

Key Regulatory Changes Affecting Small Businesses — July 1, 2017 through June 30, 2018

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| <u>Agency:</u> | Department of Environmental Conservation |
| <u>Title/Section(s):</u> | Solid Waste Management Regulations – 6 NYCRR – Repeal of Parts 360, 362, 363, 364 and 369; Addition of Parts 360, 361, 362, 363, 365, 366 and 369; Renumbering of Parts 361 to 377; and Amendment of Parts 370, 371, 372, 373, 374 and 621 |
| <u>State Register I.D. No:</u> | ENV-11-16-00004-A |
| <u>Filing Date:</u> | September 5, 2017 |
| <u>Effective Date:</u> | 60 days after filing |
| <u>Summary:</u> | <p>This regulation amends the rules that implement the solid waste program in New York State to incorporate changes in the law and technology. The purpose of these repeals, additions, renumbering and amendments are to reorganize the existing solid waste regulations and subdivide the solid waste management facility regulations into groups that are similar in nature, such as facilities that recycle and recover materials. This rulemaking includes revisions to regulations governing waste transportation and state assistance funding to municipalities for solid waste management projects.</p> |
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Agency: Department of Financial Services

Title/Section(s): Life Insurance and Annuity Non-Guaranteed Elements – 11 NYCRR – Addition of Part 48 (Regulation 210)

State Register I.D. No: DFS-48-16-00006-A

Filing Date: September 5, 2017

Effective Date: March 19, 2018

Summary: This regulation establishes standards for the determination and readjustment of non-guaranteed elements for life insurance and annuities. This addition sets forth the rule to establish standards for the determination and any readjustment of certain non-guaranteed elements in life insurance policies and annuity contracts, or certificates thereunder, delivered or issued for delivery in this State, where those elements may vary at the insurer’s or fraternal benefit society’s discretion. This rule also requires insurers and fraternal benefit societies to maintain actuarial memoranda for certain life insurance policies and annuity contracts, and to file with the Superintendent documentation used in adverse readjustment of non-guaranteed elements for certain life insurance policies, and to maintain records documenting compliance with the rule.

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Agency: Department of Health

Title/Section(s): Medical Use of Marihuana – 10 NYCRR – Amendment of Part 1004 and Subpart 55-2

State Register I.D. No: HLT-37-16-00024-A

Filing Date: December 8, 2017

Effective Date: December 27, 2017

Summary: This regulation comprehensively regulates the manufacture, sale and use of medical marihuana. This amendment promotes the safe and effective use of approved medical marihuana products while, improving patient access, and safeguarding against diversion and other public safety concerns by serving the following needs: practitioner registration; practitioner issuance of certifications to patients; certified patient and designated care giver registration; application for initial registration as a registered organization; registered organization requirements for manufacturing and dispensing facilities; general registered organization requirements; laboratory testing requirements; security requirements for manufacturing and dispensing facilities; medical marihuana marketing and advertising by registered organizations; proper disposal of medical marihuana products by patients or designated caregivers; and general prohibitions.

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Agency: Office of Alcoholism and Substance Abuse Services

Title/Section(s): Residential Services – 14 NYCRR – Amendment of Part 820

State Register I.D. No: ASA-24-17-00018-A

Filing Date: November 16, 2017

Effective Date: December 6, 2017

Summary: This regulation conforms HIV and Hepatitis testing requirements in residential settings with the Public Health Law. This amendment clarifies that providers must be in compliance with local, state and federal laws pertaining to both hepatitis and HIV education, prevention, testing and counselling; ensures clinical staff are provided documented training education, counseling and prevention of hepatitis and sexually transmitted diseases; amends the use of “medication assisted treatment”; and adds the generic terms for Narcan (naloxone).

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Agency: Workers' Compensation Board

Title/Section(s): Impairment Guidelines for Schedule Loss of Use Evaluations – 12 NYCRR – Addition of Section 325-1.6

State Register I.D. No: WCB-36-17-00015-A

Filing Date: December 18, 2017

Effective Date: January 1, 2018

Summary: This regulation incorporates by reference Impairment Guidelines. The addition regulates that all evaluations of permanent impairment for use in a schedule loss of use determination shall be performed in accordance with the Workers' Compensation Guidelines for Determining Impairment and such evaluations must be completed in the format prescribed by the Chair of the Workers' Compensation Board (WCB). Copies of the Workers' Compensation Guidelines for Determining Impairment can be downloaded from the WCB's website or obtained from the WCB by submitting a request in writing with the appropriate fee of \$10 dollars, identifying the specific guideline requested and the choice of format, either in paper or compact disc.

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Agency: Department of Financial Services

Title/Section(s): Title Insurance Agents, Affiliated Relationships, and Title Insurance Business – 11 NYCRR – Amendment of Parts 20 (Regulations 9, 18, 29), 29 (Regulations 87), 30 (Regulation 194); 34 (Regulation 125); and Addition of Part 35 (Regulation 206)

State Register I.D. No: DFS-18-17-00022-A

Filing Date: October 2, 2017

Effective Date: October 18, 2017

Summary: This regulation implements the requirements of Chapter 57 of Laws of NY 2014 regarding title insurance agents and placement of title insurance business. These amendments make technical changes and add references to title insurance agents which specifies forms for temporary licenses; notice for termination; fiduciary responsibility; recordkeeping requirements for fiduciary accounts; clarifies the manner in which an insurance agent, title insurance agent, insurance broker, insurance consultant or a life settlement broker may charge or collect compensation from an insured and promptly withdraw compensation from fiduciary funds; removes language regarding return of disclosure statements; and exemption from certain provision to a title insurance agent that is a licensed attorney transacting title insurance business from the agent’s law office. The addition governs the activities of title insurance agents and the placement of title insurance business; forms for title insurance agent licensing applications; change of contact information required to be filed with the Department; affiliated business relationships and certain prohibited transactions; referrals by affiliated person and required disclosures in such circumstance; disclosure requirements to fees charged by such corporation or agent, including discretionary or ancillary fees; use of title closers by title insurance agents and title insurance corporations; and establishing record retention requirement for title insurance agents.

