of Manhattan be used for any other purpose in any tenement, lodging-house, hotel, manufactory, or building, in which persons are living or employed, or in which there are offices, or a restaurant or saloon, in the City of New York, without a permit therefor issued by the Commissioner of Health or otherwise than in accordance with the terms of said permit and the Regulations of the Board of Health. Water from wells in the other Boroughs of said city, other than the public water supply, shall not be used in any tenement or lodging-house, hotel, manufactory, or building, in which persons are living or employed, or in which there are offices, or a restaurant or saloon, without a permit therefor issued by the Commissioner of Health or otherwise than in accordance with the terms of said permit and the Regulations of the Board of Health.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section one hundred sixty-eight of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

***§174. Formula milk regulated; permit required.**

1. No formula milk shall be brought into The City of New York, or be prepared or held, kept, offered for sale, sold or delivered in said city, without a permit issued therefor by the Commissioner of Health or otherwise than in accordance with the terms of said permit and with the regulations of the Board of Health.

(Subdivision 1 amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section one hundred seventy-four of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

§175. Frozen desserts and ice cream mix; manufacture and sale regulated; definitions.

1. No person shall bring into the City of New York, manufacture, or have, keep, offer for sale or sell in said City, any frozen dessert or ice cream mix, except in accordance with the regulations of the Board of Health and under the following designations as herein defined and not otherwise:

"Ice Cream."
"Ice Cream Mix."
"Frozen Confection."
"Milk Sherbet."
"Ice or Ice Sherbet."

2. Unless otherwise expressly stated herein, whenever used in the Sanitary Code or the regulations thereunder, the following terms shall be taken to mean and include:

(a) "Frozen desserts." The products herein defined as ice cream, frozen confection, milk sherbet, ice or ice sherbet and imitation ice cream.

(b) "Ice cream." The pure, clean, wholesome frozen product made from milk products and sugar, and with or without the use of water, eggs, harmless flavoring or coloring, or added stablizer composed of wholesome, edible material and in the manufacture of which freezing has been accompanied by agitation of the ingredients. It shall contain not less than ten percentum (10%) by weight of milk fat and not less than eighteen per centum (18%) by weight of total milk solids, except that, when there have been added to such product fruits, nuts, cocoa or chocolate, maple syrup, cakes or confections for flavoring purposes, the resulting product shall contain not less than eight per centum (8%) by weight of milk fat, and not less than fourteen per centum (14%) by weight of total milk solids.

(c) "Ice cream mix." The pure, clean, wholesome, unfrozen mixture to be used in the manufacture of ice cream containing in whole or in part the ingredients enumerated under the definition of ice cream.

(d) "Frozen confection." The pure, clean and wholesome frozen product made from milk products and sugar, with harmless flavoring, with or without harmless coloring of added stabilizer composed of wholesome, edible material; and in the manufacture of which freezing has not been accompanied by agitation. It shall contain not less than thirteen per centum (13%) by weight of total milk solids and not more than one-half of one per centum (½%) by weight of stabilizer.

(e) "Milk sherbet." The pure, clean and wholesome frozen product made from milk products, water and sugar, with or without harmless flavoring or coloring or

added stabilizer composed of wholesome, edible material. It shall contain no more than five per centum (5%) by weight of total milk solids.

(f) "Ice or ice sherbet." The pure, clean and wholesome frozen product made from water and sugar with harmless flavoring or coloring, with or without added stabilizer composed of wholesome, edible material and contains no milk solids.

(g) "Imitation ice cream." Adulterated ice cream, or any frozen substance, mixture or compound, regardless of the name under which it is represented, which is made in imitation or semblance of ice cream or is prepared or frozen as ice cream is customarily prepared and frozen and which is not ice cream, frozen confection, or milk sherbet as hereinbefore defined.

(h) "Milk products." As used in this section or other sections or regulations pertaining to frozen desserts, the term "milk products" shall include pure, clean and wholesome cream, butter, butter oil, milk, evaporated milk, skimmed milk, condensed milk, sweetened condensed milk, condensed skimmed milk, sweetened condensed skimmed milk, dried milk and dried skimmed milk.

(Amended July 9, 1948. Filed with the City Clerk July 19, 1948 and published in the City Record July 23, 1948.)

REGULATIONS

REGULATIONS UNDER § 175 COVERING THE MANUFACTURE AND SALE OF FROZEN DESSERTS IN THE CITY OF NEW YORK

Regulation 1. Permits. Permits for the manufacture, sale, transportation and distribution of frozen desserts, are divided into five (5) clases, as follows:

Class "A" Permit; to manufacture frozen deserts at wholesale. This permit shall entitle the holder thereof to manufacture, sell, transport and distribute frozen desserts, in the City of New York, and to maintain a frozen deserts manufacturing plant, and frozen desserts depot therefor, at the same premises.

Class "B" Permit; to manufacture frozen desserts at retail. This permit shall entitle the holder thereof to manufacture frozen desserts and to sell same at retail on the premises where manufacture and to maintain a frozen desserts manufacturing plant at the said premises in the City of New York.

Class "C" Permit; to wholesale dealer or jobber (non-manufacturer) to sell frozen desserts at wholesale. This permit shall entitle the holder thereof to sell, transport and distribute frozen desserts in the City of New York, obtained from manufacturers who are holders of permits under subdivision A or D herein, and to maintain a frozen desserts depot therefor, in the City of New York.

Class "D" Permit; to bring into the City of New York frozen desserts. This permit shall entitle the holder thereof to bring into the City of New York frozen desserts from a frozen desserts manufacturing plant outside of the City of New York, which frozen desserts manufacturing plant has been approved as sources of supply, by the Board or Commissioner of Health of the City of New York, to sell, transport and distribute the same in the City of New York.

Class "E" Permit; for an additional frozen desserts manufacturing plant and/or additional frozen desserts depot. Where a holder of a frozen desserts permit, of Class A, C or D, as mentioned in Section 177 of the Sanitary Code, desires to maintain and operate an additional frozen desserts manufacturing plant or an additional frozen desserts depot, a separate permit must first be obtained. No such additional frozen desserts manufacturing plant and/or frozen desserts depot shall be maintained or operated in the City of New York or elsewhere without a permit therefor, issued by the Commissioner of Health.

Every such additional plant or depot must be maintained and operated in accordance with regulations governing the maintenance and operation of frozen desserts manufacturing plants and frozen desserts depots.

All Class "E" permits shall automatically expire with the revocation or expiration of the corresponding Class A, C or D permit herein referred to, or when maintenance or operation of the "principal frozen desserts manufacturing plant", or the "principal frozen desserts depot", herein referred to, is discontinued by the person, firm or corporation, to which the permit was issued.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

Regulation 2. Plants and depots.

(c) Every holder of a Class "C" permit shall provide and maintain a suitable frozen desserts depot, except when the holder of a Class "A" or Class "D" permit, from whom the Class "C" permittee purchases frozen desserts, has given the said Class "C" permittee the privilege to use the facilities of the Class "A" or Class "D" permittee's premises for the purpose of storing frozen desserts, and has filed with the Department of Health of the City of New York a statement to that effect.

(d) All operators of frozen desserts manufacturing plants and frozen desserts depots located more than ten miles from the boundaries of the City of New York, who transport, sell or distribute frozen desserts in the City of New York shall pay, in addition to the regular permit fee, an inspection fee of twenty-five dollars for each day, consisting of seven hours or part thereof, spent by a Department of Health representative in traveling to, inspecting at the operator's plant or depot and returning to the City of New York, plus the necessary travel, lodging and the other expenses incurred by such representative incidental to inspection. The number of such inspections at each plant or depot shall not exceed sixty inspections per permit year, except that the Commissioner of Health or his duly authorized representative may require inspections at such plant or depot in excess of the number prescribed herein in cases of emergency. Where the inspection is made in connection with an application for a permit, the applicant shall deposit with the Department of Health in advance of such inspection a sum sufficient to cover the payment of the inspection fee and expenses provided by this paragraph. Any sum remaining after the payment of such fee and expenses shall be returned to the applicant. In the event that the application for a permit is disapproved the applicant shall not be entitled to a refund of the monies paid for such inspection fee and expenses. Failure of any permittee to pay promptly the inspection fee and expenses herein provided for shall be deemed sufficient cause for revocation of the operator's frozen desserts permit.

(f) In addition to any other ground provided for in the Sanitary Code or in these regulations, an application for a permit under section one hundred seventy-five of the Sanitary Code may be denied, when, in the opinion of the Board of Health, the plant or depot of such applicant is of such distance from the City of New York or in such location as to render supervision and inspection of such plant or depot by representatives of the Department of Health impractical.

(Subdivisions (c) and (d) of Regulation 2 amended April 12, 1949 and Subdivision (f) of Regulation 2 adopted April 12, 1949. Filed with the City Clerk April 20, 1949 and published in the City Record April 23, 1949.)

Regulation 8. Size of room. All rooms must be ample in size, to avoid overcrowding, and ceilings of all rooms, except refrigerator rooms, must be at least eight and one-half (8½′) feet above the floor area. Depot must be well lighted, so that inspections can be readily made. An exception to this regulation may be granted by the Commissioner of Health in that, wherein a permit to manufacture frozen dessert in rooms, the ceilings of which are less than eight and one-half (8½′) feet above the floor area, has been aproved by the Board of Health, prior to the adoption of this regulation, reapproval of such premises for the manufacture of frozen dessert may be granted.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

METHODS

Regulation 35. Pasteurization and storage of milk and milk products. All milk and milk products used in the manufacture of frozen desserts shall be pasteurized in a plant and with equipment conforming to the regulations of this Department governing pasteurization of milk and milk products by heating every particle to a temperature of not less than one hundred and forty-three degrees Fahrenheit (143°F.) and holding at such temperature for not less than thirty minutes or by heating every particle to a temperature of not less than one hundred sixty degrees Fahrenheit (160°F.) and holding at such temperature for not less than fifteen (15) seconds, and cooling to a temperature of not more than fifty degrees Fahrenheit (50°F.). The following shall be deemed to have met the foregoing requirement.

(a) Milk and milk products pasteurized in a plant which has been found to be meeting the requirements of the Sanitary Code of The City of New York.

(b) Evaporated, condensed or dried milk.
(c) Evaporated, condensed or dried skimmed milk.
(d) Butter, butter oil.

Whenever any ingredient is mixed with any unpasteurized milk or unpasteurized milk product to be used in the manufacture of frozen desserts, such mixture shall be pasteurized by heating every particle to a temperature of not less than one hundred and fifty-five degrees Fahrenheit (155°F.) and holding at such temperature for not less than thirty minutes or by heating every particle to a temperature of not less than one hundred seventy degrees Fahrenheit (170°F.) and holding at such temperature for not less than twenty minutes, after which the mixture shall be cooled immediately to a temperature of not more than fifty degrees Fahrenheit (50°F.). After pasteurization all milk and milk products, whether unmixed or mixed with any other ingredients, shall be stored at a temperature of not more than fifty degrees Fahrenheit (50°F.) until subjected to freezing. The foregoing provision shall not apply to sterilized evaporated milk or sweetened condensed milk when in hermetically sealed containers, nor shall it apply to dried milk or dried skimmed milk.

(Amended May 14, 1951. Filed wtih City Clerk May 16, 1951 and published in City Record May 22, 1951.)

