

Key Regulatory Changes Affecting Small Businesses — July 1, 2019 through June 30, 2020

<u>Agency:</u>	Department of Environmental Conservation
<u>Title/Section(s):</u>	New Aftermarket Catalytic Converter Standards – 6 NYCRR – Amendment of Parts 200 and 218
<u>State Register I.D. No:</u>	ENV-36-19-00002-A
<u>Filing Date:</u>	February 13, 2020
<u>Effective Date:</u>	30 days after filing
<u>Summary:</u>	<p>This regulation prohibits the sale of Federal Aftermarket Catalytic Converter (AMCC) and updates existing AMCC recordkeeping and reporting requirements. This amendment makes unlawful for any person to install, sell offer for sale, or advertise any new aftermarket catalytic converter intended for use on a gasoline powered passenger car, light-duty truck, or medium duty vehicle originally certified with a catalytic converter in New York State unless it has been exempted pursuant to the requirement of California Code of Regulations.</p>
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Agency: Department of Financial Services

Title/Section(s): Electronic Filings and Submissions – 11 NYCRR – Addition of Part 6 (Regulation 195)

State Register I.D. No: DFS-20-19-00002-A

Filing Date: November 8, 2019

Effective Date: May 25, 2020

Summary: This regulation requires certain filings or submissions to be made electronically. This addition requires a filer to submit to the superintendent the following electronically: insurance fraud prevention plan and reports; rates and forms; compensation schedules; annual and quarterly statements; risk retention and purchasing group documents; holding company and parent corporation applications and reports; agreement for advance or borrowing; dividend distributions; Medicare supplement insurance advertising filing, which shall include all of the schedules, supplements, and exhibits, except for the NAIC Supplemental Compensation exhibit. Exemptions from electronic filing and submissions shall be submitted in writing to the superintendent 30 days before the file date of the particular filing or submission.

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Agency: Department of Environmental Conservation

Title/Section(s): Hazardous Waste Management Regulations (Fed Reg5) – 6 NYCRR – Amendment of Parts 370 - 374 and 376

State Register I.D. No: ENV-24-19-00002-A

Filing Date: February 18, 2020

Effective Date: 60 days after filing

Summary: This regulation amends the rule pertaining to hazardous waste management. These amendments will update several provisions that are required for compatibility with federal regulations and simplify, clarify and update language for hazardous waste management programs.

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Agency: Department of Environmental Conservation

Title/Section(s): Omnibus Changes to 6 NYCRR – Amendment of Parts 151, 153, 170, 174 and 182

State Register I.D. No: ENV-28-19-00001-A

Filing Date: October 9, 2019

Effective Date: October 30, 2019

Summary: This regulation brings rules current with statutory changes and improves application efficiency as part of the Governor’s Lean initiative. These amendments relate to changes to improve the Department of Environmental Conservation’s process for the issuance of special licenses, which will result in reduced staff time, less paperwork, decreased cost associated with the review and issuance of licenses, and more importantly serve applicants and licensees in a more effective and efficient manner.

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Agency: Office of the Aging

Title/Section(s): Nutrition Program – 9 NYCRR – Repeal of Sections 6654.10, 6654.11 and Addition of New Section 6654.10

State Register I.D. No: AGE-44-18-00005-A

Filing Date: September 24, 2019

Effective Date: October 9, 2019

Summary: This regulation updates the rules governing the Nutrition Program. These repeals and addition bring the rules into conformance with the Older Americans Act (OOA), which explains the types of individuals who are eligible for congregate nutrition services, and modernizes the rules to reflect the current standard operating practices and procedures of the Nutrition Program.

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Agency: Department of Environmental Conservation

Title/Section(s): Feeding of Wild Deer and Moose, Use of 4-Poster™ Devices – 6
NYCRR – Addition of Part 186

State Register I.D. No: ENV-27-19-00001-A

Filing Date: December 6, 2019

Effective Date: December 24, 2019

Summary: This regulation prohibits the feeding of wild deer and moose and defines conditions for use 4-Poster™ devices. This addition sets forth that the intentional feeding of wild white-tailed deer or wild moose is not in the public interest and will unnaturally concentrate wild white-tailed deer or wild moose and thereby lead to environmental harm including, destruction of natural habitat, disruption of natural movements, increased risks for introduction, transmission or spread of disease, and alterations of behavior in wild white-tailed deer or wild moose that may increase danger to people or damage to property, or both. This addition also defines the limited circumstances and lawful practices by which wild white-tailed deer or wild moose may be intentionally fed, but not result in unnatural concentrations or environmental harm, requires that commercial produced foods for attracting or feeding deer or moose be labeled with a warning about the feeding prohibition, and provides a clear procedure for the authorization and use of automated feed devices to dispense 4-Poster™ Tickicide for control of ticks on deer that may transmit disease to humans.

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Agency: State Liquor Authority

Title/Section(s): Delinquent (C.O.D.) List Procedures – 9 NYCRR – Amendment of Part 68 and Repeal of Sections 68.3, 68.8 and 68.10

State Register I.D. No: LQR-02-19-00006-A

Filing Date: July 26, 2019

Effective Date: August 14, 2019

Summary: This regulation modernizes outdated delinquent (C.O.D.) list procedures and provide for electronic notification for the same. The amendment and repeal set forth that except for chains, may be assigned to a single group by the State Liquor Authority (Authority), and off-premises liquor and/or wine store licensees, all retail licensees shall be divided into four credit groups based on the last two digits of the serial (license) number, with the groupings being as follows: Group 1--01-25; Group 3--51-75; Group 2--26-50; and Group 4--76-00. Chain grocery stores and other retail chain licensees shall be divided into four groups by the Authority as nearly equal as practicable and in addition, any retail licensee may be assigned to a group different from that which its serial number indicates where in the judgement of the Authority such assignment is warranted. This regulation also sets forth the purposes of calculating credit periods in compliance with the Alcoholic Beverage Control Law Sections, each sale or delivery of alcoholic beverages to a retail licensee must be accompanied by a true and accurate invoice featuring: a unique invoice number; delivery date; seller's name and business address; brand names and quantities of alcoholic beverages delivered on that date; price of each individual item; subtotal of all items delivered on that date; total amount due from the retailer arising from the entire invoice; name, address, and license number of the retailer to whom the delivery is made; accurate and complete statement of the terms and conditions upon which the deliver is made; and in addition each such invoice must feature the delivery address if different that the retailer's business address; a duplicate original of each delivery invoice must be maintained by each manufacturer and wholesaler for a minimum period of two years from the date of delivery of the alcoholic beverages; and any retailer that is delinquent in payment for any such invoice must be placed on the delinquent (C.O.D.) list by the manufacturer or wholesaler via the Online Delinquent Management System in accordance with Alcoholic Beverage Control Law.