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Agency: State Liquor Authority

Title/Section(s): Updated Price Posting Rules and Recordkeeping Requirements, and Repeal of License Durations and Whiskey Dividend Rules – 9 NYCRR – Amendment of Sections 65.5 and 65.11; Repeal of Part 90 and Section 97.1

State Register I.D. No: LQR-35-17-00002-A

Filing Date: January 8, 2018

Effective Date: January 24, 2018

Summary: This regulation updates price posting rules and recordkeeping requirements, and repeal of license durations and whiskey divided rules. These amendments set forth the prices of liquor and wine to wholesalers that must be scheduled by the methods for designated points of shipment and may not be scheduled by any other method unless it is first established to the satisfaction of the State Liquor Authority (SLA) that the bottle and case prices under the alternate method are not higher than the lowest prices at which the brand will be sold to any wholesaler anywhere in any other state of the United States or in the District of Columbia, or to any state (or state agency); and as part of its regular books and records, each manufacturer and wholesaler licensed to sell liquor or wine shall keep a monthly record of all allowances for breakage containing the name, address and license number of the customer, the amount of breakage allowance, the date and number of the invoice of sale (and the Federal strip stamp number of each broken bottle for which allowance is given), such broken bottles shall be kept available for inspection by the representatives of the SLA, and may not be removed from the licensed premises or destroyed without permission from the SLA.

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Agency: Office of Temporary and Disability Assistance

Title/Section(s): Establishment, Modification, and Enforcement of Child Support Obligations – 18 NYCRR – Repeal of Sections 347.8, 347.10, 347.26; Addition of New Section 347.8; and Amendment of Sections 347.9 and 422.3

State Register I.D. No: TDA-40-17-00002-A

Filing Date: December 5, 2017

Effective Date: December 20, 2017

Summary: This regulation is to amend State regulations concerning support obligations to reflect Federal statutory requirements and current terminology used by the child support program, and to conform regulatory citations with Federal and State laws. These additions and amendments revise the State regulations concerning the establishment, modification, and enforcement of support obligations to reflect federal statutory requirements.

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Agency: Office of Children and Family Services

Title/Section(s): Duty of Mandated Reporters to Report Incidents Involving Vulnerable Persons – 18 NYCRR – Amendment of Section 433.3

State Register I.D. No: CFS-36-17-00005-A

Filing Date: October 25, 2017

Effective Date: November 15, 2017

Summary: This regulation implements statutory requirements of duty of mandated reporters to report incidents involving vulnerable persons. Reportable incidents shall be reported immediately upon discovery to the Vulnerable Persons’ Central Register (VPCR) in accordance to Social Services Law. Discovery occurs when the mandated reporter witnesses a suspected reportable incident or when another person who was involved in or witnessed the incident, including the vulnerable person, comes before the mandated reporter in the mandated reporter’s professional or official capacity and provides the mandated reporter with reasonable cause to suspect that the vulnerable person has been subjected to a reportable incident. Each mandated reporter is required to make a report to the VPCR unless the mandated reporter has actual knowledge that the reportable incident has already been reported to the VPCR and that the mandated reporter has been named as a person with knowledge of the incident in such. Nothing contained in this amendment shall affect or diminish the obligation of persons who are mandated to make reports to the Statewide Central Register of Child Abuse and Maltreatment.

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Agency: Office of Temporary and Disability Assistance

Title/Section(s): Standard Utility Allowances for the Supplemental Nutrition Assistance Program – 18 NYCRR – Amendment of Section 387.12(f)(3)(v)(a)-(c)

State Register I.D. No: TDA-38-17-00002-A

Filing Date: November 14, 2017

Effective Date: November 29, 2017

Summary: This regulation sets forth the federally-approved Standard Utility Allowances (SUAs) as of October 1, 2017. This amendment subjects to subsequent adjustment as required by the United States Department of Agriculture, the standard allowance for heating/cooling for Supplemental Nutrition Assistance Program (SNAP) applicant and recipient households rising in New York City to \$791; for households residing in either Suffolk or Nassau Counties to \$736; and for households residing in any other county of New York State to \$654; the standard allowance for utilities in New York City to \$313; for households residing in either Suffolk or Nassau Counties to \$289; and for households residing in any other county of New York State to \$265; and the standard allowance for telephone in New York State to \$30.

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Agency: Office of Temporary and Disability Assistance

Title/Section(s): Supplemental Nutrition Assistance Program Categorical Eligibility
– 18 NYCRR – Amendment of Section 387.14

State Register I.D. No: TDA-23-17-00015-A

Filing Date: August 22, 2017

Effective Date: September 6, 2017

Summary: This regulation is to align State regulations with current Supplemental Nutrition Assistance Program (SNAP) policy and practice regarding categorical eligibility for SNAP. Categorically eligible households are exempted from the gross and net income limits, and are presumed, without further investigation or verification, to meet the resource limits as a result of all members of the household being eligible for family assistance, nonemergency safety net assistance and/or SSI. Social security numbers, sponsored alien information and residency information as provided to establish and maintain eligibility for family assistance, nonemergency safety net assistance and/or SSI are presumed to be correct, without further investigation or verification. All other requirements of SNAP eligibility and benefit levels apply to categorically eligible households.

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Agency: Office of Temporary and Disability Assistance

Title/Section(s): Local District Child Support Enforcement Unit – 18 NYCRR – Amendment of Section 347.3

State Register I.D. No: TDA-25-17-00001-A

Filing Date: August 22, 2017

Effective Date: September 6, 2017

Summary: This regulation is to afford social services districts greater flexibility in selecting a name for the local entity responsible for child support activities with each social services district, update current State regulation language to reflect current terminology, and correct regulatory citations. Each social services district must establish a single organizations unit, designated as the “Child Support Enforcement Unit”, or “Office of Child Support Enforcement”, or other name approved, which must be responsible only for that social services district’s activities in locating (absent) noncustodial parents, and putative fathers, establishing paternity, and establishing, enforcing and collecting support obligations. Each social services district will implement procedures to ensure prompt referral of child support and paternity cases to the local child support enforcement unit within two (working) business days of furnishing aid and such unit must be staffed with employees who will perform exclusively the child support enforcement functions.

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Agency: Department of Financial Services

Title/Section(s): Transportation Network Companies, Minimum Requirements for Financial Responsibility Policies and Other Requirements – 11 NYCRR – Amendment of Parts 27, 169, 216, Subparts 60-1, 60-2, 65-1, 65-3, 65-4; Addition of Part 60-3

State Register I.D. No: DFS-25-17-00007-A

Filing Date: October 10, 2017

Effective Date: October 25, 2017

Summary: This regulation is to implement part AAA of chapter 59 of the Laws of 2017 providing for the operation of transportation network companies in New York. These amendments and additions address the excess line affidavit requirement in the context of a transportation network company (TNC) group insurance policy; prohibit legal expense coverage within limits or claims-made policies with respect to a TNC group insurance policy placed in the excess line market; permit exclusion in an owner’s policy of liability insurance issued in satisfaction of the financial responsibility requirements of Vehicle & Traffic Law when the vehicle is used as a TNC vehicle; clarify that, for purposes of the rental vehicle coverage required under Insurance Law 3440, the use of the vehicle as a TNC vehicle will not be deemed to be the business of carrying or transporting passengers; makes the no-fault regulation applicable to TNC policies issued in satisfaction of the VTL article 44-B requirements; prevents an insurer from surcharging the insured for an accident that occurs while the vehicle is being used or operated as a TNC vehicle and the insured is not convicted of a moving traffic violation, unless the policy provides coverage for such operation of the vehicle; and makes an authorized insurer that issues a group policy pursuant to IL 3455 subject to unfair claims regulations.