Regulation 43a. Handling of frozen desserts mix and frozen desserts at wholesale manufacturing establishments.

1. All ice cream mix and other frozen desserts mix conveyed to freezers or molds, or from pasteurizing tanks, mixing vats or storage vats, shall be conveyed through "sanitary piping" which can be readily taken apart and cleansed.

2. All frozen desserts must be placed in final containers immediately after leaving the freezer or enclosed hopper adjacent to the freezer. Provided, however, where individual "cups", "bricks", "molds", "pop molds", or similar containers, not including fancy forms, are filled, the frozen desserts shall be conveyed through "sanitary piping" from the freezer or enclosed adjacent hopper to a mechanically operated filling device of sanitary construction for the purpose of being placed into the molds or final containers.

3. This regulation shall apply only to wholesale manufacturing establishments.

(Amended February 14, 1950. Filed with the City Clerk February 20, 1950 and published in the City Record February 24, 1950.)

Regulation 44. Filling of fancy forms, molds and cups.

1. Fancy forms, which cannot be filled mechanically, shall be filled under scrupulously clean and sanitary conditions with the use of sanitary spoons, scoops, spatulas or other instruments, which can be and are sterilized. There shall be no contact between human hands, whether covered or uncovered, and the frozen desserts at any time.

2. The filling and capping of cups and similar containers and the filling of all other molds for frozen desserts, and the insertion of sticks or other holders therein shall, in a wholesale manufacturing plant, be done by mechanical apparatus. The mechanical filling apparatus shall be of such construction as to supply a sufficient quantity of the product to properly fill each container or mold pocket and to eliminate manual scraping, leveling or other human handling.

3. No filling, capping, packing, wrapping or similar handling shall be performed at any place other than at a frozen desserts manufacturing plant. However, this shall not be deemed to prohibit the necessary handling involved in the dispensing of frozen desserts at retail establishments.

(Amended February 14, 1950. Filed with the City Clerk February 20, 1950 and published in the City Record February 24, 1950.)

Regulation 46. Habits of employees. All frozen dessert work room employers shall be clean in person at all times, and shall wear clean washable outer clothing and caps. All persons, immediately before engaging in the mixing of ingredients entering into the composition of frozen desserts, or its subsequent freezing or handling, shall thoroughly wash their hands, and shall thereafter keep them clean during such manufacture and handling. No employee shall touch the product with his hands.

(Amended February 14, 1950. Filed with the City Clerk February 20, 1950 and published in the City Record February 24, 1950.)

LABELING AND MARKING

Regulation 54. Receptacles to be Marked and Labeled.

1. Each can, or other container which is used in the transportation, delivery or sale of frozen dessert, shall bear the name of the manufacturer of the frozen dessert, legibly and conspicuously embossed, pressed or stamped, or painted or printed on the side or sides thereof, in such manner as to insure permanency. No such container shall be used for the purpose of holding, keeping, transporting or delivering frozen dessert, which container, or cover thereof, bears the name of any manufacturer of a frozen dessert, other than the name of the manufacturer, or affiliate thereof, of the product for which said container is used.

2. Each such can, receptacle and other container, referred to in this regulation, shall bear a label, either outside or inside of such can, receptacle or container, in such manner that it be protected against damage, upon which label shall be printed, or stamped, the name of the manufacturer, or affiliate thereof, of the frozen dessert contained therein, the place of manufacture of such frozen dessert.

3. Whenever in this regulation the name of the manufacturer is required on the label or receptacle, in lieu of such name, the name and address of the wholesale or retail distributor, preceded or followed by the words "distributed by" or "distributor," may be used thereon. Labels or receptacles bearing a wholesale or retail distributor's name and address in lieu of the name of the manufacturer must bear a code number previously designated and approved by the Department of Health identifying the manufacturer.

4. This regulation shall apply only to holders of Class A, C, D and E permits.

(Amended June 12, 1950. Filed with the City Clerk June 16, 1950 and published in the City Record June 21, 1950.)

Regulation 55. Labels on product in package form.

1. When frozen desserts are held, kept, transported, offered for sale or sold, in package form, each package shall bear a label, on which shall be printed in harmless ink, the name of the manufacturer, or affiliate thereof, of the frozen dessert, the place of manufacture, and the words "ice cream," "frozen confection," "milk sherbet," "ice" or "ice sherbet" as the case may be.

2. Whenever in this regulation the name of the manufacturer is required on the label or receptacle, in lieu of such name, the name and address of the wholesale or retail distributor, preceded or followed by the words "distributed by" or "distributor," may be used thereon. Labels or receptacles bearing a wholesale or retail distributor's name and address in lieu of the name of the manufacturer must bear a code number previously designated and approved by the Department of Health identifying the manufacturer.

(Amended June 12, 1950. Filed with the City Clerk June 16, 1950 and published in the City Record June 21, 1950.)

§176. Frozen desserts and ice cream mix; adulteration or misbranding prohibited.

No person shall bring into the City of New York, manufacture or have, keep, offer for sale or sell in said City, any frozen dessert or ice cream mix that is adulterated or misbranded.

A frozen dessert or ice cream mix shall be deemed adulterated:

(1) If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

(2) If any inferior or cheaper substance has been substituted wholly or in part for any necessary, wholesome ingredient.

(3) If any valuable constitutent of the article has been wholly or in part abstracted.

(4) If it consist wholly or in part of diseased or decomposed or putrid or rotten animal or vegetable substance.

(5) If it contain any harmful or deleterious ingredient, or any ingredient which may render it injurious to health, or if it contain any antiseptic or preservative.

(6) If it contain any color or coloring substance other than United States Department of Agriculture certified color, or harmless vegetable color, or if it contain any harmful or deleterious flavoring substance.

(7) In the case of ice cream, or ice cream mix, unflavored or flavored by means of flavoring extracts only, if it contain less than ten per centum (10%) by weight of milk fat or less than eighteen per centum (18%) by weight of total milk solids.

(8) In the case of ice cream, or ice cream mix, to which has been added fruits, nuts, chocolate or cocoa, maple syrup, cakes or confections, for flavoring purposes, if it contain less than eight per centum (8%) by weight of milk fat, or less than fourteen per centum (14%) by weight of total milk solids.

(9) If it contain more than one-half per centum (½%) by weight of pure, wholesome gelatin, vegetable gum or other harmless stabilizer.

(10) In the case of ice cream labeled, offered for sale or represented as "French Ice Cream" or "Custard" or "Frozen Custard" or any other frozen dessert wherein representation is made that egg or egg product is used, if it contain any artificial yellow color, or color simulating egg yolk, or if it contain a less proportion of clean, wholesome egg yolk solids than the equivalent of five dozen egg yolks to each ninety pounds of other ingredients used.

(11) If it contain any animal, vegetable or mineral oil, grease, fat or wax of any kind other than milk fat, except those naturally contained in the nuts, fruits or eggs used in the manufacture of frozen desserts or ice cream mix, or the fat contained in flavoring extracts prepared in accordance with the standards prescribed by the United States Department of Agriculture for food purposes.

(12) In the case of ice cream, if it contain less than one and six-tenths pounds of total food solids per gallon.

(13) If in the case of frozen confection, it contain less than thirteen per centum (13%) by weight of total milk solids.

A frozen dessert or ice cream mix shall be deemed misbranded:

(a) If it is an imitation, or offered for sale under the distinctive name of another article, or is labeled or branded so as to deceive or mislead the purchaser.

(b) If in package form and the contents are stated in terms of weight or measure, such weight or measure is not plainly or correctly stated on the outside of the package.

(c) If the package or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular.

(d) In the case of milk sherbet if the container, and each package, box and wrapper does not bear the words "milk sherbet" clearly and conspicuously printed thereon.

The provisions of this section shall apply to "ice cream mix," "milk sherbet" and all other frozen desserts containing milk fat or milk solids held, kept or offered for sale or sold under any distinctive name.

A frozen dessert held, kept or offered for sale or sold as "milk sherbet" which contains more than five per centum (5%) by weight of milk solids and less than ten per centum (10%) by weight of milk fat and less than eighteen per centum (18%) by weight of milk solids if unflavored, or flavored with flavoring extract only, or which contains more than 5 per centum (5%) by weight of milk solids and less than eight per centum (8%) by weight of milk fat, and less than fourteen per centum (14%) by weight of milk solids, if flavored with fruits, nuts, chocolate or cocoa, maple syrup, cakes or confections, shall be deemed for all purposes to be held, kept, offered for sale or sold as imitation or adulterated ice cream.

(Amended July 9, 1948. Filed with the City Clerk July 19, 1948 and published in the City Record July 23, 1948.)

***§177. Frozen dessert; permits regulated.**

No person shall bring into or manufacture in the City of New York any frozen dessert, nor shall any person have, keep, offer for sale, or transport any frozen dessert at wholesale in said City, without the appropriate permit therefor, as hereinbefore mentioned, issued by the Commissioner of Health or otherwise than in accordance with the terms of said permit and with the regulations of the Board of Health.

(1st unnumbered paragraph amended October 9, 1950 . Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section one hundred seventy-seven of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

ARTICLE 10

General Provisions

§191. Permits, general provisions, fees.

(a) A permit issued by the Board or Commissioner of Health pursuant to any provision of the Sanitary Code is issued to a particular individual, firm or corporation and for a designated place of business mentioned in the permit and shall not be valid for use by any other person or at any place other than that for which issued,

and any transfer as to person or place shall forthwith revoke and terminate such permit. Provided, however, that upon the approval in writing by the Commissioner of Health, a permit to conduct a blood donor agency, or the business of undertaking, or the business of adding chemicals to the water supply, or the business of fumigation or extermination, or a permit for an owner or employee-fumigant or exterminator operator, may be continued in full force and effect for the period issued at the new designated premises where the place of business or residence designated in the permit has been changed. Upon the approval in writing of the Commissioner of Health, a permit issued to two or more persons may be continued in full force and effect for the period issued where a change of ownership has occurred in which no new person has been added or substituted.

(Amended June 12, 1950. Filed with the City Clerk June 16, 1950 and published in the City Record June 21, 1950.)