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Agency: Department of Environmental Conservation

Title/Section(s): Chronic Wasting Disease – 6 NYCRR – Amendment of Part 189

State Register I.D. No: ENV-32-19-00006-A

Filing Date: October 30, 2019

Effective Date: November 13, 2019

Summary: This regulation reduces the risk of introduction of infectious material into New York. This amendment prohibits importing whole carcasses of Chronic Wasting Disease (CWD) susceptible animals is extended from select states and provinces to include all jurisdiction outside New York; clarifies that commercially traded meats and products made from certain carcass parts may be imported and that carcasses or parts may be imported pursuant to a research license issued by the Department; and owners of captive-bred CWD susceptible animals will be required to continuously comply with the captive cervid (deer and elk) health requirements as adopted by the Department of Agriculture and Markets.

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Agency: Department of Health

Title/Section(s): Secondary Syringe Exchange in New York State – 10 NYCRR – Amendment of Sections 80.135 and 80.137

State Register I.D. No: HLT-48-19-00003-A

Filing Date: March 27, 2020

Effective Date: April 8, 2020

Summary: This regulation reduces the spread of blood-borne pathogens in order to reduce or eliminate other harms associated with contaminated syringes and improve the health of individuals who inject drugs and their communities. This amendment sets forth the statutory authority for the Expand Syringe Access Program (ESAP) and the manner in which pharmacies, health care facilities and health care practitioners furnish syringes without a prescription; and having a second-tier of programs authorized to furnish syringes will more comprehensively address the needs of persons who inject drugs, particularly in areas where there are no Syringe Exchange Programs.

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Agency: Division of Criminal Justice Services

Title/Section(s): Certified Instructors and Course Directors – 9 NYCRR – Amendment of Parts 6018 - 6026 and Addition of Section 6023.3-a

State Register I.D. No: CJS-20-19-00003-A

Filing Date: March 10, 2020

Effective Date: March 25, 2020

Summary: This regulation establishes and maintains effective procedures governing certified instructors and course directors who deliver Municipal Police Training Council (MPTC) approved courses. These amendment and addition set forth the rules and regulations with respect to the oversight of police training schools and correctional programs; minimum qualifications for instructors; minimum basic training requirements; categorization of advanced in-service training programs; development of training programs; and development of certain written policies and procedures.

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Agency: Department of Environmental Conservation

Title/Section(s): Waste Fuel – 6 NYCRR – Amendment of Part 200, Repeal of Subpart 225-2 and Addition of new Subpart 225-2

State Register I.D. No: ENV-36-19-00001-A

Filing Date: March 3, 2020

Effective Date: 30 days after filing

Summary: This regulation updates permit references, rule citations, monitoring, recordkeeping, report requirements, and incorporates Federal standards. The amendment, repeal and addition regulates the burning of waste oils in combustion, incineration and process sources throughout New York State; and establishes applicability criteria, composition limits and permitting requirements for waste oils; establishes monitoring, recordkeeping and reporting requirement for facilities that are determined eligible to burn waste oil; and allows for the burning of waste oils in space heaters at automotive maintenance/service facilities.

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Agency: Department of Environmental Conservation

Title/Section(s): Air Emissions Regulation of Cleaning Solutions Containing Volatile Organic Compounds – 6 NYCRR – Amendment of Parts 201 and 226

State Register I.D. No: ENV-12-19-00002-A

Filing Date: October 2, 2019

Effective Date: 30 days after filing

Summary: This regulation updates existing rules with latest emission control requirements and adds requirements recently issued by Environmental Protection Agency (EPA). These amendments revise the rules concerning the recreational and commercial harvest of Tautog in New York State; reflects changes to the Ozone Transport Commission’s (OTC’s) model rule for solvent degreasing; incorporates federal Control Techniques Guidelines (CTGs) establishing Reasonable Available Control Technology (RACT) for volatile organic compounds (VOCs) emitted by industrial cleaning solvents; includes expanded applicability to the cleaning of all materials, not just metal; and changes the current “cold cleaning” requirement of using a solvent with a maximum vapor pressure of 1.0 mm Hg, or less, at 20 degrees Celsius, to using a cleaner with no more than twenty-five (25) grams of VOC per liter (25g/l) of cleaning solution.

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Agency: Office of Temporary and Disability Assistance

Title/Section(s): Adult-Care Facilities and Shelters for Adults – 18 NYCRR – Amendment of Parts 485 - 486, Repeal of Part 491, and Addition of New Part 491

State Register I.D. No: TDA-19-19-00007-A

Filing Date: November 25, 2019

Effective Date: January 1, 2020

Summary: This regulation updates State rules pertaining to general provisions, inspections and enforcement, and shelters for adults. These amendments, repeal and addition set forth that all publicly-funded shelters for adults, irrespective of capacity providing shelter services to homeless adults with no children – whether a shelter for adults housing 20 or more residents, a small-capacity shelter housing fewer than 20 resident, or a shelter for adult families with no children – will be subject to Office of Temporary and Disability Assistance (OTDA) oversight and will be required to become “certified” in order to receive reimbursement form State or State-administered funds; each district will be required to submit , for OTDA approval, an operational plan pertaining to each facility and upon OTDA’s approval of the operational plan, the facility will receive an operating certificate; and each facility so credentialed will be required to operate in accordance with State regulations and its approved operational plan.