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Agency: Workers' Compensation Board

Title/Section(s): Workers' Compensation Benefits for Transportation Network Company Drives – 12 NYCRR – Addition of Part 319

State Register I.D. No: WCB-25-17-00003-A

Filing Date: August 15, 2017

Effective Date: August 30, 2017

Summary: This regulation clarifies which Transportation Network Company (TNC) drivers are covered and when they are covered by the Black Car Fund. This addition stipulates that a TNC driver shall mean a TNC driver who is engaged in a TNC prearranged trip, or any TNC driver that is logged onto a TNC digital network and is not engaged in a TNC prearranged trip, and who at the time of injury was not also acting as a black car operator, an independent livery operator, a medallion cab or a borough taxi operator, a livery driver, or a for-hire vehicle operator. A black car operator includes any TNC driver that is engaged in a TNC prearranged trip, any TNC driver that is logged onto a TNC digital network, and is not engaged in a TNC prearranged trip. To determine whether a black car operator is engaged in an activity reasonably related to driving as a TNC driver, consideration by the Workers' Compensation Board may include, but not be limited to: whether the TNC driver is in or near the TNC vehicle at the time of injury; whether the injury occurred while actively seeking a TNC prearranged trip or immediately after a TNC prearranged trip; and the distance between the site of the accident and the TNC passenger drop-off location.

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Agency: Department of Financial Services

Title/Section(s): Nationwide Multistate Licensing System and Registry – 23 NYCRR – Addition of Part 501

State Register I.D. No: DFS-29-17-00004-A

Filing Date: September 19, 2017

Effective Date: October 4, 2017

Summary: This regulation provides for the voluntary use of Nationwide Multistate Licensing System (NMLS) to allow for electronic filing of submissions to the Department of Financial Services (Department). This addition allows an applicant, licensee or other entity or individual may file an application or other submission through the NMLS only if the applicant, licensee, or other entity or individual agrees in a manner acceptable to the Superintendent to comply with all of the filing requirements imposed by the NMLS and by the Department including the payment of all fees required by the NMLS and by the Department. The Superintendent may prohibit an entity or individual from using, or may withdraw its approval of the use of, the NMLS if an entity or individual violates any provision of this Part or if the use of the NMLS would be inconsistent with the purpose or intent of any applicable law, regulation, procedure, order or similar authority; and may notify such entity or individual by any method the Superintendent deems reasonable, including by not limited to a statement on the Department’s website or by an electronic communication to the user. The provisions of this Part does not apply to the use of the NMLS by mortgage bankers, mortgage brokers, mortgage loan servicers, mortgage loan originators or similar mortgage-related entities or individuals acting as such pursuant to Banking Law Articles 12-D or 12-E.

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Agency: Department of State

Title/Section(s): Cease and Desist Zone for Queens and Bronx Counties – 19 NYCRR – Amendment of Section 175.17

State Register I.D. No: DOS-30-17-00002-A

Filing Date: September 12, 2017

Effective Date: October 1, 2017

Summary: This regulation is to adopt a cease and desist zones for Queens and Bronx Counties. This amendment sets forth the prohibitions in relation to solicitation and unlawful discriminatory practice. No broker or salesperson shall induce or attempt to induce an owner to sell or lease any residential property or to list same for sale of lease by making any representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, age, sex sexual orientation, disability, gender identity, military status, familial status or any other protected category under any Federal State or local law applicable to the activities of real estate licensees in New York State; solicit the sale, lease or the listing for sale or lease of residential property after such licensee has received written notice from an owner thereof that such owner or owners do not desire to sell, lease or list such property, such a notice shall constitute as a notice to all associate brokers and salesperson who are employed by the real estate broker; and solicit the sale, lease or the listing for sale or lease of residential property from an owner or residential property located in a designated cease-and-desist zone if such owner has filed a cease-and-desist notice with the Department of State indicating that such owner or owners do not desire to sell, lease or list their residential property and do not desire to be solicited to sell, lease or list their residential property.

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Agency: Office of Temporary and Disability Assistance

Title/Section(s): Mandated Reporter Requirement and Background Checks – 18 NYCRR – Addition of Part 901

State Register I.D. No: TDA-31-17-00002-A

Filing Date: September 26, 2017

Effective Date: October 11, 2017

Summary: This regulation is to implement the State regulations as required by part Q of Chapter 56 of the Laws of 2017. This addition requires publicly-funded emergency shelters for families with children to perform checks of the Statewide Central Register of Child Abuse and Maltreatment (SCR), the Staff Exclusion List of Category One Cases of Abuse and Neglect (SEL), and criminal history information for certain person functioning in qualifying roles in publicly-funded emergency shelters for families with children and who have the potential for regular and substantial contact with children served by these emergency shelters; and expands the list of individuals who are mandated reporters of child abuse and maltreatment by amending State regulations, consistent with recent amendments to Social Services Law 413(1), to include employees of publicly-funded emergency shelters for families with children.

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Agency: Office for People with Developmental Disabilities

Title/Section(s): Representative Payee – 14 NYCRR – Addition of Section 633.9; and Amendment of Section 633.15

State Register I.D. No: PDD-31-17-00003-A

Filing Date: September 26, 2017

Effective Date: October 11, 2017

Summary: This regulation is to regulate the management of benefit funds received by facility directors acting as representative payees. This addition applies to Office for People with Developmental Disabilities (OPWDD) operated and certified residential facilities, including family care homes as it relates to determining the need for representative payee, which must be made within ten (10) business days of a beneficiary’s move into a facility; providing notice to qualified persons of intent and application for representative payee status as set forth in Mental Hygiene Law 33.16(a)(6); establishing policies and procedures for the management and use of funds paid to the facility directors as representative payee must be in compliance with all applicable federal and state laws and regulations; transferring of funds when a beneficiary moves to a new residence; and record retention, which each agency or sponsoring agency must be keep records documenting compliance with this section for four (4) years. This amendment applies to an account maintained by a representative payee, or designated payee to receive and maintain monies from a benefit pay organization; payee representative is a party designated by a benefit-paying organization to receive an individual’s benefit payments in a fiduciary capacity and in compliance with federal and state laws and regulations and includes, but is not limited to a party specifically designated by the Social Security Administration to handle benefits on behalf of a beneficiary; and on quarterly basis, the agency or sponsoring agency shall send a copy of each person’s personal allowance account ledger card or equivalent to payees, other than the chief executive officer.