(e) Notwithstanding any other provision of the Sanitary Code or any of the regulations thereunder, a permit, whether issued by the Board or Commissioner of Health, may be suspended or revoked at any time by the Board of Health for wilful, continued or persistent violation of the Sanitary Code or the rules and regulations adopted by the Board of Health or upon such other grounds as the Board of Health may deem proper. Whenever a permit issued by the Commissioner or the Board of Health is revoked for cause, such permit shall be surrendered forthwith to the Commissioner or the Board of Health by the holders thereof. Whenever a section provides that the permit be issued by the Commissioner of Health, he shall possess the same powers to suspend or revoke such permit, but his action as to the issuance, suspension or revocation thereof shall be subject to review by the Board of Health upon appeal by the party aggrieved in accordance with the rules of said Board.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

(f) Applicants for the following permits required by the provisions of the Sanitary Code shall pay the annual fee herein stated:

Animals, small, sale of (effective January 1, 1943)	$ 5.00
Barber shop, to conduct	10.00
Bathing establishment, to conduct (effective May 1, 1943)	5.00
Beauty parlor, to conduct	10.00
Blood donor agency, to conduct	25.00
Business requiring permit under Sections 322, 324, 328, 329, 331 or 332 (effective January 1, 1943)	25.00
Cattle slaughter house, to conduct (effective October 1, 1942)	25.00
Dry warehouses for the storage of food, to conduct (effective July 1, 1946); expires annually March 31st	25.00
Extermination, to conduct business of	15.00
Extermination, employee-operator	2.00
Food establishment, wholesale (effective October 1, 1942)	25.00
Frozen desserts:	
Class "A" Permit—to manufacture at wholesale	100.00
Class "B" Permit—to manufacture at retail	10.00
Class "C" Permit—to dealer or jobber to sell at wholesale (non-manufacturer)	25.00
Class "D" Permit—to bring into the City of New York	100.00
Class "E" Permit—for an additional manufacturing plant and/or depot for a holder of a Class A, C or D permit	25.00
Frozen desserts, to manufacture at retail and to conduct a restaurant (expires annually September 30th)	20.00
Fumigation, to conduct business of	25.00
Fumigation, employee-operator	3.00
Funeral directing and/or funeral establishment, all classes	25.00
Midwifery, to practice	2.00
Milk and Milk Products, to sell; all classes	5.00
Pickled or pumped meat, to sell at wholesale (jobber); expires annually March 31st	10.00
Poultry slaughter house, to conduct	50.00
Residential self-service laundry equipment, to operate (effective July 1, 1948)	10.00
Restaurant, to conduct	20.00
Retail food processing establishment (effective November 1, 1947)	10.00
Shellfish—to sell at wholesale (effective October 1, 1942)	25.00
Shoe fitting fluorescopy machines at one location, to operate (effective March 1, 1948)	5.00
Stable for horses or other large animals (effective January 1, 1943)	5.00

Water from wells for purposes other than drinking (effective January 1, 1943) 10.00
Water supply, adding of chemicals to 25.00
Water supply, treating coils and tanks (effective June 1, 1945) 5.00

On the effective dates for fees for permits as hereinbefore indicated, the respective permits therefore issued without fee, if any, shall be deemed revoked.

(Subdivision (f) amended March 9, 1948. Filed with the City Clerk March 12, 1948 and published in the City Record March 20, 1948; further amended September 13, 1949, effective January 1, 1950. Filed with the City Clerk September 20, 1949 and published in the City Record September 23, 1949. Amended November 13, 1950. Filed with the City Clerk November 15, 1950 and published in the City Record November 18, 1950.)

(Amended May 12, 1952, effective July 1, 1952. Filed with City Clerk May 15, 1952, and published in the City Record May 20, 1952. Further amended November 25, 1952. Filed with City Clerk December 2, 1952, and published in the City Record December 5, 1952.)

(k) Where the applicant is a non-profit organization and the activity for which the permit is required is operated or is to be operated on a non-profit basis, the Board of Health may in its discretion waive the payment of any of the fees prescribed by subdivision (f) of this section for permits issued by it and the Commissioner of Health may in his discretion waive the payment of any such fees for permits issued by him.

(Subdivision (k) adopted June 12, 1950. Filed with the City Clerk June 16, 1950 and published in the City Record June 21, 1950. Amended December 14, 1950. Filed with the City Clerk December 18, 1950 and published in the City Record December 22, 1950.)

ARTICLE 11
Midwifery and Care of Children

***§196. Practice of midwifery regulated.**

No person other than a duly licensed physician shall practice midwifery in the City of New York or by a sign or otherwise advertise or hold herself out as a midwife in said city, without a permit therefor issued by the Commissioner of Health or otherwise than in accordance with the terms of said permit and with the regulations of the Board of Health.

On and after June 1, 1937 all permits theretofore issued to midwives shall be deemed revoked. Applications for renewal of permits to practice midwifery shall be made in person each year during the month of May but the permit shall be issued as of June 1st.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section one hundred ninety-six of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

REGULATIONS

Regulations governing the practice of midwifery.

***Regulation 2. Requirements for permit.**

(d) The applicant must present a diploma or certificate showing that she is a graduate of a school for midwives registered by the Commissioner of Health of the City of New York as maintaining a satisfactory standard of preparation, instruction and course of study, but the requirements of a diploma shall not apply to any person who is now or heretofore has been authorized to practice midwifery by the Board of Health.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that schools for midwives heretofore registered by the Board of Health under subdivision (d) of regulation two of the 'Regulations Governing the Practice of Midwifery', and relating to section one hundred ninety-six of the sanitary code of the city of New York, shall continue to be deemed as registered schools for midwives until the expiration of such registration unless such registration is sooner revoked by the Commissioner of Health."

Regulation 3. Permit: issuance, expiration and revocation thereof.

(d) A permit issued hereunder may be revoked by the Commissioner of Health for cause.

(Subdivision (d) amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

Regulation 29. Midwife's certificate of retirement. A "Midwife's certificate of retirement" shall be issued by the Commissioner of Health upon request to a person retiring from practice, who has been engaged in the practice of midwifery in The City of New York under permit from the Board or Commissioner of Health for a period not less than ten years, if at the time of such request she was in good standing as a practicing midwife according to the records of the Department of Health. Upon the granting of this certificate, the midwife must discontinue the practice of midwifery.

Such certificate shall read as follows:

Permit No..... Retirement Certificate No.....
(Before retirement)

THE DEPARTMENT OF HEALTH
OF THE CITY OF NEW YORK
MIDWIFE'S RETIREMENT CERTIFICATE
THIS IS TO CERTIFY THAT.....who has

been practicing midwifery in The City of New York since..... under permit from the Board or Commissioner of Health in accordance with the provisions of Section 196 of the Sanitary Code of said city and the regulations adopted thereunder, having this day signified her intention to discontinue such practice, has been granted this certificate of retirement as evidence of the midwife's good standing in the Department of Health of The City of New York at the time of such retirement.

Dated, New York, ...19.....

.....
Commissioner

By.....
Director, Bureau of Child Health.

(Seal)

(Amended January 8, 1951. Filed with City Clerk January 9, 1951 and published in City Record January 13, 1951.)

Regulation governing the conduct of schools of midwifery.

Regulation 32. School must comply with regulations. No school for midwifery shall be registered by the Commissioner of Health unless it complies with the regulations of the Board of Health prescribing the preliminary qualifications of the students and the curriculum of the school as hereinafter set forth.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

***§197. Board and care of children regulated.**

1. Except for a public officer with legal authority so to do, an authorized agency, relatives within the second degree of the parents of a child or children, and legally appointed guardians, no person shall in the City of New York receive, board or keep any child under the age of sixteen years, or by a sign or otherwise, advertise or hold himself out as receiving, boarding or keeping children under the age of sixteen years, without a permit therefore issued by the Commissioner of Health or otherwise than in accordance with the terms of said permit and with the regulations of the Board of Health.

2. The reguirement of a permit under this section shall not apply to schools and academies meeting the requirements of the Education Law as to compulsory education, or to persons who have a certificate from an authorized agency to receive, board and keep a child or children boarded out by such agency.

3. An authorized agency which shall board out any child in the City of New York, shall issue to the person receiving said child for board a certificate to receive, board or keep a child or children. Such certificate shall be issued in accordance with the provisions of this section and the regulations of the Board of Health. No person shall be certified by more than one authorized agency but any person so certified may receive for care and board or otherwise a child or children from other authorized agencies upon the written consent and approval of the certifying agency as to each such child. When a certificate is issued to a foster home, which at the time is under permit from the Board or Commissioner of Health, the permit shall be deemed revoked and the authorized agency issuing such certificate shall cause forthwith the permit to be surrendered and transmitted to the Department of Health.

4. No authorized agency shall issue a certificate for a foster home in the City of New York, as provided for in the preceding subdivision, and no such certificate shall be valid in said city, unless the agency shall have been first registered with the Department of Health. Application for registration shall be made on a form prescribed by the Department and shall contain such information as the Department shall require. The registration of an agency, unless sooner revoked by the Commissioner of Health, shall be valid for three years from the date of registration.

5. As used in this section and in the regulations hereunder, the following terms shall be taken to mean and include:

(a) "Authorized agency" or "agency". An authorized agency as defined in Section 371 of the Social Welfare Law.

(b) "Board out". The arranging for the care of a child in a family other than that of a relative within the second degree of the parents of such child where payment is or is not made or agreed to be made for care and maintenance.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section one hundred ninety-seven of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

REGULATIONS

§197. Regulations governing the board and care of children.

Regulation 1. Permit and certificate defined; application.

(a) As used in these regulations, the term "permit" and the term "certificate" shall be taken to mean the permission in writing to receive, board or keep children under sixteen (16) years of age, the former issued by the Commissioner of Health and the latter by an authorized agency, in accordance with the provisions of the Sanitary Code and these regulations.

(b) Application for permits or certificates shall be made respectively to the Department of Health or an authorized agency, on forms prescribed by the Department of Health, and shall state the name and address and religious faith of the applicant or applicants, the number of children to be boarded, and such other information as may be required by the Department of Health.

(Subdivision (a) amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

Regulation 2. Permit and certificate regulated.

(a) The permit and the certificate, on forms furnished by the Department of Health, shall be issued for a period of one year from the date of issuance. The permit and certificate shall state that the person or persons is or are regarded by the Department or the authorized agency, as the case may be, as maintaining a home suitable for the care of children and specifying the name and address and religious faith of the person or persons to whom issued, the number of children to be boarded in such foster home and such other information as the Department of Health may require. An agency issuing or renewing any such certificate shall forthwith transmit to the Department of Health a copy of the certificate and a copy of the report of the investigation made prior to the issuance thereof.

(b) A permit or certificate shall not be issued for more than four children, except that a permit or certificate may be issued to board five or six children in order to keep from separating a family, or where the Department approves a recommendation from an authorized agency that five or six children be boarded in the foster home. However, in no case shall there be maintained in a foster home more than six children under sixteen (16) years of age whether children in board or children of the permittee or the holder of the certificate.

(c) The permit and certificate shall remain the property of the Department of Health and not of the person or persons to whom issued. A permit may be suspended or revoked by the Commissioner of Health for cause and a certificate may be suspended or revoked for cause either by the Commissioner of Health or the Agency which issued the certificate. When suspended or revoked or on expiration, the permit shall be delivered on demand to the said Department, and, in the case of a certificate, shall be delivered on demand to the said Department or to

the authorized agency which issued the certificate. An agency upon revoking a certificate shall forthwith transmit to the Department of Health a statement to that effect together wih a report of the reasons for such revocation.

(d) The permit and certificate shall be valid only for the premises for which issued. In the event of removal to another address or to another apartment at the same address, the permit or certificate shall be deemed revoked. In such case it shall be the duty of the permittee or permittees and, if a certificate, the agency which issued the certificate, to notify immediately the Department of Health of such removal.

(e) The Commissioner of Health shall issue a permit only on evidence that children will be obtained and if, at the time of the issuance of the permit, no children are being boarded at such foster home the permit shall not be delivered to the applicant or applicants except upon receipt of notification that children have been received for boarding at such home. If, at any time during the term of a permit, no children are boarded at the foster home, the permit shall be returned to the Manhattan office of the Department of Health where it is to be held until expiration, unless notice is received in the meantime that children have been obtained, in which event the permit shall be returned to the permittee or permittees.