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Agency: Office of Temporary and Disability Assistance

Title/Section(s): Shelter for Families – 18 NYCRR – Repeal of Sections 352.8(b)(2), 352.37, 352.38(b), Part 900, Amendment of Sections 352.38(a), (c) - (e), 352.39(a) - (b), 358-3.1(h), Part 493, and Addition of New Part 900

State Register I.D. No: TDA-19-19-00008-A

Filing Date: November 25, 2019

Effective Date: January 1, 2020

Summary: This regulation updates State rules pertaining to shelters for families. These repeal, amendments and addition subject each facility providing shelter services to homeless families with children – including facilities sheltering less than 10 homeless families and facilities sheltering single pregnant person – to the Office of Temporary and Disability Assistance oversight, so as to help ensure that shelters for homeless families with children and homeless pregnant person are properly and efficiently operated, are properly utilized at a reasonable cost, and effectively protect the health, safety and welfare of shelter residents and staff.

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Agency: Department of Health

Title/Section(s): Midwifery Birth Center Services – 10 NYCRR – Amendment of Parts 69, 400, 405 and Addition of Part 795

State Register I.D. No: HLT-05-19-00005-A

Filing Date: October 25, 2019

Effective Date: November 13, 2019

Summary: This regulation sets the standards for all birth centers to follow the structure of Article 28 requirements. These amendments and addition set forth the standards for midwifery birth centers to be aligned with national evidence-based standards; demonstrate compliance with these regulations by obtaining accreditation from an accrediting organization approved by the Department of Health (DOH); have a center director, who may be a midwife who may appoint a consulting physician, which must have collaborative relationships as required by the Education Law; require at least two staff members with training and skills in resuscitation with one for the patient giving birth and one for the post-delivery neonate to be present at every birth; and have quality assurance programs and plans for emergency care, including transfer when indicated.

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Agency: Department of Health

Title/Section(s): Cardiac Catheterization Laboratory Centers – 10 NYCRR – Amendment of Sections 405.29 and 709.14

State Register I.D. No: HLT-09-19-00004-A

Filing Date: September 5, 2019

Effective Date: September 25, 2019

Summary: This regulation amends existing certificate of need (CON) requirements for the approval and operation of cardiac catheterization laboratory centers. These amendments provide the standards to be used in evaluating CON application for cardiac catheterization laboratory and cardiac surgery services in hospitals located in New York State; are intended as a set of planning principles and decision-making tools for directing the distribution of these services with a goal of ensuring appropriate access to high quality services while avoiding the unnecessary duplication of resources; change the focus of need reviews for Percutaneous Coronary Intervention (PCI) services (commonly referred to as angioplasty or stenting) from being site specific to health system related; and to reflect the transition from State Hospital Review and Planning Council to Public Health and Health Planning Council.

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Agency: Department of Health

Title/Section(s): Body Scanners in Local Correctional Facilities – 10 NYCRR – Addition of Section 16.70 and Amendment of Part 89

State Register I.D. No: HLT-10-19-00004-A

Filing Date: June 18, 2019

Effective Date: July 3, 2019

Summary: This regulation establishes the operational requirements for local correctional facilities that use body scanning imaging equipment for security purposes. The addition and amendment permits local correctional facilities to take advantage of the enhanced security that body imaging scanning equipment can provide while minimizing the risk to inmates posed by exposure to ionizing radiation; provides protections to the inmates and staff by establishing requirements and controls to ensure appropriate operation of the body scanning imaging equipment, which includes testing of the equipment by a licensed medical physicist prior to use and annual thereafter; annual training for equipment operators to ensure proper operation and application; establishment of policies and procedures for use of the equipment; and documentation and inspection requirements to monitor and ensure that inmates are not overexposed to radiation based on the dose limits set forth in the law.

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Agency: Department of Environmental Conservation

Title/Section(s): Regulate Volatile Organic Compounds in Architectural and Industrial Maintenance Coatings – 6 NYCRR – Amendment of Part 200 and 205

State Register I.D. No: ENV-10-19-00003-A

Filing Date: December 12, 2019

Effective Date: 30 days after filing

Summary: This regulation sets new and lower Regulate Volatile Organic Compounds (VOCs) limits for certain coating categories and updates categories and methods. These amendments reduce the VOC limit on 12 coating categories, create VOC limits for 12 additional coating categories, eliminate 15 coating categories and eliminate the quart exemption, and is applicable to any person who supplies, sell, offers for sale or manufactures architectural and industrial maintenance (AIM) coatings for use in the State of New York.

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Agency: Department of Environmental Conservation

Title/Section(s): Part 219 Applies to Various Types of Incinerators and Crematories Operated in New York State – 6 NYCRR – Amendment of Parts 200 and 219

State Register I.D. No: ENV-39-19-00003-A

Filing Date: February 13, 2020

Effective Date: 30 days after filing

Summary: This regulation establishes emission limits and operating requirements for various types of incinerators. These amendments apply to all new, modified and existing cremation units and sets forth the operation requirements for cremation units, include an opacity limitation, a minimum secondary combustion chamber temperature and residence time, a continuous temperature monitoring and recording requirement, a prohibition on the combustion of certain materials, a requirement for the preparation of a cremation certification forms, and a prohibition on the charging of remains in excess of the manufacturer’s rated capacity of the cremation unit; establishes particulate matter emissions limitations for cremation units, emission testing and modeling requirements for cremation units, operator training and certification requirements, annual inspection and maintenance requirements, and recordkeeping requirements for crematory facilities; and describes the compliance schedule for existing cremation units that are subject to the requirements.

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Agency: State Board of Elections

Title/Section(s): Establishing a Process for Transferring a Voter’s Registration and Enrollment from one County to Another – 9 NYCRR – Amendment of Section 6217.7

State Register I.D. No: SBE-14-19-00006-A

Filing Date: June 25, 2019

Effective Date: July 10, 2019

Summary: This regulation establishes a process where a voter who moves from one county to another can transfer their voter registration. This amendment allows for a voter who moves anywhere within the State to vote in his or her new election district, and the Boards of Elections are to automatically transfer registrations for such a voter as they currently do for voters who move within their county or within New York City.

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Agency: State Board of Elections

Title/Section(s): Pre-Registering Voters Who are 16 and 17 Years Old – 9 NYCRR – Amendment of Section 6217.9

State Register I.D. No: SBE-14-19-00005-A

Filing Date: June 25, 2019

Effective Date: July 10, 2019

Summary: This regulation permits persons who are 16 and 17 years old to pre-register to vote. This amendment allows for a person who is at least 16 and 17 years old and is otherwise qualified to register to vote to pre-register to vote, and the county board staff are required to enter the voter’s information on NYS Voter under a pre-registration status.