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Agency: Department of State

Title/Section(s): Continuing Education Requirements – 19 NYCRR – Amendment of Section 192.7(v) and (w)

State Register I.D. No: DOS-31-17-00005-A

Filing Date: November 30, 2017

Effective Date: January 1, 2019

Summary: This regulation is to amend the education requirements to include one hour of instruction on telecoil (t-coil) and other assistive listening devices. This amendments sets forth that as a condition of renewing a hearing aid dispenser registration: each hearing aid dispenser shall successfully complete a total of 20 continuing education credits per registration period as set forth in section 794 of the General Business Law and at least one of the required credit hours shall be devoted to the subject of telecoil (t-coil) and other assistive listening devices, and at least on the required credit hours shall be devoted to the subject of New York State and Federal law, regulations and professional conduct as prescribed by the Secretary of State; and each audiologist who is registered as a hearing aid dispenser under General Business Law section 790(1)(b), shall successfully complete four (4) continuing education credit relating to the dispensing of hearing aids as set forth in section 794 of the General Business Law and at least one of the required credit hours shall be devoted to the subject of telecoil (t-coil) and other assistive listening devices, and at least one of the required credit hours shall be devoted to the subject of New York State and Federal law, regulations and professional conduct.

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Agency: Department of State

Title/Section(s): Alarm Installation, Servicing and Maintenance – 19 NYCRR – Amendment of Sections 195.1, 195.2, 195.8, 195.11 and 195.15

State Register I.D. No: DOS-32-17-00002-A

Filing Date: January 23, 2018

Effective Date: February 7, 2018

Summary: This regulation is to update current regulations for industry improvement and to make technical changes to existing text. These amendments define security or fire alarm system, central station, installation of an alarm system, maintaining an alarm system, servicing an alarm system, assisting a licensed security or fire alarm system installer, network, and qualifying officer; stipulate who needs to be licensed; requirement of fingerprinting; requirement of Identification Cards; and employee statement shall be in a form prescribed by the Department of State, and shall set forth, whether or not the employee has ever been convicted of an offense (other than a minor motor vehicle offense) at the time of hiring.

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Agency: Division of Criminal Justice Services

Title/Section(s): Handling of Ignition Interlock Cases Involving Certain Criminal Offenders – 9 NYCRR – Amendment of Sections 358.1-358.3, 358.4(a), (c), (d), 358.5-358.8; and Addition of Section 358.10

State Register I.D. No: CJS-31-17-00004-A

Filing Date: October 2, 2017

Effective Date: November 15, 2017

Summary: This regulation is to promote public/traffic safety, offender accountability and quality assurance through the establishment of minimum standards. These amendments update, clarify, and strengthen regulatory provisions of the Division of Criminal Justice Services rule to better enhance public/traffic safety, achieve greater offender accountability, and guarantee quality assurance with respect to Ignition Interlock Device (IID) program service delivery. This addition incorporates by reference the National Highway Traffic Safety Administration’s Model Specifications for Breath Alcohol Ignition Interlock Devices and cites where these may be found.

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Agency: Office of Children and Family Services

Title/Section(s): Mandated Reporter Requirements for Employees of Residential Domestic Violence Programs – 18 NYCRR – Amendment of Sections 452.9 and 452.11

State Register I.D. No: CFS-32-17-00001-A

Filing Date: October 17, 2017

Effective Date: November 1, 2017

Summary: This regulation implements mandated reporter requirements for employees of residential domestic violence programs. These amendments specify that employees of residential programs for victims of domestic violence are mandated to report any incident of suspected child abuse or maltreatment to the Statewide Central Register (SCR); how employees of residential programs for victims of domestic violence report instances of suspected child abuse or maltreatment to the SCR; provide requirements: of residential programs for victims of domestic violence to evaluate the backgrounds of prospective employees, volunteers, consultants and contractors; that all prospective employees, volunteers and individuals hired as a consultant that will have regular and substantial contact with children must complete checks with Justice Center Staff Exclusion List (SEL), SCR, and criminal history; that programs that have contractors that will have regular and substantial contact with children must complete checks of the SEL and SCR; and indicate that programs are permitted to do a SCR check on current employees that have regular and substantial contact with children.

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Agency: State Board of Elections

Title/Section(s): Administrative Complaint Procedure for Resolution of Violations of Title III Provisions of Help America Vote Act – 9 NYCRR – Amendment of Sections 6216.2 and 6216.3

State Register I.D. No: SBE-21-17-00002-A

Filing Date: September 28, 2017

Effective Date: October 18, 2017

Summary: This regulation streamlines the Help America Vote Act (HAVA) complaint procedure and clarify that Counsel’s Office at State Board of Elections (SBOE) administers the procedure. This amendment clarifies that the Counsel’s Office performs the administrative duties related to the HAVA Complaint procedure, including; reviewing the complaint, accepting the Complaint, assigning a tracking number to the complaint, forwarding the Complaint to the Chief Enforcement Counsel, scheduling the hearing; and Alternate Dispute Resolution (ADR) requirement for HAVA complaints, which permits ADR hearings to be held telephonically.

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Agency: Department of Agriculture and Markets

Title/Section(s): Emerald Ash Borer – 1 NYCRR – Amendment of Sections 141.1 and 141.2

State Register I.D. No: AAM-19-17-00006-A

Filing Date: July 7, 2017

Effective Date: July 26, 2017

Summary: This regulation expands the Emerald Ash Borer (EAB) quarantine to the area depicted on an EAB quarantine map and the physical description of the quarantine. These amendments address the restricted area by delineating on the EAB quarantine map the geographic area, which includes a core area of infestation, the buffer area, and the entire area of any town or city which has 30 percent or more of its total area falling within the respective core area and/or the buffer area. A copy of the map delineating the quarantine area is maintained in the office of the clerk of each local government in which the quarantine area or portion thereof is located.

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Agency: Department of State

Title/Section(s): State Uniform Fire Prevention and Building Code (Uniform Code) – 19 NYCRR – Amendment of Sections 1220.1, 1221.1, 1223.1, 1224.1, 1225.1, 1226.1, 1227.1, 1228.4, 1228.17, 1264.4 and 1265.3; Repeal of Section 1226.1(d)

State Register I.D. No: DOS-14-17-00001-A

Filing Date: July 18, 2017

Effective Date: 90 days after publication

Summary: This regulation amends the existing Uniform Code and makes conforming changes. These amendments to the current versions of Parts 1220, 1221, 1222, 1223, 1224, 1225, 1226, and 1227 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York by replacing references to the 2016 Uniform Code Supplement with the new publication entitled the 2017 Uniform Code Supplement with the individual Parts pertaining to specified portion of the Uniform Fire Prevention and Building Code for: residential construction; building construction; plumbing systems; mechanical systems; fuel gas equipment and systems; fire prevention; property maintenance; and existing buildings.