(Subdivision (c) and (e) amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

Regulation 3. Requirements and conditions for permit and certificate.

(a) A permit or certificate shall be issued only to a woman, and if married and living together with her husband, to her and her husband, who meets or meet the following requirements:

1. The applicant's or applicants' fitness to board children is attested by evidence satisfactory to the Commissioner of Health or his duly designated representative.
2. The applicant's or applicants' home conditions present a normal family life.
3. The applicant or applicants and all members of her or their household are of good character, habits and reputation.
4. The applicant or applicants and all members of her or their household are in good health and have no disqualifying physical or mental handicaps. Such fact shall be attested upon the original application and, in the discretion of the Department of Health or the authorized agency, upon any renewal application, by a written statement or statements to that effect, signed by a duly licensed physician. Such statements shall not be acceptable unless based on a medical examination, made not more than ninety (90) days prior to the date of application. The examination shall include a chest X-ray for each person over the age of fifteen (15) years. The X-rays may be made under the direction of a duly licensed physician or the Department of Health. When the X-rays are made under the direction of a physician the applicant or applicants shall submit the X-rays, properly identified, and certificates relating thereto, on forms furnished by the Department of Health, for review by the Department of Health. Where an X-ray discloses a condition, which cannot be properly evaluated on a single X-ray, such fact shall be endorsed on the certificate, and the chest of the person to whom such X-ray relates shall be further X-rayed, his or her sputum shall be examined, and such physical examinations as may be deemed necessary by the Department of Health shall be made at such intervals as the said Department may require. After a permit or certificate is issued, chest X-rays of the permit or certificate holder or holders and members of her or their household over the age of fifteen (15) years shall be made biennially. The provisions of this paragraph relating to chest X-rays taken in connection with applications for permits or certificates shall apply to such biennial chest X-rays.
5. The applicant, other than the husband, is under sixty (60) years of age unless she was continuously the holder of a similar permit or certificate prior to and since her sixtieth birthday.

(b) All applicants for, and holders of, permits or certificates must comply with the following conditions:

1. The applicant or applicants or the holder or holders of the permit or certificate and her or their family must be in a reasonably secure financial position and self-supporting, aside from payments to be made for the board of children and not in receipt of relief.
2. The applicant or the holder of the permit or certificate, other than the husband, may not be employed outside the home, except with the consent of the Department of Health and, in the case of a certificate, with the consent of the agency and the approval of said Department.
3. The applicant or applicants or the holder or holders of the permit or certificate may not conduct in the home, any business or do any homework which may adversely affect the welfare of the children.
4. The applicant or applicants or the holder or holders of the permit or certificate shall not rent any rooms to lodgers or boarders, seasonal or otherwise, except with the consent of the Department of Health and, in the case of a certificate, with the consent of the agency and the approval of said Department.

Regulation 4. Increase in persons in foster homes.

(a) The number of persons in a foster home, at any time, shall not exceed the number stated at the time the permit or certificate was granted.

(b) A request to be allowed to increase the number of boarding children over that mentioned in the permit or certificate, shall be considered only upon a written application for a new permit or certificate.

Regulation 5. Premises.

(a) Premises must be kept in a clean and sanitary condition and in good repair, and must provide for the reasonable comfort and well-being of the members of the household.

(b) The heating apparatus in the premises shall be adequate and a minimum temperature of sixty-five (65) degrees Fahrenheit shall be provided as required in Section 225 of the Sanitary Code.

(c) Reasonable security against fire hazards must be maintained.

Regulation 6. Food.

Food supplied to children shall be of good quality, properly prepared, and of sufficient variety, and served at regular hours.

Regulation 7. Illness, notification and treatment.

If a child in board is taken ill, the parent, guardian or authorized agency from which it was obtained shall be promptly notified and the child shall be examined and treated immediately by a licensed physician or at a hospital or dispensary.

Regulation 8. Boarding children, number and ages of.

(a) No greater number of children than the permit or certificate specifies shall be received, boarded or kept on the premises.

(b) No foster home shall have more than two infants under two years of age, whether children in board or children of the permittee or holder of the certificate.

(c) Children shall not be left in the foster home at any time without competent adult supervision such as that given by a prudent mother in the case of her own children.

Regulation 9. Sleeping accommodations.

(a) Every room occupied for sleeping purposes by children in board shall have good natural light and ventilation, and shall have one or more windows opening directly to the outer air.

(b) No floor of a room used for sleeping proposes by children in board shall be below ground level.

(c) Rooms used for sleeping purposes by children in board shall have at least 30 square feet of space for each bed or crib and at least 300 cubic feet of air space for each person sleeping in such a room.

(d) Every child in board shall have a separate bed or crib, except that, with the consent of the certifying agency or the Department of Health, two siblings of the same sex may occupy one full size bed. Children shall not sleep in the same bed with an adult. Beds and cribs shall

be so arranged as to permit free circulation of air under them, be at least two feet apart and provide adequate and safe facilities for restful sleep for the children to be accommodated.

(e) No child over the age of one year shall sleep in the same room with either of the foster parents, or other person over sixteen (16) years of age, except with the consent of the Department of Health or, in the case of a certificate, with the consent of the agency boarding children thereat.

(f) Children of different sex, above the age of three, shall not sleep in the same room, except with the consent of the Department of Health or, in the case of a certificate, with the consent of the agency boarding children thereat.

(g) No more than three persons (children and adults) shall occupy any bedroom where children in board sleep.

Regulation 10. Registered authorized agencies, certificates, home visits and reports.

(a) An authorized agency upon registration with the Department of Health shall have authority to issue certificates for the boarding of its children in foster homes suitable for the care of children in accordance with Section 197 of the Sanitary Code and its regulations and shall cause its representatives to visit foster homes for which a certificate has been issued for the purpose of obtaining compliance with said section and regulations, and the proper care and supervision of children boarded thereat.

(b) Foster homes, under a certificate and supervision of an authorized agency, will not be visited by representatives of the Department of Health, except for investigation of complaints or special conditions or for inspections of some foster homes of each certifying agency to ascertain compliance with these regulations.

Regulation 11. Right of inspection. Every room in a foster home under permit or certificate or required to be under permit, pursuant to Section 197 of the Sanitary Code, shall be open for inspection at all reasonable hours by any representative of the Department of Health.

Regulation 12. Register to be kept by permittees. Every person who receives, boards, or keeps a child under a permit or certificate shall keep a record of each such child in a register to be provided by the Department of Health. The register and permit or certificate shall be kept available for examination at all reasonable times by representatives of the Department of Health. On such register shall be entered the name and age of every boarded child, the names and residences of the parents (so far as known), their religion, the name and address of the person from whom the child was obtained, the time of reception and discharge of each child, and the reasons therefor. Registers are the property of the City of New York and not of the persons to whom issued, and shall be delivered upon demand to the Department of Health, in the case of a permit, or to the agency, in the case of a certificate.

Regulation 13. Discretion of the Board. If there are practical difficulties or unnecessary hardships in carrying out the strict letter of these regulations, the Board of Health, in its discretion and a specific case, may modify any provision in harmony with their general purpose and intent and upon such conditions as it may deem necessary for the children's welfare.

(Amended April 12, 1949. Filed with the City Clerk April 20, 1949 and published in the City Record April 23, 1949. Regulation 13 adopted July 10, 1950. Filed with the City Clerk July 19, 1950 and published in the City Record July 23, 1950.)

***§198. Agency giving day care to children defined; conduct thereof regulated; permit required.**

1. It shall be unlawful to conduct an agency giving day care to children in The City of New York without a permit therefor issued by the Commissioner of Health, or otherwise than in accordance with the terms of said permit and with the regulations of the Board of Health.

(Subdivision 1 amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section one hundred ninety-eight of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

REGULATIONS

§198. Regulations governing agencies giving day care to children.

Regulation 1. Application for permit.

1. Make application in person to the Bureau of Child Health of the Department of Health and fill out and submit on a form supplied by the Department information concerning the proposed agency. At the same time the owner or his agent shall submit:

(a) Floor plan showing all of the rooms, indicating uses for child caring purposes in said agency.

(b) A statement of the purpose of the agency and a description of the program and activities designed to carry out these purposes.

(c) A statement of the method to be used in admitting children for care.

(d) Evidence of a reasonably secure financial position to permit compliance with these regulations.

(Paragraph 1 amended January 8, 1951. Filed with City Clerk January 9, 1951 and published in City Record January 13, 1951.)

Regulation 2. Permits, posting thereof. The permit issued by the Commissioner of Health shall be good for two (2) years unless sooner revoked and is not transferable. Such permit shall be posted in a conspicuous place in the entrance lobby or the reception room of the premises to which it applies.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

Regulation 7. Health and medical care.

4. **Accidents and serious illness.** When cases of accident or serious illness call for immediate medical care, the agency shall be responsible for securing that care, notifying parent or guardian of child.

5. **Rest.** Quiet periods totalling at least one hour daily must be provided for each child, part or all of which should be taken lying on a cot adequately covered. The room should be well ventilated and an attendant on duty.

6. **Outdoor play space.**

(a) A safe and sanitary outdoor play space shall be available.

(b) Except in inclement weather and in the case of individual children where the physician advises otherwise, children under two (2) years of age shall be placed out of doors a part of each day at a time when the outdoor play space is not in use by older children.

(c) Outdoor play under supervision for at least two (2) hours daily shall be required for all children over two (2) years except during inclement weather or unless otherwise ordered by the agency physician.

7. **Diet.** Nourishing food following a standard dietary acceptable to the Department of Health and adapted to the different age groups shall be provided at intervals not exceeding four hours. If an agency provides care for more than six (6) hours a hot meal served at noon and a daily allowance of at least a pint of milk a day are required.

(Subdivisions 4 through 7 of Regulation 7 ommited in error from the February 10, 1948 Edition).

Regulation 8. Staff.

(a) Constant and competent supervision must be provided for all children. The executive in charge should be a competent administrator with a knowledge of child development and behavior and shall have the capacity and responsibility for training other members of the staff. Training should include work with children under professional supervision, work with parents, a knowledge of community resources and how to use them. Such executive should also have demonstrated ability to make practical use of such training. All members of the staff should be friendly and emotionally stable, and have a sympathetic understanding of family and children's problems. The board, officers, or other persons having charge, management or control of an agency shall require of all executives and other employees who work in the agency and come in contact

with the children, when appointed and biennially thereafter, or at such other interval as may be prescribed by the commissioner of health pursuant to subdivision (c) of regulation 10 under section 87 of the sanitary code a certificate from a physician certifying such teacher or other employee to be free from disease in communicable form. Such certificate shall be based on a medical examination and chest X-ray, with such laboratory tests as may be indicated, and shall be kept on file.

(Subdivision (a) amended July 14, 1953 and filed with the City Clerk on July 22, 1953 and published in the City Record August 1, 1953.)

Regulation 12. Discretion of the Board. If there are practical difficulties or unnecessary hardships in carrying out the strict letter of these regulations, the Board of Health, in its discretion and in a specific case, may modify any provision in harmony with their general purpose and intent and upon such conditions as it may deem necessary for the children's welfare.

(Amended May 5, 1950. Filed with the City Clerk May 15, 1950 and published in the City Record May 19, 1950.)

REGULATIONS

§200. Regulations governing the conduct and maintenance of schools in the City of New York.