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Agency: Department of Financial Services

Title/Section(s): Registration and Financial Responsibility Requirements for Mortgage Loan Servicers – 3 NYCRR – Addition of Part 418 and Supervisory Procedures MB 109 and MB 110

State Register I.D. No: DFS-16-19-00009-A

Filing Date: July 1, 2019

Effective Date: July 17, 2019

Summary: This regulation implements provisions to require persons or entities which service mortgage loans on residential real property on or after July 1, 2019, be registered with the Superintendent of Financial Services. This addition sets forth application, exemption and approval procedures for registration as a mortgage loan servicer (MLS) and financial responsibility requirements for applicants, registrants and exempted person; and the procedure for approval of a change of control of a registered MLS.

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Agency: Department of Health

Title/Section(s): Blood Lead Level – 10 NYCRR – Amendment of Part 67

State Register I.D. No: HLT-18-19-00016-A

Filing Date: September 10, 2019

Effective Date: October 1, 2019

Summary: This regulation improves the current understanding of lead poisoning risks to children and pregnant women. This amendment updates the blood lead level that constitutes an elevated lead level to meet the statutory mandate of the recently enacted elevated lead level from greater than or equal to 10 µg/dL to greater than or equal to 5 µg/dL; lowers the level at which primary health care providers must provide education and counseling or risk reduction and nutrition, complete a diagnostic evaluation, provide follow-up blood testing, and perform medical treatment and/or other activities; and requirements of local or State health department that ensure primary health care providers are performing the required activities and assist with the delivery of these services, including providing education, counseling and follow-up interventions and environmental management activities that include exposure assessment, inspection, and enforcement.

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Agency: Department of Environmental Conservation

Title/Section(s): Distributed Generation Sources Located in New York City, Long Island and Westchester and Rockland Counties – 6 NYCRR – Amendment of Part 200 and Addition of New Part 222

State Register I.D. No: ENV-36-19-00014-A

Filing Date: February 24, 2020

Effective Date: 30 days after filing

Summary: This regulation establishes emissions control requirements for sources used in demand response programs or as price-responsive generation sources. These amendment and addition applies to economic dispatch sources that will be required to meet control requirements beginning May 1, 2021. They apply to combustion turbines, compression ignition engines and lean-burn natural gas-fired engines must be of model year 2000 or newer or must have a NO_x emission rate less than or equal to 2.96 pounds per megawatt-hour as certified in writing by a professional engineer, and rich-burn natural gas-fired engines must be equipped with three-way catalyst emission controls; and establishes certain monitoring requirements, maintenance and record keeping requirements for economic dispatch sources.

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Agency: Office of Children and Family Services

Title/Section(s): Child Care Market Rates – 18 NYCRR – Amendment of Section 415.9

State Register I.D. No: CFS-19-19-00009-A

Filing Date: July 23, 2019

Effective Date: August 7, 2019

Summary: This regulation adjusts childcare market rates in accordance with the results of the most recent cost of care market survey. This amendment sets forth the two market rates for informal childcare (the legally-exempt family childcare and in-home childcare categories), a standard market rate and an enhanced market rate. The standard market rate for (legally-exempt family childcare and in-home childcare categories) informal childcare will be 65 percent of the applicable registered family day care market rate. The enhanced market rate for (legally-exempt family child care and in-home child care categories) informal child care will be 70 percent of the applicable registered family day care market rate and apply to those (caregivers of legally-exempt family child care and in-home child care) informal child care providers who have provided notice to and have been verified by the applicable legally-exempt caregiver enrollment agency (or by the district for those portions of the district that are not covered by a legally-exempt caregiver enrollment agency) as having competed 10 or more hours of training annually. A social services district has the option, if it so chooses in the childcare portion of its child and family services plan to increase the enhanced market rate for (eligible legally-exempt family childcare and in-home childcare categories) informal childcare providers to up to 75 percent of the applicable registered family day care market rate.

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Agency: Office of Children and Family Services

Title/Section(s): To Eliminate Requirement That Victims of Domestic Violence Apply for Public Assistance to Pay for Cost of Shelter and Services – 18 NYCRR – Amendment of Sections 408.4, 408.5, 452.9 and 452.10

State Register I.D. No: CFS-20-19-00001-A

Filing Date: September 17, 2019

Effective Date: October 2, 2019

Summary: This regulation eliminates the requirement that victims of domestic violence apply for public assistance to pay for the cost of shelter. These amendments set forth that a victim of domestic violence shall be provided written information explaining their right to apply for public assistance and care and relevant information to make an informed decision whether to apply for such assistance and must include, but not be limited to understanding what personally identifying information is required, how that information will be used, and what benefits and services are available through public assistance and care; social services district cannot require that a victim of domestic violence apply for public assistance and care in order to receive domestic violence services; and the social services district in which the victim of domestic violence was residing at the time of domestic violence incident is responsible for determining the victim’s financial eligibility for public assistance and care, or otherwise providing payment for the costs of emergency shelter and services provided to a victim of domestic violence at the daily reimbursement rate determined by the Office of Children and Family Services.

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Agency: Department of Financial Services

Title/Section(s): Banking Division Assessments – 23 NYCRR – Addition of Part 101

State Register I.D. No: DFS-47-19-00003-A

Filing Date: January 24, 2020

Effective Date: February 12, 2020

Summary: This regulation set forth the basis for allocating costs and expenses attributable to the operation of the Banking Division for the Financial Services Law (FSL) assessments. This addition codifies the methodology and dictates the mechanism used by the Banking Division of the Department of Financial Services to calculate assessments of all entities regulated by it.

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Agency: State Board of Elections

Title/Section(s): Process for Early Voting – 9 NYCRR – Addition of Part 6211

State Register I.D. No: SBE-22-19-00003-A

Filing Date: March 24, 2020

Effective Date: April 8, 2020

Summary: This regulation establishes the process for early voting. This addition sets forth that by May first of each year, the board of elections shall designate early voting sites for the general election held in such year; and early voting sites for primaries and special elections shall be designated no later than forty-six (46) days before such an election.