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Agency: Department of State

Title/Section(s): State Energy Conservation Construction Code (Energy Code) – 19 NYCRR – Amendment of Section 1240.3; Addition of Sections 1240.2(s), (t), 1240.4(c)(9) and 1240.5(b)(7)

State Register I.D. No: DOS-14-17-00005-A

Filing Date: July 18, 2017

Effective Date: 90 days after publication

Summary: This regulation amends the existing Energy Code. This amendment is made by and to the 2016 Energy Code supplement for the purposes of applying the 2015 International Energy Conservation Code (IECC) commercial provisions, the 2015 IECC residential provisions, and the Energy Standard for Building Except Low-Rise Residential Building (ASHRAE 90.1-2013) in New York State. The additions also state that the publication, 2017 Uniform Code Supplement (dated July 2017), can be obtained from the publisher and is available for public inspection and copying at the office of New York State Department of State, Division of Building Standards and Codes, Once Commerce Plaza, 99 Washington Avenue, Suite 1160, Albany, NY 12231-0001.

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Agency: Public Employment Relations Board

Title/Section(s): Rules and Regulations to Effectuate the Purposes of the Public Employees' Fair Employment Act (Civil Service Law Article 14) – 4 NYCRR – Amendment of Parts 200-215

State Register I.D. No: PRB-16-00002-A

Filing Date: July 18, 2017

Effective Date: August 2, 2017

Summary: This regulation codifies existing practices, modernizes pleading, and removes outdated rules. These amendments modify rules 205.4(a) and 205.14 to delete phrase “provided, however, that no such petition will be processed absent completion of the mediation process”; rules 205.4(b), 205.5(b), 204.14(b) and 205.26(b) so proposed contract language must be attached only if such language was presented during negotiations; and part 214.2 to remove the inadvertent reference to “disbarment”.

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Agency: Department of Financial Services

Title/Section(s): Title Insurance Rates, Expenses and Charges – 11 NYCRR – Addition of Part 228 (Regulation 208)

State Register I.D. No: DFS-18-17-00021-A

Filing Date: October 2, 2017

Effective Date: December 18, 2017

Summary: This regulation is to ensure proper, non-excessive rates, compliance with Insurance Law 6409(d), and reasonable charges for ancillary services. This addition clarifies what constitutes an inducement when provided by title insurance corporation or title insurance agents for title insurance business; mandates new reporting requirements to exclude all improper expenditures from the rates, thereby ensuring that these expenditures do not contribute to excessive rates; and set parameters with respect to ancillary charges, ensuring that title insurance corporations and title insurance agents do not charge consumers in New York improper and excessive closing costs and that at least every four years a filing must be made demonstrating that the title insurance corporation's or rate service organization's title insurance rate are not excessive, inadequate or discriminatory.

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Agency: Workers' Compensation Board

Title/Section(s): Paid Family Leave – 12 NYCRR – Addition of Section 355.9 and Part 380; Amendment of Parts 355, 358, 360, 361 and 376

State Register I.D. No: WCB-08-17-00010-A

Filing Date: July 10, 2017

Effective Date: July 19, 2017

Summary: This regulation identifies requirements and process for implementation of paid family leave program. These amendments are amended to explicitly exclude certain persons under the Black Car Operator's Fund and the New York Jockey Injury Fund from the definition of employee; include standards for benefits at least favorable in plans providing for paid family leave; clarify applicability, describe eligibility for paid family leave and the types of qualifying events necessary to take paid family leave; explain the notice requirements for taking paid family leave; notice of claim and certification requirements for a paid family leave claim, including medical certification and HIPAA authorization; information about filing a claim, as well as the payment and denial process of a paid family leave claim, including uninsured employers; explain the benefit rate and use of accruals by an employee in conjunction with paid family leave; employer obligations under family leave, including collection contributions, continuing health insurance, and maintaining paid family leave insurance coverage as an individual business owner; reinstatement of the employee to the same or a comparable job upon returning from paid family leave, as well as a process for discrimination or retaliation claims if reinstatement is denied after being formally requested by the employee; process for disputes related to paid family leave; provide for public employers that opt-in for voluntary coverage for paid family leave; and provide that Article 9 benefits (both disability and paid family leave) to employees will meet the requirements of the Superintendent of Financial Services.

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Agency: Department of Health

Title/Section(s): Public Water Systems – 10 NYCRR – Amendment of Subparts 5-1

State Register I.D. No: HLT-07-17-00009-A

Filing Date: January 2, 2018

Effective Date: January 17, 2018

Summary: This regulation is to incorporate Federal rules and revisions to Public Health Law. This amendment is to maintain full primacy for delivery, oversight and management of New York’s public drinking water supply supervision program and to ensure consistency with federally enacted drinking water regulations promulgated by the United States Environmental Protection Agency (EPA), including amendments to the Lead and Copper Rule (LCR), the LCR Minor Revisions, LCR Short-Term Revisions, Long Term 2 Enhance Surface Water Treatment Rule, the Stage 2 Disinfectant and Disinfection Byproducts Rule, and the Variances and Exemptions Rule; incorporate requirements related to recent amendment to the New York State Public Health Law; update and clarify references to approved analytical methods; update tables for consistency with federal and State Law; and update outdated references.

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Agency: Department of Financial Services

Title/Section(s): Private Passenger Motor Vehicle Insurance Multi-Tier Programs – 11 NYCRR – Addition of Section 154.6 (Regulation 150)

State Register I.D. No: DFS-20-17-00001-A

Filing Date: November 28, 2017

Effective Date: March 13, 2018

Summary: This regulation is to ensure education level attained/occupational status in initial tier placement/movement does not result in unfair rate. This addition is to ensure that use of education level attained and/or occupational status in initial tier placement, tier movement, or the establishment of the rates shall not result in a rate that violates Article 23, the use of such variables by an insurer shall comply with the rules in this Section or shall not be used to determine initial tier placement, tier movement, or premium rate for private passenger automobile insurance in the voluntary market in the State; and an insurer shall not use education level attained and/or occupational status as a factor in initial tier placement unless the insurer files with the superintendent its underwriting rules governing tier placement and the superintendent approves the rules in accordance with Insurance Law Article 23 as part of the insurer’s multi-tier program. An insurer that as of the effective date of this paragraph had utilized education level attained and/or occupation status in its initial tier placement shall amend its multi-tier rating program and tier movement rules to the satisfaction of the superintendent within 90 days after the effective date of this section to comply with this section for policies issued on or after such date and, for policy renewals. Every insurer that uses education level attained and/or occupational status in accordance with this section as a factor in its multi-tier program shall provide a written notice acceptable to the superintendent at least annually to the first-named insured that conspicuously explains how an insured may notify the insurer or its agent of any update in the insured’s education level attained and/or occupational status that would result in a reduction of premium.