Regulation 19. Staff.

(a) The board, officers, or other persons having charge, management or control or a school shall require triennially or at such other interval as may be prescribed by the commissioner of health pursuant to subdivision (c) of regulation 10 under section 87 of the sanitary code of all teachers and other employees who work in the school and come in contact with the children, and for new appointees at time of appointment, a certificate from a physician, on a form furnished by the Department of Health, certifying such teacher or other employee to be free from active tuberculosis. The certificate shall be based on a chest X-ray provided by the physician or the Department of Health. When the X-ray is provided by a physician, such teacher or employee shall submit the X-ray, properly identified, and certificate on form furnished by the Department of Health of The City of New York to the school authorities not more than thirty (30) days after the taking thereof, for review by the Department of Health. In every case where the X-ray so submitted is not satisfactory, an X-ray of the chest of such teacher or employee shall be made by the Department of Health. The school authorities shall place and keep on file the certificate of freedom from disease in communicable form but no such certificate shall be placed on file unless the X-ray has been made or reviewed by the Department of Health. Where the X-ray discloses a suspicious condition which cannot be properly evaluated on a single X-ray, such fact shall be endorsed on the certificate and the chest of such teacher or employee shall be further X-rayed, his sputum examined and such physical examination by the Department of Health as may be indicated made at such intervals as the said department may require.

Subdiv. (a) amended July 14,1953 and filed with the City Clerk on July 22, 1953 and published in the City Record August 1, 1953.)

(b) No teacher or other employee who has any communicable or suspected communicable illness, as provided in Section 92 of the Sanitary Code, shall be allowed to remain on duty.

(Paragraph (b) amended April 10, 1950. Filed with the City Clerk April 13, 1950 and published in the City Record April 20, 1950.)

Regulation 20. Conditions affecting admission of children; medical certificate required; subsequent medical examination.

(Title amended January 14, 1947.)

(Previous title appears in the February 10, 1948 edition).

Regulation 25. Modification of provisions. If there are practical difficulties or unnecessary hardships in carrying out the strict letter of these regulations in any school, the Board of Health, in its discretion and in a specific case, may modify any provision in harmony with their general purpose and intent, upon such conditions, as it may deem necessary for the children's welfare.

(Amended May 8, 1950. Filed with the City Clerk May 15, 1950 and published in the City Record May 19, 1950.)

REGULATIONS

***§203. Regulations governing the establishment and maintenance of shelters giving emergency day and night care to children in the City of New York.**

Regulation 2. Certificate of registration; posting of certificate and cards.

(a) Where an applicant for registraton complies with these regulations, a certificate of registration shall be issued by the Commissioner of Health for a period of one year from the date of issuance.

(Subdivision (a) amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided further, "that a certificate of registration heretofore issued by the Board of Health under subdivision (a) of regulation two of the "Regulations Governing the Establishment and Maintenance of Shelters Giving Emergency Day and Night Care to Children in the City of New York," and relating to section two hundred three of the sanitary code of the city of New York, shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

Regulation 18. Care of foodstuffs and utensils; garbage.

(b) Milk shall be kept at a temperature not above fifty (50) degrees Fahrenheit, and if purchased otherwise than in bottles or paper containers shall be in milk dispensing containers approved by the Commissioner of Health. The handling of milk from containers, filling of glasses, removal of bottle caps and the like shall not be performed by children under the age of twelve (12) years. Milk bottles, nipples and cooking utensils used in infant feeding shall be cleaned and sterilized in accordance with the physician's directions.

(Subdivision (b) amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

MEDICAL AND HEALTH CARE OF CHILDREN

Medical and health care of children.

Regulation 25. Discretion of the Board. If there are practical difficulties or unnecessary harships in carrying out the strict letter of these regulations in any shelter, the Board of Health, in its discretion and in a specific case, may modify any provision in harmony with their general purpose and intent and upon such conditions as it may deem necessary for the children's welfare.

(Repealed and reenacted May 8, 1950. Filed with the City Clerk May 15, 1950 and published in the City Record May 19, 1950.)

ARTICLE 12

Miscellaneous Provisions

***§217. Establishment and maintenance of tents and camps regulated.**

No tent shall be raised or erected or any camp established, in the City of New York, to be used or occupied by any persons as a place for living or sleeping, nor shall any such tent or camp be so used or occupied without a permit therefor issued by the Commissioner of Health or otherwise than in accordance with the terms of said permit and with the Regulations of the Board of Health.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section two hundred seventeen of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

§218. Physicians required to register in the Department of Health.

Every licensed physician practicing medicine in the City of New York shall register his or her name and address and every change of address in the office of the Bureau of Records and Statistics of the Department of Health in the borough in which he or she intends to practice. Every such physician shall present, at the time of such registration, his or her biennial state registration certificate.

(First unnumbered paragraph amended May 14, 1951. Filed with City Clerk May 16, 1951 and published in the City Record May 22, 1951.)

***§222. Fumigants, exterminators and insecticides; permits, use, sale and distribution regulated.**

1. No person shall use in any building, vessel or other place in the City of New York, a fumigant, exterminator or insecticide for the destruction or control of insects, vermin, rodents or other pests, or engage in the business of such fumigation or extermination, without a permit issued therefor by the Commissioner of Health or otherwise than in accordance with the terms of said permit and the regulations of the Board of Health. This provision, however, shall not apply to a person using an exterminator or insecticide in his own home, building or place of business, except that if the place of busness is one where food is stored, prepared or held or kept for sale, no poisonous exterminator or insecticide may be kept on the premises or used by such person other than an exterminator or insecticide containing a fluoride, colored nile blue or pale nile blue or microcline green properly labeled and packed in non-refillable containers and in the manner prescribed in subdivision 5 of this section.

(Subdivision 1 amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section two hundred twenty-two of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

9. Notwithstanding the provisions of subdivisions 1 through 8 of this section, no person shall use in any place in the City of New York, sodium fluoroacetate, also known as compound 1080, for the destruction or control of vermin, rodents, or other pests unless he shall have first obtained from the Commissioner of Health a permit for each particular use thereof. A separate application shall be made and a separate permit shall be required for each use of such sodium fluoroacetate. Such permit shall be issued to a specified individual, for a specific location and for a specified date. Such permit shall be valid only for the specified individual, location and date. The issuance of such permits shall be at the discretion of the Commissioner of Health, who shall give due consideration to the qualifications and fitness of the applicant, the need for the use of sodium flluoroacetate and the condition present at the location at which the sodium fluoroacetate is proposed to be used. In issuing such permits the Commissioner of Health may impose such conditions as he may deem necessary to safeguard the public health.

(Amended December 14, 1948, new subdivision nine added. Filed with the City Clerk December 17, 1948 and published in the City Record December 22, 1948.)

REGULATIONS

Regulations governing the use of fumigant, exterminator or insecticide.

Regulation 1. Application for permits. Applications for a permit to conduct the business of fumigation or extermination and applications for respective employee—operator permits shall be made on blank forms furnished for such purpose by the Department of Health. All applicants must pass an examination given by the Fumigant Board as hereinafter provided. If an applicant for a permit to conduct the business of fumigation or extermination is a partnership, at least one member thereof, or if a corporation, at least one officer thereof must pass such an examination before the respective permit is issued. When such a permit has been issued, every member of the partnership or officer of the corporation passing such examination shall receive an owner-operator-fumigant or exterminator permit, as the case may be, which entitles the holder thereof to engage as an operator in the active work of fumigation or extermination respectively. Such owner-operator permit shall be issued without fee and shall, unless revoked, expire on the same date as the permit issued to the partnership or corporation. Only those members of the partnership or officers of the corporation who have passed such an examination and received an owner-operator permit shall engage as an operator in the active work of fumigation or extermination as the case may be. Where a permit to conduct the business herein mentioned has been issued to a partnership, or corporation, there must be at all times, during the term of such permit a member of such partnership, and in the case of a corporation, an officer thereof who is the holder of an owner-operator permit as hereinbefore provided, otherwise, the permit to conduct such business may be revoked by the Commissioner of Health. The application shall contain in addition to other information, the following:

(a) Name, age and address of applicant.

(b) Qualifications of applicant.
(c) If an employee, the name and address of present employer.
(d) If applicant be a corporation—
1. Full and accurate corporate name.
2. When and where incorporated.
3. Name of county where certificate has been filed and date of filing.
4. Principal place of business of corporation.
5. Full names and addresses of officers of corporation.
6. Name of officer or officers who are to take the examination and their qualifications.
(e) If applicant be a partnership—
1. The names and addresses of members thereof and the names of the partners who are to take the examination and their qualifications.
(f) If applicant conducts business under a trade name, the following additional information—
1. Complete and full name.
2. The name of the person or persons doing business under such trade name.
3. Name of county where certificate of doing business was filed, together with date of filing.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

Regulation 2. Examination—fumigant board.

(b) Such examination shall be conducted by a Board which shall consist of three (3) employees of the Department of Health designated by the Commissioner of Health and which shall be known as the "Fumigant Board." Said Board shall investigate the character, training, experience and fitness of every applicant and shall investigate any and all complaints or matters involving fumigation or extermination and report its findings and recommendations to the Commissioner of Health.

(Subdivision (b) amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

§222a. Carbon tetrachloride—warning label required.

1. No person shall have, keep, offer for sale, sell or give away in the city of New York carbon tetrachloride, or any product, apparatus or device, except fire extinguishers, containing carbon tetrachloride unless it bears the following warning statement:

CARBON TETRACHLORIDE OR CONTAINS CARBON TETRACHLORIDE
(WHICHEVER IS APPLICABLE)
DANGER!
HAZARDOUS VAPOR AND LIQUID
MAY BE FATAL IF INHALED
OR SWALLOWED
DO NOT TAKE INTERNALLY
DO NOT BREATHE VAPOR
USE ONLY WITH ADEQUATE
VENTILATION
AVOID PROLONGED OR REPEATED
CONTACT WITH SKIN

2. Such warning statement shall be placed on the front panel of the immediate container and on the front panel of the outside container or wrapper, if any, and shall be printed in letters which are legible and in conspicuous contrast with other printed matter appearing on the front panel of the immediate container and of the outside container or wrapper, if any.

(Adopted July 14, 1952, effective December 1, 1952. Filed with the City Clerk July 23, 1952 and published in the City Record July 25, 1952.)

§225. Heating of occupied buildings.

NEW YORK CITY CRIMINAL COURTS ACT

§102c. Jurisdiction; sanitary code violations.

Sec. 102c of N. Y. C. Criminal Courts Act and added by ch. 278 L. 1943 amended ch. 197 L. 1947 and ch. 767 L. 1950 empowers magistrates to try and punish violators of this section "as for an offense," punishment for which shall be by a fine of not to exceed two hundred dollars or by imprisonment for not more than three months or both.