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Agency: State Board of Elections

Title/Section(s): Audit Status for Early Voting – 9 NYCRR – Addition of Section 6210.18

State Register I.D. No: SBE-22-19-00001-A

Filing Date: October 4, 2019

Effective Date: October 23, 2019

Summary: This regulation establishes the process for auditing early voting machines and systems. This addition outlines audit procedures of voting machines or systems after each general, special, village or primary election and authorizes the State Board of Elections to perform such other acts as may be necessary to carry out the purposes of this chapter.

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Agency: Workers' Compensation Board

Title/Section(s): Group Self-Insured Trusts That Are Inactive but Not Insolvent – 12 NYCRR – Amendment of Section 317.20

State Register I.D. No: WCB-22-19-00009-A

Filing Date: October 15, 2019

Effective Date: October 30, 2019

Summary: This regulation provides assistance with inactive but not insolvent group self-insured trust to purchase Assumption Loss Policy (ALPs) to wind down liabilities. This amendment provides a means for these groups to purchase an ALP to quantify their liabilities with certainty and provide finality with respect to the amounts owed.

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Agency: Department of Health

Title/Section(s): Registered Nurses in the Emergency Department – 10 NYCRR – Amendment of Sections 405.5 and 405.19

State Register I.D. No: HLT-25-19-00013-A

Filing Date: October 28, 2019

Effective Date: November 13, 2019

Summary: This regulation removes a barrier to new graduate nurse recruitment in the emergency department. These amendments allow hospitals to recruit new graduate nurses to work in the emergency department following a training, education and competency monitoring program developed and administered by the hospital’s nursing education program that will allow nurses to obtain required skills while gaining invaluable experience within the emergency department; eliminates the one year requirement; and allows hospitals to recruit new graduates and train them for work specifically in the emergency department with the new graduates developing their clinical competencies by working alongside experienced staff who would supervise and mentor the new staff.

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Agency: Department of Agriculture and Markets

Title/Section(s): Fuels for Use in Automobiles and Motor-Driven Devices and Equipment – 1 NYCRR- Amendment of Part 224

State Register I.D. No: AAM-30-19-00004-A

Filing Date: November 5, 2019

Effective Date: November 20, 2019

Summary: This regulation is to conform with Federal requirements and to provide standards for and relieve confusion in the sale of new fuels. This amendment requires automotive fuel, diesel fuel, and kerosene to comply with current standards developed by the American Society for Testing Materials (ASTM); allows for the sale and distribution of gasoline-ethanol blends that have not more than 15%, and not less than 51%, by volume, of ethanol; and furthermore set forth the standards for fuel, such as denatured fuel ethanol, ethanol flex fuels, butanol, butanol blends, biodiesel, and biodiesel blends.

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Agency: Department of Health

Title/Section(s): Patients' Bill of Rights – 10 NYCRR – Amendment of Sections 405.7 and 751.9

State Register I.D. No: HLT-29-19-00020-A

Filing Date: October 28, 2019

Effective Date: November 13, 2019

Summary: This regulation protects diagnostic and treatment centers (D&TC) patients against unknowingly receiving care from out-of-network providers, resulting in surprise medical bills. These amendments require D&TC to provide patient with information to give informed consent for an order not to resuscitate and the right to designate an individual to give this consent if the patient is too ill to do so; be able to express complaints about the care and services provided and to have the center investigate such complaints; authorize those family members and other adults who will be given priority to visit consistent with the patient's ability to receive visitors; make known wishes of anatomical gifts; view a list of health plans and hospitals that the D&TC participates with; and receive an estimate of the amount that the patient will be billed after services are rendered.

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Agency: Department of Environmental Conservation

Title/Section(s): Regulations Governing Recreational Fishing of Scup – 6 NYCRR – Amendment of Part 40

State Register I.D. No: ENV-28-19-00002-A

Filing Date: October 29, 2019

Effective Date: November 13, 2019

Summary: This regulation revises the rules concerning the recreational harvest of scup in New York State. This amendment increases access to the recreational scup fishery by increasing the possession limit for licensed party and charter boat anglers by 5 fish (increase from 45 to 50 fish) from September 1 through October 31.

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Agency: Department of Agriculture and Markets

Title/Section(s): Spotted Lanternfly – 1 NYCRR- Amendment of Part 142

State Register I.D. No: AAM-34-19-00001-A

Filing Date: November 21, 2019

Effective Date: December 11, 2019

Summary: This regulation is to prevent Spotted Lanternfly (SL) infested articles originating in Dauphin County in PA, or Cecil County in MD from entering New York State. This amendment requires each person who wants to import into New York an article that originates in a designated county and that is capable of being infested by or with SL to obtain a certificate of inspection from an appropriate state official before importation into New York.

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Agency: Department of State

Title/Section(s): State Uniform Fire Prevention and Building Code (the Uniform Code) – 19 NYCRR – Repeal of Parts 1219 – 1229, Addition of New Parts 1219 – 1227 and Amendment of Sections 1264.4(b), (e), 1265.3(c), (h), (j) and (k)

State Register I.D. No: DOS-27-19-00014-A

Filing Date: January 28, 2020

Effective Date: May 12, 2020

Summary: This regulation repeals the existing Uniform Code and adopts a new Uniform Code and makes conforming changes to Parts 1264 and 1265. These repeals, additions and amendments set forth the New York State 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 – 19 NYCRR –
Repeal of Part 1240 and Addition of New Part 1240

State Register I.D. No: DOS-27-19-00015-A

Filing Date: January 28, 2020

Effective Date: May 12, 2020

Summary: This regulation repeals the existing State Energy Conservation Construction Code (the “Energy Code”) and adopts a new, updated Energy Code. These repeal and addition set forth the 2020 State Energy Conservation Construction Code (ECCCNYS) provisions for commercial and residential buildings.

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Agency: Department of Environmental Conservation

Title/Section(s): Sanitary Condition of Shellfish Lands – 6 NYCRR – Amendment of Part 41

State Register I.D. No: ENV-31-19-00008-A

Filing Date: November 19, 2019

Effective Date: December 4, 2019

Summary: This regulation reclassifies underwater shellfish lands to protect public health. This amendment reclassifies as certified (open to shellfish harvest) either year-round or seasonally the shellfish lands of Southampton, East Hampton, Riverhead, Smithtown & Huntington, Brookhaven, and the waterbodies in the Atlantic Ocean, Hempstead Bay, South Oyster Bay, Oyster Bay Harbor, Great South Bay, Moriches Bay, Mecox Bay, Hashamomuck Pond, and Smithtown Bay.