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Agency: Department of Health

Title/Section(s): Hospital Indigent Care Pool Payment Methodology – 10 NYCRR – Amendment of Section 86-1.47

State Register I.D. No: HLT-25-17-00009-A

Filing Date: September 25, 2017

Effective Date: October 11, 2017

Summary: This regulation is to extend the methodology for indigent care pool payment to general hospitals for another three (3) year period, from 1/1/16 – 12/31/18. This amendment states that funds reserved in the Financial Assistance Compliance Pool (FACP) pursuant to the Public Health Law for aforementioned calendar years shall be distributed to hospitals which demonstrate substantial compliance as determined by the commissioner with the provision of the Public Health Law (the “financial assistance law” or FAL); and hospital which are determined to be in substantial FAL compliance shall in accordance with subdivision of the Section.

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Agency: Department of Environmental Conservation

Title/Section(s): Lake Champlain Drainage Basin – 6 NYCRR – Amendment of Part 830

State Register I.D. No: ENV-36-16-00002-A

Filing Date: October 12, 2017

Effective Date: November 1, 2017

Summary: This regulation is to reclassify certain surface waters in Lake Champlain Drainage Basin in Clinton, Essex, Franklin, Warren, and Washington counties. With the adoption of this amendment, provide clarity to the public and expressly sets forth existing classifications; there has been no downgrading of classification; and seventeen quadrangle maps and one map showing the location of the Lake Champlain drainage basin are replaced with new maps.

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Agency: Department of Financial Services

Title/Section(s): Statement of Actuarial Opinion and Actuarial Opinion Summary for Property/Casualty Insurers – 11 NYCRR – Addition of Part 111 (Regulation 207)

State Register I.D. No: DFS-18-17-00018-A

Filing Date: July 14, 2017

Effective Date: August 2, 2017

Summary: This regulation is to incorporate section 2A and B of the National Association of Insurance Commissioners' (NAIC) Property and Casualty Actuarial Opinion Model Law. This addition states that a property/casualty insurer shall submit with the annual statement by March 1 of each year, the opinion of an appointed actuary entitled statement of actuarial opinion in accordance with the NAIC property and casualty annual statement instructions, it shall be submitted electronically to the superintendent by March 15 of each year written by the insurer's appointed actuary; and property/casualty insurer required to make an electronic filing or a submission, in accordance to this regulation, may apply to the superintendent for an exemption from the requirement that the filing or submission be made electronically by submitting a written request to the superintendent for approval at least 30 days before the insurer must submit to the superintendent the particular filing or submission that is the subject of the request.

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Agency: Department of State

Title/Section(s): Esthetics Curriculum and Waxing Procedures – 19 NYCRR – Amendment of Section 162.2; Addition of Section 160.20(k)

State Register I.D. No: DOS-30-17-00001-A

Filing Date: November 30, 2017

Effective Date: 180 days after filing

Summary: This regulation is to update the qualifying curriculum for esthetics and ensure that waxing procedures are safe and sanitary. This amendment is for the scope of the curriculum and educational requirement for estheticians, including the subjects and hours (a total of 600 hours). This addition relates to when waxing services are being performed, disposable protective gloves must be worn by appearance enhancement practitioners and they must use a new applicator each time the applicator is inserted into the wax so as not to contaminate the remaining portion, and all scissors and tweezers must be new or sterilized before use on each customer.

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Agency: Department of State

Title/Section(s): Electronic Storage of Safety Data Sheets – 19 NYCRR – Amendment of Section 160.25(d)

State Register I.D. No: DOS-28-17-00005-A

Filing Date: October 2, 2017

Effective Date: October 18, 2017

Summary: This regulation is to permit appearance enhancement licensees to maintain safety data sheets electronically. This amendment will allow appearance enhancement businesses to retain Safety Data Sheets (SDS) electronically, which will ensure consumer protection while permitting businesses to reduce storage related costs; and owners shall ensure that all employees are aware of the location of, and have access to SDS.

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Agency: Department of Financial Services

Title/Section(s): Standards for Financial Risk Transfer Between Insurers and Health Care Providers – 11 NYCRR – Amendment of 101 (Regulation 164)

State Register I.D. No: DFS-18-17-00019-A

Filing Date: September 13, 2017

Effective Date: November 3, 2017

Summary: This regulation is to expand the definition of “intermediary entity” to include accountable care organizations to be consistent with this regulation. This amendment states that the term insurer shall mean an insurance company licensed to do accident and health insurance in the State, a corporation licensed pursuant to Article 43 of the Insurance Law or an entity possessing a certificate of authority under Article 44 of the Public Health Law; the term intermediary entity shall mean a person or entity that enters into a financial risk transfer agreement with one or more insurers and that contracts with one or more participating providers to perform the service that are set forth in the financial risk transfer agreement; and the term shall include an accountable care organization as defined in 10 NYCRR Part 1003, and when the insurer is an entity certified pursuant to Article 44 of the Public Health Law, the term shall also mean an independent practice association as defined in 10 NYCRR Part 98.

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Agency: Department of State

Title/Section(s): Appraiser Experience Log and Qualifications – 19 NYCRR – Amendment of Section 1102.3

State Register I.D. No: DOS-28-17-00005-A

Filing Date: October 2, 2017

Effective Date: October 18, 2017

Summary: This regulation clarifies and updates the Department of State policy in reviewing appraisal experience. This amendment sets forth the hours of experience that shall be credited to an applicant based on actual time spent on appraisal assignments up to a maximum number of hours in accordance with the “Appraisal Experience Schedule”.

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Agency: Department of State

Title/Section(s): Distance Learning for Qualifying Real Estate Appraisal Courses – 19 NYCRR – Amendment of Sections 1103.2(e), 1003.(3)(i); Addition of Sections 1103.13, 1103.14, 1103.15, 1103.16, 1107.29, 1107.30, 1107.31 and 1107.32

State Register I.D. No: DOS-26-17-00002-AA

Filing Date: November 2, 2017

Effective Date: January 30, 2018

Summary: This regulation authorizes distance learning for qualifying real estate appraisal courses. This amendment sets forth the course attendance requirements to earn credit for any appraisal course, and a prospective licensee must attend 100 percent of the required instruction time. These additions define distance learning as any educational process based on the geographical separation of instructor and student; educational providers who wish to offer distance learning programs must have their programs evaluated and approved in accordance to this regulation; distance learning programs’ course material must be divided into major units and into modules, contain a time-default mechanism for inactivity, retain a record of each student’s participation in and completion for a period of three (3) years from the date of completion and shall make these records available for review and inspection by the Department of State (Department), make instructor available to students during reasonable business hours to answer questions pertaining to the qualifying course content, include a proctored final examination which must be held at a location within New York State approved by the Department, obtain course delivery mechanism approval from either an Appraiser Qualifications Board approved organization, a college that qualifies for content approval and awards academic credit for distance education course, or a qualifying college for content approval with a distance education delivery program; providers must request for approval of distance learning courses 60 days before the proposed course is to be conducted; and student must successfully completed the course within 12 months of starting the program.