§230a. Methyl bromide fire extinguishers. a. No person shall have, keep, sell or offer for sale in the City of New York, any fire extinguisher containing methyl bromide unless such extinguisher complies with the following requirements:

1. It contains not more than one hundred grams of mythyl bromide.

2. It bears on the front of the container and on every portion thereof upon which directions for use of the extinguisher are posted, a label containing the following statement in red letters, ¼ inch high, on a black background, viz:

"WARNING — POISON
CONTAINS METHYL BROMIDE
A DANGEROUSLY POISONOUS GAS"

3. It contains a suitable warning substance approved by the Department of Health.

b. All persons having on hand on October 15, 1948, stocks of methyl bromide fire extinguishers which were purchased prior to October 15, 1948, for sale in the City of New York and which do not comply with subdivision a of this section, shall have until January 15, 1949, to remove such fire extinguishers from stock, but shall not sell or offer for sale such extinguishers on and after October 15, 1948.

c. This section shall not apply to persons who purchased, prior to October 15, 1948, for ultimate consumption and not for the purpose of resale, methyl bromide fire extinguishers which do not comply with subdivision a of this section.

(Adopted September 14, 1948, effective October 15, 1948. Filed with the City Clerk September 20, 1948 and published in the City Record September 23, 1948.)

§230b. Seizure and condemnation of products, apparatus or devices authorized.

Upon any product, apparatus or device being found by an inspector or other duly authorized representative of the department of health, which is not labeled in accordance with the provisions of the sanitary code, or the regulations thereunder, or is labeled in violation of any provision of the sanitary code or the regulations thereunder, or is in a condition or of a weight, quality or strength forbidden by the provisions of the sanitary code, or in a condition which otherwise renders such product, apparatus or device in violation of the sanitary code or the regulations thereunder, such inspector or duly authorized representative is hereby empowered and directed to immediately seize said product, apparatus or device and affix thereto a label bearing the words "Seized by the Department of Health." Such product, apparatus or device when so labeled shall not be touched, disturbed, sold, offered for sale or given away but shall be released, destroyed or otherwise finally disposed of as the department of health shall direct.

(Adopted July 14, 1952. Filed with the City Clerk July 23, 1952, and published in the City Record July 25, 1952.)

ARTICLE 13

Offensive Materials

***§232. Offensive matter or substances; accumulations thereof not to be disturbed in certain periods of year; permit required.** No ground or material filled with or containing offensive matter or substance, or that will emit or allow to arise through or from the same any offensive smell or deleterious exhalation, shall (adjacent to or within the built-up portion of the City of New York), be opened or turned up, nor shall the surface thereof be removed, between the first day of May and the first day of October of any year, without a permit therefor issued by the Commissioner of Health or otherwise than in accordance with the terms of said permit and with the Regulations of the Board of Health.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits theretofore issued by the Board of Health under section two hundred thirty-two of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

***§242. Accumulations of manure, offal, garbage, and other offensive and nauseous substances; retention and disposal regulated.**

No pile, deposit, or accumulation of manure, offal, dirt, or garbage, or any offensive or nauseous substance, shall be made within the built-up portions of the City of New York, or on or upon the piers, docks, or bulkheads adjacent thereto, or on or upon any vessel, boat, or scow, lying at such pier, wharf, or bulkhead; nor shall such pile, deposit, or accumulation be made anywhere in said City within three hundred feet of any church or place of worship, or inhabited dwelling, without a permit therefor issued by the Commissioner of Health or otherwise than in accordance

with the terms of said permit and with the Regulations of the Board of Health; and no person shall contribute to the making of any such pile, deposit, or accumulation without such a permit or otherwise than in accordance with the terms of such permit and the Regulations of the Board of Health; nor shall any car loaded with or having in or on it any such substance or substances be allowed to remain or stand on any railroad track, street, or highway, within three hundred feet of any inhabited dwelling or elsewhere in said City, nor shall any vessel, boat, scow, or float, loaded with any such substance or substances be allowed to remain at any pier, dock, or bulkhead in said City, without a permit therefor issued by the Commissioner of Health or otherwise than in accordance with the terms of said permit and with the Regulations of the Board of Health; and no manure, garbage, or other material that is liable to emit an offensive exhalation shall, in or adjacent to the built-up portions of the City of New York, be turned or stirred, except in its removal in such a way as to increase such exhalations by reason thereof; nor shall any straw, hay, or other substance, which has been used as bedding for animals, be placed or dried upon any street or sidewalk, or roof of any building; nor shall any such straw, hay, or other substance, or the contents of any mattress or bed, be deposited or burnt without a permit therefor issued by the Commissioner of Health or otherwise than in accordance with the terms of said permit and with the Regulations of the Board of Health.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section two hundred forty-two of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

***§245. Ships, boats, and other vessels; not allowed at dock or pier unless permitted.**

No ship, boat, or other vessel shall be taken or allowed by any person to come into, or lay at or within, any dock, pier, bulkhead, or slip, for the purpose of the shipment or removal of any offal, garbage, rubbish, blood, or offensive animal or vegetable matter, dirt, or dead animals, or for the use of any contractor for the removal of any of the foregoing substances, without a permit therefor issued by the Commissioner of Health or otherwise than in accordance with the terms of said permit and with the Regulations of the Board of Health.

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section two hundred forty-five of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

ARTICLE 14

Plumbing, Drainage and Sewerage

§277. Plumbing, gas piping and fixtures to be kept in good order and repair.

It shall be the duty of every owner, agent, lessee or other person having the management or control of any building or premises to keep all house drains, house sewers, vent pipes, waste and soil pipes, traps and water and gas pipes in such building or premises, and all gas fixtures and gas appliances provided by the owner, agent, lessee or other person having the management or control of such building or premises in good order and repair. Every owner, agent, lessee or other person having the management or control of any building wherein gas is used for lighting, cooking, refrigerating, heating or other purposes shall maintain in the said building a system of gas pipes of a size and in such condition as will be sufficient to furnish and supply an adequate volumetric flow of gas to all such lighting, cooking, refrigerating, heating and other gas fixtures or appliances used or intended to be used in the said building or premises.

(Amended May 14, 1951. Filed with City Clerk May 16, 1951 and published in the City Record May 22, 1951.)

***§287. Privy vaults and cesspools; construction.**

No privy vault or cesspool shall be allowed to remain on any premises, or built, in the City of New York unless when unavoidable. The sides and bottom of every privy vault, cesspool, or "school sink", in the City of New York, must be impremeable and secure against any saturation of the walls or the ground above the same, unless otherwise allowed by a permit in writing issued therefor by the Commissioner of Health and must then be used in accordance with the terms of said permit and the Regulations of the Board of Health. No water-closet or privy vault shall be

constructed without adequate provision for the effectual and proper ventilation and cleansing thereof.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section two hundred eighty-seven of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

ARTICLE 16

Street Conditions

§ 315. Throwing refuse into streets and vacant lots and interfering with sanitation employees prohibited.

1. No person shall sweep, throw, cast or lay, or direct, suffer or permit any servant, agent, employee, or other person under his control, to sweep, throw, cast or lay any ashes, offal, garbage, cinders, shells, straws, shavings, sidewalk dust, dirt, filth, broken glassware, crockery, bottles or other rubbish of any kind whatsoever, or any fruit or vegetable or any part or portion thereof, in or upon any street or public place, vacant lot or plot, except where ashes or dirt may be used for filling such a lot or plot under a permit secured from the department or bureau having jurisdiction.

2. No person shall prevent or interfere with any employee of the Department of Sanitation in the sweeping or cleaning of any street or in the removal of sweepings, ashes, garbage, rubbish, snow, ice or other refuse material.

(Repealed and reenacted Ocotber 14, 1948. Filed with the City Clerk October 20, 1948 and published in the City Record October 25, 1948.)

ARTICLE 17

Trades, Occupations and Businesses

***§ 322. Offensive or noisome trades and businesses regulated.**

No establishment or place for carrying on any offensive or noisome trade or business shall be opened, started, established, or maintained in the City of New York, without a permit therefor issued by the Commissioner of Health or otherwise than in accordance with the terms of said permit and with the Regulations of the Board of Health.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore isued by the Board of Health under section three hundred twenty-two of the sanitary code of the City of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

***§ 324. Certain offensive or noisome businesses in the Borough of Brooklyn, The Bronx, Queens, and Richmond regulated.**

The business of bone crushing, bone boiling, bone grinding, bone or shell burning, lime making, horse skinning, cow skinning, glue making from any part of dead animals, gut cleaning, hide curing, fat rendering, boiling of fish, swill, or offal, heating, drying or storing of blood, scrap, fat, grease, or other offensive animal matter or of offensive vegetable matter, or manufacturing materials for manure or fertilizer, shall not be carried on in the Boroughs of Brooklyn, The Bronx, Queens, or Richmond without a permit therefor issued by the Commissioner of Health or otherwise than in accordance with the terms of said permit and with the Regulations of the Board of Health.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore isued by the Board of Health under section three hundred twenty-four of the sanitary code of the City of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

§ 325. The slaughter of poultry regulated.

The slaughter of poultry shall not be conducted in The City of New York, without a permit therefor issued by the Board of Health, or otherwise than in accordance with the terms of said permit and with the regulations of said board.

(Amended October 26, 1948. Filed with the City Clerk October 28, 1948 and published in the City Record November 5, 1948.)

***§ 326. Business of salughtering cattle, calves, sheep, goats and swine restricted; permit required.**

1. The busines of slaughtering cattle, calves, sheep, goats or swine shall not be conducted in the City of New York without a permit issued therefor by the Commissioner of Health or otherwise than in accordance with the terms of the said permit and with the regulations of the Board of Health.

2. The business of slaughtering cattle, calves, sheep, goats or swine shall not be conducted in the City of New York except

a. in that part of the borough of Manhattan bounded on the east by the west side of Eleventh avenue, on the south by the center line of the block between west Thirty-eight and west Thirty-ninth streets, on the west by the North River and on the north by the south side of west Forty-first street.

b. in that part of the borough of Brooklyn beginning at a point formed by the intersection of the center lines of Boerum street and Bushwick place; then northerly along the center line of Bushwick place to the center line of Meserole street; then easterly along the center line of Meserole street to the center line of Morgan avenue; to the center line of Grand street; then easterly along the center line of Grand street to the center line of Varick avenue; then southerly along the center line of Varick avenue to the center line of Meserole street; then easterly along the center line of Meserole street to the center line of Scott avenue; then northerly along the center line of Scott avenue to the center line of Scholes street; then easterly along the center line of Scholes street to the county line; then southerly along the county line to the center line of Randolph street; then westerly along the center line of Randolph street to the center line of Varick avenue; then southerly along the center line of Varick avenue to the center line of Johnson avenue; then westerly along the center line of Johnson avenue to the center line of Bogart street; then southerly along the center line of Bogart street to the center line of Boerum street; then westerly along the center line of Boerum street to the point of beginning, and

c. at any site in the City of New York in an area than that prescribed by paragraphs a and b of this subdivision upon which a building or structure and the appurtenances thereto were in existence and were used for the business of slaughtering cattle, calves, sheep, goats or swine under permit issued by the board of health to slaughter cattle, calves, sheep, goats or swine, on the effective date of this section as reenacted. A site authorized by this paragraph shall be limited to that portion thereof actually occupied by the building or structure and the appurtenances thereto on the effective date of this section as reenacted.

3. The repeal and reenactment of this section shall not in any way affect the **"Regulations governing the slaughtering of cattle, sheep, goats, pigs and calves"** heretofore adopted by the board of health and the said regulations shall continue in full force and effect.