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Agency: Department of Financial Services

Title/Section(s): Professional Bail Agents; Managing General Agents; Et Al – 11 NYCRR – Amendment of Parts 28 (Regulation 42), 33 (Regulation 120) and 66 (Regulation 76)

State Register I.D. No: DFS-36-18-00003-A

Filing Date: November 1, 2019

Effective Date: March 19, 2020

Summary: This regulation provides greater protection to consumers and raises the standards of integrity in the bail bond business. These amendments set forth provisions governing the licensing of bail agents and the doing of a bail business by an insurer and charitable bail organization; and establishes a similar provision and requirement that is applicable to other insurance providers by requiring that bail bond forms be filed with the Superintendent for prior approval.

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Agency: Department of Financial Services

Title/Section(s): Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure – 11 NYCRR – Repeal of Sections 52.17(a)(36), (37), 52.18(a)(11), (12), and Addition of Sections 52.1(s) and 52.74

State Register I.D. No: DFS-30-18-00007-A

Filing Date: October 22, 2019

Effective Date: January 1, 2020

Summary: This regulation conforms with Chapter 25 of the Laws of 2019 and part M of Chapter 57 of the Laws of 2019. The repeal and addition require every policy that provides medical, major medical, or similar comprehensive type coverage to provide broad contraceptive coverage; and also establishes a process, including time-frames, for an insured, an insured’s designee, or an insured’s health care provider to request coverage of a non-covered contraceptive drug, device, or product.

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Agency: Department of Financial Services

Title/Section(s): Supplementary Uninsured/Underinsured Motorist Coverage – 11 NYCRR – Amendment of Subpart 60-2 (Regulation 35-D)

State Register I.D. No: DFS-53-19-00015-A

Filing Date: March 9, 2020

Effective Date: March 25, 2020

Summary: This regulation comports with statutory amendments to Chapter 59, Part III of the Laws of 2019 and Insurance Law Section 3420(f). This amendment applies to policy issues, renewed, altered, or modified on or after the date of the amended Insurance Law, which requires that any policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any natural person arising out of the ownership, maintenance, and use of altered motor vehicle or stretch limousine, having a seating capacity of eight or more passengers and used in the business of carrying or transporting passengers for hire, provide supplementary uninsured/underinsured motorist (SUM) insurance for bodily injury in an amount of a combined single limit of \$1,500,000 because of bodily injury or death of one or more persons in any one accident.

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Agency: Department of Health

Title/Section(s): School Immunization Requirements – 10 NYCRR – Amendments of Subpart 66-1

State Register I.D. No: HLT-36-19-00005-A

Filing Date: December 17, 2019

Effective Date: December 31, 2019

Summary: This regulation is established to be consistent with the national immunization regulations and to provide recommendations and guidelines. This amendment also defines the phrase “may be detrimental to the child’s health” for purposes of medical exemptions to vaccination requirements; adds a definition of laboratory confirmation of measles, mumps, rubella and varicella infections, and expands the definition of immunity to include laboratory confirmation against these diseases; and clarifies that positive serologic test for all three serotypes of poliomyelitis performed prior to September 1, 2019, may be accepted as evidence of poliomyelitis immunity, however, serologic test against poliomyelitis performed on or after September 1, 2019, may not be accepted in place of poliomyelitis vaccination.

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Agency: Office of Children and Family Services

Title/Section(s): Procedures for Addressing Children Absent Without Consent from Foster Care, Conditional Releases and Searches – 18 NYCRR – Amendment of Sections 431.8, 431.19, 431.20, 431.21, 441.2, 441.18, and 441.23

State Register I.D. No: CFS-19-19-00006-A

Filing Date: November 22, 2019

Effective Date: December 11, 2019

Summary: This regulation puts in place procedures that address children absent without consent from foster care, conditional releases and searches. These amendments provide guidance to authorized agencies to address the treatment of youth placed in care and who are residing with authorized agencies when those children are absent from the program without consent; the circumstances under which an adjudicated juvenile delinquent may be conditionally release; the circumstances under which searches of person and property may occur; the definition of contraband; and provides terms and conditions to be imposed on conditional release to promote and enhance the chances for success for youth.

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Agency: Department of Health

Title/Section(s): Required Signage Warning Against the Dangers of Illegal Products
– 10 NYCRR – Addition of Subpart 9-2

State Register I.D. No: HLT-40-19-00002-A

Filing Date: January 21, 2020

Effective Date: February 5, 2020

Summary: This regulation requires sellers of legal e-liquids and e-cigarette products to post warning signs regarding illegal products. This addition requires any person operating a place of business wherein e-cigarettes or e-liquids are sold or offered for sale shall post in a conspicuous place a sign, to be published by the Department, that warns against the dangers of using illegal e-cigarette and e-liquid products; and sets forth that a violation of any provision of this subpart is subject to all civil and criminal penalties as provided for the law.

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Agency: Department of Environmental Conservation

Title/Section(s): Class I and Class SD Waters – 6 NYCRR – Amendment of Sections 701.13 and 701.14

State Register I.D. No: ENV-43-19-00006-A

Filing Date: May 29, 2020

Effective Date: June 17, 2020

Summary: This regulation clarifies best usages of Class I and SD waters were/are “secondary contact recreation and fishing” and “fishing” respectively. These amendments adopt more protective total and fecal coliform water quality standards (WQS) for Class I and Class SD saline surface waters, which impact limited waters in the State with the majority of I/SD waters located in and around New York City, with a few waters located in and around Suffolk County.

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Agency: Department of Agriculture and Markets

Title/Section(s): Control of the European Cherry Fruit Fly – 1 NYCRR – Addition of Part 128

State Register I.D. No: AAM-21-19-00002-A

Filing Date: December 24, 2019

Effective Date: January 8, 2020

Summary: This regulation helps control the spread of the European Cherry Fruit Fly (ECFF), which renders cherries unmarketable if they are infested. This addition establishes regulated and quarantine areas consisting of Niagara and Erie Counties in their entirety and portions of Orleans County to help control the spread of ECFF; and establishes parameters in the form of a systems approach for the movement of cherries out of the regulated and quarantine areas.