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Agency: Department of Health

Title/Section(s): Public Water Systems-Revised Total Coliform Rule – 10 NYCRR – Amendment of Subpart5-1

State Register I.D. No: HLT-06-18-00005-A

Filing Date: April 26, 2018

Effective Date: May 16, 2018

Summary: This regulation is to increase public health protection by reducing exposure to contaminants in drinking water. This amendment is necessary for the Department of Health (Department) to maintain primacy for delivery, oversight and management of New York State’s public drinking water supply program and to ensure consistency with the Revised Total Coliform Rule (RTCR) promulgated by the United State Environmental Protection Agency (EPA), which builds on the Total Coliform Rule (TCR) by requiring all public water systems (PWS) to assess indicators of coliform contamination and to take corrective action when necessary.

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Agency: Workers' Compensation Board

Title/Section(s): Workers' Compensation Board – Option to Self-Insure for Jockey Fund – 12 NYCRR – Addition of Part 320

State Register I.D. No: WCB-01-18-00001-A

Filing Date: March 16, 2018

Effective Date: April 4, 2018

Summary: This regulation creates the process for the Jockey Fund to self-insure for Workers' Compensation coverage. This addition sets that the New York Jockey Injury Compensation Fund, Inc. (Fund) shall furnish satisfactory proof to the Chairperson (Chair) of the New York State Workers' Compensation Board of its financial ability to pay workers' compensation, such proof shall consist of a notice of intent to self-insure and satisfactory proof of the financial ability to self-insure, which shall contain audited financial statements; obtain approval to self-insure also from the gaming commission at which point the Fund will be deemed to be self-insured; submit on an annual basis, no later than April 1st of each fiscal year, to the New York State Workers' Compensation Board (Board) all financial statements, payroll information, and workers' compensation claims to continue self-insurer status; submit within 90 days of notification of additional security requirement after annual reassessment by the Chair; not charge any jockey, apprentice jockey, or exercise person for any portion of the cost of joining and/or being a member of the Fund; and establish self-insurance reserve no later than 60 days following the approval to self-insure by both the Chair and the gaming commission

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Agency: Department of State

Title/Section(s): Cease and Desist Zone for the Incorporated Village of Chestnut Ridge, New York – 19 NYCRR – Amendment of Section 175.17

State Register I.D. No: DOS-30-17-00002-A

Filing Date: May 21, 2018

Effective Date: July 1, 2018

Summary: This regulation is to adopt a cease and desist zones for the Incorporated Village of Chestnut Ridge, New York. This amendment sets forth the prohibitions in relation to solicitation and unlawful discriminatory practice. No broker or salesperson shall induce or attempt to induce an owner to sell or lease any residential property or to list same for sale or lease by making any representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, age, sex sexual orientation, disability, gender identity, military status, familial status or any other protected category under any Federal State or local law applicable to the activities of real estate licensees in New York State; solicit the sale, lease or the listing for sale or lease of residential property after such licensee has received written notice from an owner thereof that such owner or owners do not desire to sell, lease or list such property, such a notice shall constitute as a notice to all associate brokers and salesperson who are employed by the real estate broker; and solicit the sale, lease or the listing for sale or lease of residential property from an owner or residential property located in a designated cease-and-desist zone if such owner has filed a cease-and-desist notice with the Department of State indicating that such owner or owners do not desire to sell, lease or list their residential property and do not desire to be solicited to sell, lease or list their residential property.

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Agency: Department of Agriculture and Markets

Title/Section(s): Host Materials (Potatoes, Tomatoes and Eggplants) and Soil – 1
NYCRR – Repeal of Section 127.2; and Addition of New Section
127.2

State Register I.D. No: AAM-05-18-00003-A

Filing Date: April 11, 2018

Effective Date: April 25, 2018

Summary: This regulation is to lift the golden nematode (GN) quarantine in portions of Cayuga, Seneca, Steuben, Suffolk, and Wayne Counties. This addition lists all of the counties affected by the GN quarantine in alphabetical order, which will be consistent with the federal GN rules; and lifts the quarantine in portions of the Town of Mentz and the town of Montezuma in Cayuga County, Town of Tyre in Seneca County, Town of Cohocton and the towns of Prattsburgh and Wheeler in Steuben County, the Town of Shelter island in Suffolk County, portions of the Towns of Southampton, East Hampton, and Southold in Suffolk County; and portions of the Town of Savannah in Wayne County.

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Agency: Office of Children and Family Services

Title/Section(s): Optional Expansion of Services Offered by Municipalities to Runaway and Homeless Youth – 9 NYCRR – Amendment of Subparts 182-1, 182-2 and Section 165-1.3

State Register I.D. No: CFS-01-18-00003-A

Filing Date: March 13, 2018

Effective Date: March 28, 2018

Summary: This regulation implements changes made to Executive Law regarding optional expansion of services to runaway and homeless youth. These amendments modify the name and definition of approved runaway programs; add the definition of homeless young adult; eliminate the requirement that non-residential Runaway and Homeless Youth (RHY) programs be approved by the Offices of Children and Family Services (OCFS); include the conforming changes to require RHY programs to notify the applicable Local Department of Social Services (LDSS) if a youth is believed to be a destitute child and to inform applicable youth of their right to re-enter foster care and refer them to the LDSS upon request; implement new statutory provisions requiring that any RHY residential program include Transitional Independent Living Support Programs (TILSP) that serves youth under 18 years of age, or that is contained in a municipality’s RHY plan must be certified by OCFS and if certified on or after January 1, 2018 must be operated by an authorized agency; make conforming changes to reflect the ability of RHY programs to provide those expanded services that a municipality has opted to be included in its RHY plan; permit any residential RHY program that is not contained in any municipality’s RHY plan to apply to OCFS for a variance related to the age of youth served or the length of time youth may remain in such program under the same circumstances applicable to municipalities; and extend how long RHY youth may stay in residential RHY programs under certain circumstances, raising the maximum permissible age of homeless youth who may be served by RHY program from 21 to 24 years of age, and allowing homeless youth under 16 years of age to be served by a TILSP.