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section three hundred twenty-six of the sanitary code of the City of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

(Repealed and reenacted October 26, 1948. Filed with the City Clerk October 28, 1948 and published in the City Record November 5, 1948. Subdivision 1 amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

***§ 327. Slaughtering of horses, donkeys, mules and other animals of the genus equus and sale of horsemeat regulated.**

1. The business of slaughtering horses, donkeys, mules and any other animals of the genus equus shall not be conducted in the City of New York. No horsemeat, whether alone or combined with other ingredients, shall be brought into, transported or held, kept, or offered for sale in said City without a permit therefor issued by the Commissioner of Health, or otherwise than in accordance with the terms of said permit and the regulations of the Board of Health. Such permits when issued shall specify "FOR ANIMAL CONSUMPTION" or "FOR HUMAN CONSUMPTION", except that no permit shall be required for the having, keeping, offering for sale or selling horsemeat for animal consumption at retail, or horsemeat for animal consumption in hermetically sealed containers.

For the purpose of this section and the regulations hereunder the term "horsemeat" shall be taken to mean and include every part of a horse, donkey, mule or any other animal of the genus equus.

2. No carcass, or part of a carcass of a horse, donkey, mule or other animal of the genus equus shall be brought into the City of New York, or held, kept, sold, offered for sale or given away in said City, until it shall have been inspected and passed by the United States Department of Agriculture and shall have been marked, stamped or branded as having been so inspected and passed, or, in the case of parts of a carcass, unless such parts shall have been cut from a carcass or part of a carcass which had previously been inspected and passed and so marked, stamped or branded as hereinbefore provided.

3. No canned or packaged horsemeat for animal food, whether alone or combined with other ingredients, shall be packed or canned in the City of New York, or brought into said City, or held, kept, offered for sale or sold therein, unless:

(a) It is packed or canned with horsemeat all of which has been inspected and passed by the United States Department of Agriculture, and

(b) It is packed or canned in a plant which is under the supervision of the United States Department of Agriculture, or the Health Department of the City of New York, or of an official inspection service, approved by the Board of Health of the City of New York, which shall certify that the horsemeat used has been inspected and passed by the United States Department of Agriculture, and

(c) The can or package is plainly and legibly marked, stamped or labeled with the name and address of the packer or the name and address of the distributor and the plant identification number of the packer.

4. Horseflesh shall not be used as an ingredient of or in the preparation of any mixed food intended for human consumption.

5. Horsemeat, whether alone or combined with other ingredients, intended for animal food shall not be brought into the City of New York, transported, or held, kept, stored, offered for sale or sold unless it shall be ground, chopped or comminuted so that no piece shall be greater than one half inch in any dimension and unless the mass shall be decharacterized, by thoroughly and evenly mixing therein, not less than one per cent by weight of No. 10 to No. 14 U. S. standard mesh granular charcoal, or by coloring with a harmless coloring matter, other than red, approved by the Department of Health of the City of New York, or otherwise in a manner and with materials satisfactory to said Department. The provisions of this subdivision, however, shall not apply to:

(a) Horsemeat for animal food, which is enclosed in properly labeled hermetically sealed containers.

(b) Horsemeat for animal food sold and transported directly to the New York Zoological Society or to the Department of Parks of the City of New York.

(c) Horsemeat sold to a laboratory in the City of New York, engaged in scientific research provided that the Commissioner of Health or his duly authorized representative has approved the receipt of horsemeat by such laboratory.

(d) Horsemeat brought into the City of New York by a wholesale processor, canner, or packer of horsemeat for animal consumption, whose establishment is located in the City of New York, for the purpose of being canned, packaged or comminuted and decharacterized, in accordance with the provisions of this section, provided, however, that:

1. Such horsemeat is decharacterized by coloring with a harmless coloring matter, other than red, approved by the Department of Health, or otherwise in a manner and with materials satisfactory to said Department, and

2. Such horsemeat is transported and delivered from outside the City of New York directly to the establishment of such processor, canner or packer.

(Amended June 11, 1951. Filed with the City Clerk June 14, 1951 and published in the City Record June 19, 1951.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section three hundred twenty-seven of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

REGULATIONS

§327. **Regulations governing the preparation, transportation, storage and sale of horsemeat.**

Regulation 1. Preparation and sale restricted.

a. No horsemeat shall, in the City of New York, be prepared, canned, decharacterized, or packaged in any establishment or premises where other meat or meat products intended for human consumption are held, kept, offered for sale, sold, prepared, canned or packaged.

b. No horsemeat, except horsemeat for animal food which is in its original container and which is comminuted, decharacterized, packaged and labeled, in accordance with the provisions of Section 327 of the Sanitary Code and these regulations, or which is cooked and enclosed in hermetically sealed metal or glass containers labeled in accordance with said section and regulations, shall be delivered to or held, kept, offered for sale or sold in any establishment or premises where meat or meat products for human consumption are held, kept, offered for sale or sold.

Regulation 2. Containers to be labeled. Each case, can, package, wrapping material, or other container of horsemeat, whether alone or combined with other ingredients, for animal food brought into the City of New York, or held, kept, offered for sale or sold in said city, shall be clearly, legibly and conspicuously labeled to indicate that it is or contains horsemeat. Such label shall also include either the phrase "for animal food" or "for dogs" or "for cats" or "not for human consumption."

Regulation 3. Transportation. No vehicle used in the transportation of horsemeat may be used in the transportation of any other meat intended for human consumption. Each vehicle transporting horsemeat shall be plainly and legibly marked on both sides with the word "Horsemeat" together with the dealer's name, address and permit number in block letters not less than three inches in height. This regulation, however, shall not apply to any vehicle transporting horsemeat for animal food which has been comminuted, decharacterized, canned or packaged and labeled in accordance with the provisions of Section 327 of the Sanitary Code and these regulations, or cooked horsemeat in hermetically sealed metal or glass containers, labeled in accordance with said section and regulations.

Regulation 4. Shipments and deliveries. All shipments of horsemeat into the City of New York and all deliveries of horsemeat by vehicles in said city, shall be accompanied by bills or delivery slips showing the name and address of the dealer, the amount in pounds shipped or to be delivered and the name and address of the consignee.

Regulation 5. Records of wholesalers. Every processor, packer, distributor or dealer who sells horsemeat for animal food to another dealer for resale purposes shall keep accurate records of the following:

(a) As to receipt of horsemeat—

1. Date of receipt.
2. Amount received in pounds.
3. Name and address of person or firm from whom received.

(b) As to sale of horsemeat—

1. Date of sale.
2. Amount sold in pounds.
3. Name and address of person or firm to whom sold.
4. Nature of business conducted by purchaser, and purchaser's permit number, if any.

These records shall be kept on file for at least six months and shall be open for inspection at all times by a representative of the Department of Health.

Regulation 6. Wholesomeness of product and sanitation of premises. All horsemeat or animal food containing horsemeat held, kept, offered for sale, sold or prepared shall be sound and wholesome. Every establish-

ment in which horsemeat is held, kept, offered for sale, sold or prepared shall be maintained at all times in a clean and sanitary condition.

(Amended June 11, 1951. Filed with the City Clerk June 14, 1951 and published in the City Record June 19, 1951.)

***§328. Tanning, skinning, and scouring or dressing hides and leather regulated.**

No establishment or place of business for tanning, skinning, or scouring, or for dressing hides or leather shall be opened, started, established, or maintained in the City of New York, without a permit therefor issued by the Commissioner of Health or otherwise than in accordance with the terms of said permit and with the Regulations of the Board of Health.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section three hundred twenty-eight of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

***§329. Business of rendering and melting fat regulated.**

The business of rendering or melting fat shall not be carried on in the City of New York without a permit therefor issued by the Commissioner of Health or otherwise than in accordance with the terms of said permit and with the Regulations of the Board of Health.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section three hundred twenty-nine of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

***§331. Business of collecting and breaking out eggs for inedible purposes regulated; permit required.**

1. No person shall conduct or engage in the business of collecting or breaking out eggs in the City of New York for inedible purposes without a permit therefor issued by the Commissioner of Health or otherwise than in accordance with the terms of said permit and with the regulations of the Board of Health.

(Subdivision 1 amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section three hundred thirty-one of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

***§332. Boiling varnish or oil; distilling alcoholic spirits; making lampblack, turpentine, or tar; treating and refining ores, metals, or alloys of metals; regulated.**

No person shall hereafter erect or establish in the City of New York any manufactory or place of business, for boiling any varnish or oil, for the distilling of any ardent or alcoholic spirits, for making any lampblack, turpentine, or tar, for the treating and refining of ores, metals, or alloys of metals, with acids or heat, or for conducting any other business that will or does generate any offensive or deleterious gas, vapor, deposit, or exhalation, without a permit therefor issued by the Commissioner of Health or otherwise than in accordance with the terms of said permit and with the Regulations of the Board of Health.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section three hundred thirty-two of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

***§335. Public barber shops, hair-dressing establishments, manicuring and beauty parlors regulated.**

1. No public barber shop, hair-dressing establishment, manicuring or beauty parlor shall be conducted or maintained in the City of New York without a permit therefor issued by the Commissioner of Health or otherwise than in accordance

with the terms of said permit and with the Regulations of the Board of Health. A permit under this section shall not be required for barber schools or beauty culture schools which are regulated as such by the New York State Department of Education, but such schools shall be operated and maintained in conformity with the regulations of the Board of Health governing the conduct of public barber shops, hair-dressing establishments, manicuring and beauty parlors.

2. The terms "public barber shop", "public hair-dressing establishment", "public manicuring parlor" and "public beauty parlor" as used in this section shall be taken to mean and include all such premises as are commonly known by the terms "barber shop", "hair-dressing establishment", "manicuring parlor" and "beauty parlor", respectively, and shall include all premises or portion thereof wherein the business of shaving, clipping, cutting, trimming, singeing, shampooing, massaging, manicuring, dressing, adorning or beautifying the human hair, face, scalp or hands, is conducted for fee, charge, or hire.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950. Amended February 14, 1950. Filed with the City Clerk February 20, 1950 and published in the City Record February 24, 1950. Subdivision 1 amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted February 10, 1950 and October 9, 1950 provided "that permits heretofore issued by the Board of Health under section three hundred thirty-five of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

***§336a. Residential, self-service laundry equipment; permit required.**

1. No person shall operate residential self-service laundry equipment in the City of New York without a permit therefor issued by the Commissioner of Health or otherwise than in accordance with the terms of the permit and the regulations of the Board of Health.

2. The term "residential self-service laundry equipment" shall mean any automatic or semi-automatic washing, drying, ironing or other laundry machine or group or battery of such machines regardless of type or make installed in any multiple dwelling, project, housing development or unit for the use of the tenants of such multiple dwelling, project, housing development, or unit and for the use of which a special charge, payment or other consideration is required, either by insertion of a coin, payment to an attendant or otherwise.

3. The term "operate" shall mean maintain or undertake to maintain any such residential self-service laundry equipment, either as owner, lessee, agent or manager of the multiple dwelling, project, housing development or unit in which it is located or as the owner, lessee or other person in control of the machine or machines installed therein. It shall not, however, include the activities of a person whose sole business is installation, repair or servicing of such laundry equipment and who does not own, lease or operate the same, nor shall the term "operate" apply to the owner, lessee agent or manager of the building provided a permit for operation is issued to the person in control of the equipment.