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Agency: Office of Mental Health

Title/Section(s): Personalized Recovery Oriented Services – 14 NYCRR – Amendment of Part 512

State Register I.D. No: OMH-43-19-00008-A

Filing Date: January 13, 2020

Effective Date: January 29, 2020

Summary: This regulation allows Personalized Recovery Oriented Services (PROS) participants to receive Clinic Treatment from an Article 31 Clinic operated by the same agency. This amendment allows for PROS participants to choose to receive Clinical Treatment from PROS, if it is available, or from an Article 31 Clinic elsewhere in the community operated by a different sponsor.

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Agency: Workers' Compensation Board

Title/Section(s): Resolution of Medical Billing Disputes – 12 NYCRR – Amendment of Sections 300.19, 325-1.25, 440.8, 442.3 and Repeal of Section 325-1.24

State Register I.D. No: WCB-45-19-00010-A

Filing Date: January 14, 2020

Effective Date: January 29, 2020

Summary: This regulation incorporates the 2019 changes to the Workers' Compensation Law (WCL) section 13-g into existing regulations. These amendments and repeal add third-party administration; define medical bills as any authorized medical provider of Medical Care; add new provider types; simplify billing dispute process to eliminate "continuous course of treatment" concept; extend time to file from 90 days to 120 days; and adds that bills for prescribed medicine, durable medical equipment, medical/surgical supply, or orthotic or prosthetic appliance shall be paid in accordance with the fee schedule established in section 13-g of WCL.

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Agency: Department of Environmental Conservation

Title/Section(s): Plastic Bag Reduction, Reuse and Recycling Requirements – 6
NYCRR – Addition of Part 351

State Register I.D. No: ENV-48-19-00008-A

Filing Date: February 13, 2020

Effective Date: 30 days after filing

Summary: This regulation prohibits distribution of plastic carryout bags, identifies allowable reusable bags and sets film plastic recycling requirements. This addition sets forth the purpose, applicability and definitions of this regulations to clarify reusable bag, plastic carryout bag, compostable plastic bag and exempt bag; and addresses the related requirements for manufacturers and the effects on local laws as well as violations and enforcement.

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Agency: Office of Children and Family Services

Title/Section(s): Removal of Non-Medical Exemption from Vaccination Regulations for Child Day Care Programs – 18 NYCRR – Amendment of Section 416.11, 417.11, 418-1.11 and 418-2.11

State Register I.D. No: CFS-36-19-00004-A

Filing Date: January 28, 2020

Effective Date: February 12, 2020

Summary: This regulation removes the non-medical exemption from vaccination regulations for child day care programs. These amendments set forth that all children that attend licensed or registered group family day care programs, family day care programs and day care centers must remain current with their immunizations in accordance with the current schedule for required immunizations established by the New York State Public Health Law; a group family day care, family day care or day care center may admit a child who is not yet fully immunized, given that the required immunizations are in process and the parent or caretaker has submitted documentation to the program showing specific appointment dates related to completion of the required immunizations series; and any child who is missing one or more of the required immunizations may be provided care if a physician, licensed to practice medicine in New York State furnishes the program with a signed, completed medical exemption form issued by the NYS Department of Health or New York City Department of Education certifying that such immunizations may be detrimental to the child’s health, containing sufficient information to identify a medical contraindication to the specific immunizations and specifying the length of time each immunizations is medically contraindicated and the medical exemption must be reissued annually.

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Agency: Department of Financial Services

Title/Section(s): Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure – 11 NYCRR – Amendment of Part 52 (Regulation 62)

State Register I.D. No: DFS-51-19-00015-A

Filing Date: April 14, 2020

Effective Date: July 28, 2020

Summary: This regulation clarifies discriminatory activities prohibited by and coverages included within preventive care and screening under the Insurance Laws. This amendment clarifies that discrimination prohibited by the Insurance Law includes certain activities, such as including a policy clause that purports to deny, limit, or exclude coverage based on an insured’s sexual orientation, gender identity or expression, or transgender status or designating an insured’s sexual orientation, gender identity or expression, or transgender status as a pre-existing condition for the purpose of denying, limiting, or excluding coverage; clarifies that coverage for preexposure prophylaxis with effective antiretroviral therapy to person who are at high risk of HIV acquisition is included within preventive care and screening; and sets for the timing for coverage of preventive care and screening.

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Agency: Office of Children and Family Services

Title/Section(s): Residential and Non-Residential Services to Victims of Domestic Violence – 18 NYCRR – Amendment of Parts 452, 453, 454, 455 and 462

State Register I.D. No: CFS-51-18-00010-A

Filing Date: March 18, 2020

Effective Date: April 1, 2020

Summary: This regulation conforms existing rules to state and federal laws regarding services to victims of domestic violence. These amendments clarify when domestic violence victims with a disability can have their service animals and therapy dogs accompany the victim into the residential program for victims of domestic violence provided that the animal does not impose an undue burden on the residential program and the animal remains under the control of its handler; services must be provided in a non-discriminatory manner to all victims, regardless of race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex marital status or disability; confidentiality of personally identifying information of victims of domestic violence; provision of language access services to individuals who have limited English proficiency; and environmental standards for residential programs of victims of domestic violence as they pertain to health, sanitation, safety, and fire prevention.

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Agency: Department of Financial Services

Title/Section(s): Charges for Professional Health Services – 11 NYCRR – Amendment of Part 68 (Regulation 83)

State Register I.D. No: DFS-53-19-00014-A

Filing Date: April 2, 2020

Effective Date: April 22, 2020

Summary: This regulation delays the effective date of the workers' compensation fee schedules for no-fault reimbursement. This amendment delays the adoption of the new fee schedules, as well as changes made to existing fee schedules that the Chair has prepared and established to take effect on January 1, 2020, to take effect on October 1, 2020, for use in the no-fault system pursuant to the Insurance Law, which will coincide with the workers' compensation fee schedules already scheduled to take effect on October 1, 2020.