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Agency: Department of Environmental Conservation

Title/Section(s): Climate Smart Communities Projects – 6 NYCRR – Addition of Part 492

State Register I.D. No: ENV-49-17-00006-A

Filing Date: February 13, 2018

Effective Date: February 28, 2018

Summary: This regulation is to adopt the regulations required by statute to implement climate smart communities projects. This addition describes the procedures for both “clean vehicle projects” and “climate adaptation and mitigation projects”; eligibility and procedures for each program as specifically required by the Environmental Conservation Law (ECL); provide municipalities with criteria governing the program, including eligible expenditures and procedures to govern the commitment and disbursement of the funds; and create separate sets of application procedures, review processes, and grant program approval guidelines and criteria for each program.

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Agency: Office of Temporary and Disability Assistance

Title/Section(s): Application Process for the Supplemental Nutrition Assistance Program – 18 NYCRR – Amendment of Section 387.8

State Register I.D. No: TDA-35-17-00005-A

Filing Date: May 1, 2018

Effective Date: May 16, 2018

Summary: This regulation is to align State regulations for Supplemental Nutrition Assistance Program (SNAP) application process with federal statutory and regulatory requirements and SNAP policy. This amendment makes technical updates clarifying those households entitled to expedited service relative to their application for SNAP.

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Agency: Department of Health

Title/Section(s): Trauma Centers – 10 NYCRR – Amendment of Parts 405 and 708

State Register I.D. No: HLT-38-17-00001-A

Filing Date: May 1, 2018

Effective Date: May 16, 2018

Summary: This regulation requires hospitals to be verified by the American College of Surgeons Committee to be designated trauma centers by the Department of Health (Department). This amendment establishes a new framework for the operation of trauma centers at hospitals in New York, which defines terms relating to trauma centers, including but not limited to trauma patient, trauma care, Levels I-IV trauma centers, pediatric trauma center, and Regional Trauma Center; defines the transfer agreements that must exist between hospitals, and the trauma affiliation agreement that each hospital must have with the regional Trauma Center; authority by the Department to determine whether a hospital meets the legal requirements for designation as a trauma center; establishes the process for obtaining trauma center designation; requirements for operating a trauma center, including but not limited to complying with American College Surgeons, Committee on Trauma (ACS-COT); conditions under which the Department may withdraw trauma center designation; requirement of trauma centers to submit information to the New York State Trauma Registry; and requirement of trauma centers to participate with the coordinating Regional Trauma Center and other hospitals and healthcare facilities, EMS agencies and governmental disaster preparedness programs in regional trauma performance improvement activities.

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Agency: Department of Environmental Conservation

Title/Section(s): Management of Crustaceans, Horseshoe Crabs and Whelk.
Protection of Terrapin – 6 NYCRR – Amendment of Parts 44 and 50

State Register I.D. No: ENV-28-17-00003-A

Filing Date: March 12, 2018

Effective Date: March 28, 2018

Summary: This regulation modifies the rules of terrapin excluder device, Horseshoe Crabs (HSC) harvest limit and whelk reporting. This amendment stipulates that the terrapin excluder device shall be used on all non-collapsible, Chesapeake-style crab ports or traps that are fished in the areas within the bays, harbors, coves, rivers tributaries and creeks that enter into Long Island Sound; harbors, coves, ponds, rivers, and creeks that enter into Flanders Bay, Great Peconic Bay, Cutchogue Harbor, Little Peconic bay, Hog Neck Bay, Noyack Bay, Southold Bay, Shelter Island Sound, Pipes Cove, Green port Harbor, Orient Harbor, Hallock Bay, Northwest Harbor, Gardiners Bay, Napeague Bay and Fort Pond Bay; with the rivers, tributaries, creeks and basins that enter into Jamaica Bay and Shinnecock Bay on the south shore of Long Island; within the creeks and tributaries that enter into Raritan Bay, Arthur Kill and Kill Van Kull surrounding Staten Island; and within the tributaries and creeks of the Hudson River that lie within the marine and coastal district, as defined in Environmental Conservation Law , including the waterway within Piermont marsh; harvest limit to the maximum number of horseshoe crabs that can be harvested and /or landed by a vessel during a period of time, not less than 24 hours in which fishing is conducted; commercial whelk license holder shall complete and submit an accurate Fishing Vessel Trip Report for each commercial fishing trip, detailing all fishing activities and all species landed on a form prescribed by the Department of Environmental Conservation (Department) and shall submit monthly reports to the Department within fifteen (15) days after the end of each month or at a frequency specified by the Department.

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Agency: Department of Health

Title/Section(s): Lead Testing in School Drinking Water– 10 NYCRR – Addition of Subpart 67-4

State Register I.D. No: HLT-20-17-00013-A

Filing Date: April 18, 2018

Effective Date: May 9, 2018

Summary: This regulation requires lead testing and remediation of potable drinking water in schools. This addition requires all school districts and boards of cooperative education services including those already classified as a public water system to test potable water for lead contamination and to develop and implement a lead remediation plan where applicable.

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Agency: Department of Environmental Conservation

Title/Section(s): Regulates Entities that Operate Dry Cleaning Machines – 6 NYCRR – Amendment of Part 200; Repeal of Part 232; and Addition of New Part 232

State Register I.D. No: ENV-19-17-00003-A

Filing Date: February 8, 2018

Effective Date: 30 days after filing

Summary: This regulation repeals and replaces regulations to reduce alternative solvent and Perchloroethylene (PERC) emissions. This amendment and addition improve compliance and program delivery, reduce PERC and alternative solvent emissions to the environment; and address advancements in technology and changes in the industry regarding the use of alternative dry cleaning solvents. To be consistent with federal law, and for ease of compliance, the requirements for PERC dry cleaning equipment have been modified for consistency with the National Perchloroethylene Air Emission Standards for Dry Cleaning Facility and include incorporation of the existing federal ban on the installation of PERC dry cleaning machines in residential buildings after December 21, 2005 and the required removal of all PERC dry cleaning machines from residential buildings by December 21, 2020.

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Agency: Department of Environmental Conservation

Title/Section(s): Prevention and Control of Environmental Pollution by Radioactive Materials – 6 NYCRR – Amendment of Part 380

State Register I.D. No: ENV-14-17-00001-A

Filing Date: April 10, 2018

Effective Date: 30 days after filing

Summary: This regulation pertains to disposal and release of radioactive materials to the environment. This amendment meets the legislative goals of conserving, improving, and protecting the State’s natural resources and environment and preventing, abating and controlling water, land, and air pollution by setting limits on the radiation dose to members of the public due to releases of radioactive material to the environment and requires parties to obtain permits for most releases of radioactive material made directly to the environment; and radioactive exposures in uncontrolled areas in the environment are required to be kept as low as reasonable achievable; and restricts the disposal of radioactive material to only those methods approved in the regulation or by the Department of Environmental Conservation in a permit.

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