4. Use of the facilities of residential self-service laundry equipment by the general public or by anyone other than the tenants or occupants of the premises where the unit is installed, or any violation of the section and regulations relating to the operation of residential self-service laundry equipment, shall be cause for the revocation of the permit.

(Adopted March 9, 1948, effective July 1, 1948. Filed with the City Clerk March 12, 1948 and published in the City Record March 20, 1948. Subdivision 1 amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section three hundred thirty-six a of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

REGULATIONS

Regulations governing the operation of residential self-service laundry equipment.

Regulation 1. Permits. An application for a permit to operate residential self-service laundry equipment shall be made on forms furnished for such purpose by the Department of Health. All such permits shall expire on the last day of December of each year.

Regulation 2. Responsibility of permittee. The permittee shall at all times be held strictly responsible for the installation, maintenance and operation of the residential self-service laundry equipment at all locations serviced.

Regulation 3. Water supply; hot water. Each washing machine shall be provided with an adequate supply of hot and cold water. The facilities and equipment of such premises in which residential self-service laundry equipment is installed shall be of at least such capacity, nature and type as to be capable of providing all of the said laundry equipment with an adequate supply of hot and cold water.

Where there are automatic controls on washing machines and when the selector-switch is turned to provide for a high temperature process, as defined in Regulation 8 of the regulations relating to Section 336 of the Sanitary Code, these controls shall be so adjusted as not to reduce temperature of water being delivered in the machine below 140 degrees Fahrenheit during the wash period.

Regulation 4. Plumbing fixtures and appliances; maintenance.

(a) All plumbing fixtures and appliances shall be properly installed and connected in accordance with the requirements of the Administrative Code. All water supply outlets or connections to fixtures or appliances shall be properly protected from backflow into the water supply system.

(b) All hose coupling outlets and serrated tip outlets for hose connections are deemed to be submerged inlets and shall be independently protected with an approved vacuum breaker, except where approval for an exception has been received from the Board of Standards and Appeals.

(c) All washing machines shall discharge into a properly trapped, sewer-connected and water-supplied sink.

(d) Plumbing fixtures and appliances shall be maintained in good repair and in a clean and sanitary condition.

Regulation 5. Records to be kept. Every permittee shall keep a complete and accurate record of all locations of installations operated by him, and shall indicate the date each unit was installed or acquired, and the number and type of machines located at each address and the date of discontinuance of operation of any such locations. All such records must be kept in good form. These records shall be readily accessible at all times for inspection by duly authorized representatives of the Department of Health.

Regulation 6. Safety, maintenance, sanitary conditions, drainage. Each machine or group of machines shall be so located and installed in a building as to receive a proper and adequate degree of lighting by natural or artificial means.

Machines shall not be installed and located in such a manner that they shall be unduly exposed to insanitary conditions. Floors under and adjacent to washing machines shall be constructed of non-absorbent water-tight material and shall be maintained in a sanitary condition and kept free of an accumulation of waste water at all times. The inner and outer surfaces of tubs and cylinders shall be kept visibly clean, sanitary and free from accumulation of residues and other debris. Within 48 hours after the permittee or his representative has been notified that any washing machine or other installation controlled or operated by him is broken or defective, he shall cause such machine or machines to be inspected by capable repairmen and to be properly repaired, replaced or disconnected from service.

All reasonable and usual precautions shall be taken to maintain installations in a safe and sanitary condition. Laundry equipment installed shall be of such nature and type as to comply with reasonable standards accepted for electrical and mechanical safety tests. Where wringer-type washing machines are in use, such machines shall be equipped with an adequate safety release mechanism.

Regulation 7. Sign posted. The permittee shall securely post within ten (10) feet of the laundry equipment in such manner as to be visible at all times, a durable sign or card 18" x 22" or larger with block letters not less than one-half inch in height, with black lettering on a white background. This sign shall include the following:

(a) A warning against accidents to read as follows:

"WARNING—PREVENT ACCIDENTS. KEEP CHILDREN AWAY FROM MANGLES, DRYERS, WASHING MACHINES AND ANY OTHER POWER EQUIPMENT."

(b) Instruction that the use of the laundry is restricted to the tenants of the housing unit and other persons performing laundry service for them.

(c) Instructions in germicidal treatment in the low temperature process as defined and prescribed in Regulation 8 of the regulations relating to Section 336 of the Sanitary Code.

(d) The name, address and permit number of the permittee, and the service telephone.

(Adopted March 9, 1948, effective July 1, 1948. Filed with the City Clerk March 12, 1948 and published in the City Record March 20, 1948.)

***§340. Bathing establishments regulated.**

"Bathing establishments" shall be taken to mean and include every building, room, enclosure, place or premises, or parts thereof, where: (1) bathing is permitted; (2) bathing suits are hired out; (3) dressing or undressing in connection with the wearing, putting on or taking off of bathing suits is permitted; or (4) there is located a bathing beach, swimming pool, Russian or Turkish bath, or mikveh. This section shall not include wading pools, shore fronts or pools used only by the owner or his family, or baths used for cleansing purposes or hydrotherapy and which do not contain pools or tanks used collectively by a number of persons.

A "fill and draw" pool shall be taken to mean and include a pool whose sole means of cleansing is the complete removal of the used water and replacement thereof with clean water.

No bathing establishment shall be maintained in The City of New York without a permit therefor issued by the Commissioner of Health or otherwise than in accordance with the terms of said permit and the regulations of the Board of Health. The permit shall be for one year and application for renewal must be made annually. No permit will be required of a governmental department or agency.

No bathing establishment shall be constructed, nor shall any major alterations or additions be made to any bathing establishment, until detailed plans and specifications for same shall have been submitted to and approved by the Department of Health. In the case of minor changes, a statement describing them shall be submitted to the Department. On and after the date upon which these regulations become effective, the construction of "fill and draw" pools for swimming and bathing is hereby prohibited. Plans will not be approved for any bathing establishment which includes or depends upon the use of a beach bathing place along any portion of the water front of The City of New York in an area in which bathing establishments are prohibited by the Board of Health.

All bathing establishments in The City of New York shall use water only from the public mains unless otherwise approved by the Department of Health.

Plans and specifications for certain bathing establishments may also require approval of the Department of Housing and Buildings and when located on the water front, of the Department of Marine and Aviation. All bathing establishments before being permitted to operate must obtain a license from the Department of Licenses.

(Amended October 9, 1950. Filed with the City Clerk October 31, 1950 and published in the City Record November 9, 1950.)

*The resolution of the Board of Health adopted October 9, 1950 provided "that permits heretofore issued by the Board of Health under section three hundred forty of the sanitary code of the city of New York shall continue in full force and effect until the expiration thereof unless sooner revoked by the Commissioner of Health."

§344.

REGULATIONS

Rules and Regulations governing the sale and use of flexible gas tubing and relating to Section 344

Regulation 1. Applications. Applications for certificates of registration of flexible gas tubing shall be made on blank forms furnished for such purpose by the Board of Health. Such application shall contain the following information:

1. Name and address of applicant.
   - A. If a corporation; full corporate name; place of incorporation; names and positions of officers; address of principal place of business.
   - B. If a partnership; proper name of partnership; name of individuals composing same; principal place of business.
2. Place of manufacture. Where place of manufacture is located outside of the City of New York, the name and address of local agent or distributor in the City of New York must be stated.

3. Description of the flexible gas tubing.
4. Designating name or trade mark.
5. Any additional information which may be required by the Board of Health.

Regulation 2. Sample to be furnished by applicant. It shall be the duty of every manufacturer of flexible gas tubing, before selling or offering same for sale in the City of New York, to cause a sample or samples thereof to be submitted to the Board of Health of the City of New York for test and examination.

Regulation 3. Certificate of Registration. Before the sale or offer for sale of any flexible gas tubing, the manufacturer thereof shall procure a certificate of registration showing that samples of such flexible gas tubing have been submitted to the Board of Health for test, that such tests have been made and that such flexible gas tubing has been found to comply with the provisions of these regulations. The certificate of registration issued by the Board of Health shall designate such flexible gas tubing by a number by which it shall thereafter be known.

Regulation 4. Tubing to be stamped. All flexible gas tubing approved by the Board of Health shall have stamped thereon, plainly and legibly, or on a metal tag securely affixed thereto, the following:

"D. of H., N. Y., Reg. No. "

—followed by the proper number as set forth in the certificate of registration issued for and relating to the particular flexible gas tubing stamped as hereinbefore required.

Regulation 5. Definitions.

a. "Sample tubing" shall be taken to mean flexible gas tubing six feet in length.

b. Slip ends shall be taken to mean and include devices of rubber with internal corrugations conforming with the corrugations of the standard hose nozzle, maintained by the Board of Health of the City of New York.

c. Leakage shall be taken to mean a loss of 0.02 cu. ft. or more per hour per 6 foot length of flexible gas tubing as determined by a gas meter, the dial of which is graduated to read .01 cu. ft. when such tubing shall be subjected to a gas pressure of 6 inches of water for a period not less than 30 minutes, with one end thereof plugged and the other end connected to the outlet side of such water.

Regulation 6. Flexible gas tubing; term imperfect defined. Flexible gas tubing shall be held and deemed to be imperfect:

a. If, when made of bare metal tubing it depends for its tightness on a thread like rubber or similar packing.

b. If constructed with a metal helix which is not gastight and which is not of one continuous length without splices or other joints.

Regulation 7. Flexible gas tubing; term defective defined. Flexible gas tubing shall be held and deemed to be defective:

a. Where, after being laid on a hard flat surface and having applied to each lineal inch of its length a 75 pound weight with a smooth metallic face one inch wide, such flexible gas tubing shows leakage.

b. Where, after being subjected to a pull of fifty (50) pounds for five minutes applied to one end by some mechanical means while the other end thereof is securely attached to a fixed support, such flexible gas tubing shows leakage.

c. Where, after being attached by one end to a standard hose nozzle fixed in a vertical, upright position with a five (5) pound weight attached to the other end, and such weight elevated

thirty (30) inches and dropped a distance of thirty (30) inches, such flexible gas tubing shows leakage.

d. Where such tubing shows leakage or fails to return to its original position after having been extended it full length, one end attached by a clamp or other means to a fixed support and subjected to a twisting movement, clockwise and counter-clockwise through 180 deg. of each foot of length.

e. Where such tubing shows leakage when kept in a temperature of 32 deg. F. for six hours, after having been wrapped snugly 1½ times around a cylindrical form three inches in diameter for thirty minutes.

f. Where such tubing becomes sticky or any material oozes through the outside covering or inside the tubing after such tubing is kept in dry air for a period of 6 hours at a temperature of 125 deg. F. and then in saturated air at 125 deg. F., or after such exposure for 6 hours each to dry air and saturated air at 125 deg. F. shows leakage after having been cooled and wrapped snugly 1½ times around a cylindrical form three inches in diameter for thirty minutes.

Regulation 8. Slip ends imperfect; defective. A slip end shall be held and deemed to be imperfect or defective:

a. When the normal inside diameter shall be enlarged more than 10% after having been forced over a form 20% larger than its internal diameter, and permitted to so remain for two weeks.

b. When it fails to withstand a longitudinal pull of at least 13 pounds as determined by a spring balance attached to one end, the other end being attached to a standard hose nozzle so that at least three corrugations are engaged.

(These Regulations omitted in error from the February 10, 1948 Edition).