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Agency: Department of Financial Services

Title/Section(s): Rules Governing the Procedures for Adjudicatory Proceedings Before the Department of Financial Services – 3 NYCRR – Repeal of Supervisory Procedure G 111; 11 NYCRR – Repeal of Part 4; 23 NYCRR – Addition of Part 2

State Register I.D. No: DFS-53-19-00013-A

Filing Date: March 9, 2020

Effective Date: March 25, 2020

Summary: This regulation unifies and clarifies the procedures for adjudicatory proceedings before the Department of Financial Services. These repeals to the Supervisory Procedure G 111 of 3 NYCRR and Part 4 of 11 NYCRR, the Banking and Insurance rules governing administrative adjudicatory proceedings before the former individual departments; and the addition to Part 2 of 23 NYCRR provide one set of unified rules governing the procedures for adjudicatory proceedings before the Department of Financial Services under all of its authority.

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Agency: Department of State

Title/Section(s): Enhanced Fair Housing Provisions – 19 NYCRR – Addition of Section 175.28, 175.29 and 177.9

State Register I.D. No: DOS-02-20-00003-A

Filing Date: April 21, 2020

Effective Date: June 20, 2020

Summary: This regulation provides additional notices and other enhancements relating to fair housing and the Human Rights Law. This addition sets forth that a real estate broker is responsible to ensure that each individual licensed pursuant to Article 12-A of the New York Real Property Law and associated with such broker provides to a prospective purchaser, tenant, seller, or landlord upon first substantive contact a disclosure notice furnished by the Department of State (Department), containing substantive provisions of the New York State Human Rights Law and discloses how complaints may be filed, the disclosure notice may be provided by any of the following means: email, text, electronic messaging system, facsimile, or hardcopy and a signed acknowledgment shall be obtained and retained for a period of not less than three years and when there is a failure to obtain a signed disclosure, an under oath or written declaration of the facts regarding when such notice was provided shall be maintained for not less than three years; a real estate broker shall display and maintain at every office and branch office operated by such broker a notice furnished by the Department and should be prominently displayed in the window or in the same location the business license is posted, and at all websites created and maintained with a link to the notice, and shall be available at all open houses and showing of all real property; and every entity approved to provide instruction pertaining to fair housing and/or discrimination in the sale or rental of real property or an interest in real property shall cause a recording to be created of each course in its entirety and shall contain both video and audio of the instruction and shall be maintained for at least one year following the date such course was provided to an enrolled student.

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Agency: Department of Labor

Title/Section(s): Minimum Wage Tip Allowances – 12 NYCRR – Amendment of Section 142-2.21

State Register I.D. No: LAB-03-20-00012-A

Filing Date: June 17, 2020

Effective Date: June 24, 2020

Summary: This regulation amends the rules governing tip allowances in the Miscellaneous Industries Wage Order. This amendment sets forth that tips or gratuities shall mean voluntary contributions received by the employee from a guest, patron, customer, or other person for services rendered shall not be considered a part of the minimum wage on or after December 31, 2020, provided, however, that no employer shall claim a tip allowance in excess of fifty percent of the applicable allowances and rounded to the nearest five cents on or after June 30, 2020.

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Agency: Office of Children and Family Services

Title/Section(s): Categories of Relatives Eligible to Become a Foster Parent of a Child in Non-Relative Foster Care – 18 NYCRR – Amendment of Sections 443.1 and 443.7

State Register I.D. No: CFS-06-20-00021-A

Filing Date: April 27, 2020

Effective Date: May 13, 2020

Summary: This regulation complies with the legislative changes to Family Court Action Section 1028-a by Chapter 434 of Law 2019. These amendments expand the categories of relatives who may be heard by the Family Court Act regarding an application to become a foster parent of a child in non-kinship foster care placement; and authority of local social services districts (LDSSs) to issue waivers beyond relatives within the third degree, to include all relatives and adults with a positive relationship to the child or child’s family in order to provide parity to distant relatives and fictive kin for approval as foster parents.

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Agency: Office of Children and Family Services

Title/Section(s): Implement Federal Statutory Requirements to Include Enhanced Background Checks, Annual Inspections, Annual Training and Safety – 18 NYCRR – Amendment of Parts 413, 414, 416, 417 and 418

State Register I.D. No: CFS-39-19-00005-A

Filing Date: May 15, 2020

Effective Date: June 3, 2020

Summary: This regulation implements federal statutory requirements to include enhanced background checks, annual inspections, and annual training and safety. These amendments will help to achieve compliance with federal background clearances, training, inspection, and health and safety standards for childcare providers, which will significantly improve the safety of children in childcare programs; and bring the Office of Children and Family Services into compliance with federal and state legislative requirements.

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Agency: Office of Children and Family Services

Title/Section(s): Implement Statutory Requirements to Include Enhanced Background Checks, Annual Inspections, Annual Training and Safety – 18 NYCRR – Amendment of Subparts 358-3, Parts 403, 404, 405, 406 and 415

State Register I.D. No: CFS-39-19-00007-A

Filing Date: May 15, 2020

Effective Date: June 3, 2020

Summary: This regulation implements statutory requirements to include enhanced background checks, annual inspections, and annual training and safety. These amendments will help to achieve compliance with federal background clearances, training, inspection, and health and safety standards of certain legally-exempt childcare providers, which will significantly improve the safety of children in childcare programs; and bring the Office of Children and Family Services into compliance with federal and state legislative requirements.

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Agency: Department of Motor Vehicles

Title/Section(s): Establishes an Internet Prelicensing Course – 15 NYCRR – Addition of Part 10

State Register I.D. No: MTV-12-20-00005-A

Filing Date: June 2, 2020

Effective Date: June 17, 2020

Summary: This regulation conforms rules with statute. This addition sets forth the eligibility criteria to apply to deliver an internet pre-licensing course; details of the application process; minimum requirements for all internet pre-licensing courses, which include giving the Department of Motor Vehicles (DMV) access to all course materials, the ability to audit all internet pre-licensing courses, and the sponsors must allow and cooperate with DMV or its designee’s monitoring of internet pre-licensing courses, in addition to any third-party monitor working on behalf of the DMV, which the sponsors are required to procure an independent third-party monitor; length of the course and customer support requirements, including identity validation techniques and content questions that insure student participation; establishes information security guidelines for course sponsors and requirements for course administration; basis for DMV to suspend or revoke approval of sponsors; and establishes the guidelines for acceptable advertising produced by the sponsors.

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