

Key Regulatory Changes Affecting Small Businesses

July 1, 2021 through June 30, 2022

<u>Agency:</u>	Department of Agriculture and Markets
<u>Title/Section(s):</u>	Regulated commodity labeling, packaging and method of sale requirements - Amendment of Part 221 of Title 1 NYCRR.
<u>State Register I.D. No:</u>	AAM-31-21-00014-A
<u>Filing Date:</u>	January 1, 2022
<u>Effective Date:</u>	January 26, 2022
<u>Summary:</u>	This regulation is to amend packaging, labeling and method of sale requirements for various commodities to align with industry and Federal standards.
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Agency: Department of Environmental Conservation

Title/Section(s): Amendments to permit requirements for trapping fisher and marten in New York State - Amendment of sections 6.2 and 6.3 of Title 6 NYCRR.

State Register I.D. No: ENV-33-21-00004-A

Filing Date: August 18, 2021

Effective Date: February 2, 2022

Summary: This regulation is to remove the requirement for a special fisher trapping permit, and to simplify marten trapping requirements.

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Agency: Department of Health

Title/Section(s): Tanning Facilities - Amendment of Subpart 72-1 of Title 10 NYCRR.

State Register I.D. No: HLT-46-19-00003-A

Filing Date: November 13, 2019

Effective Date: January 5, 2022

Summary: This regulation is to prohibit the use of indoor tanning facilities by individuals less than 18 years of age.

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Agency: Department of Agriculture and Markets

Title/Section(s): Control of the European Cherry Fruit Fly - Amendment of Part 128 of Title 1 NYCRR.

State Register I.D. No: AAM-21-21-00021-A

Filing Date: May 26, 2021

Effective Date: August 25, 2021

Summary: This regulation is to help control the spread of the European Cherry Fruit Fly (ECFF), which renders cherries unmarketable if they are infested.

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Agency: Office of Children and Family Services

Title/Section(s): Licensed and registered child care programs to comply with the anaphylaxis policy issued by NYS Department of Health - Amendment of Parts 414, 415, 416, 417, Subparts 418-1 and 418-2 of Title 18 NYCRR.

State Register I.D. No: CFS-27-21-00003-A

Filing Date: July 7, 2021

Effective Date: October 13, 2021

Summary: This regulation is for licensed and registered child care programs to comply with the anaphylaxis policy issued by NYS Department of Health. OCFS will provide guidance, technical assistance, and outreach to those that are impacted by the proposed regulation. OCFS will send notice of this new regulation electronically (via email) to child care providers and post this information on the OCFS child care website.

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Agency: Department of Economic Development

Title/Section(s): Employee Training Incentive Program - Amendment of Part 250 of Title 5 NYCRR.

State Register I.D. No: EDV-51-21-00006-A

Filing Date: December 22, 2021

Effective Date: March 23, 2022

Summary: This regulation is to update the administrative process for the ETIP program. The revised regulation contained in 5 NYCRR Part 250, which governs the employee training incentive program, is amended as follows: The revised regulation now defines three new terms added in statute, “eligible training costs”: “software development,” and “clean energy” and updates the definition of stipend. The definitions of “eligible training costs” and “stipend” are updated to allow necessary travel and child care costs as part of the credit. The revised regulation makes clear that eligible internship programs now include those in software development and clean energy as well as those in life sciences and advanced technology and that a business utilizing the internship component of this program will no longer have to demonstrate that its interns make up less than 50% of its workforce. The revised regulation clarifies that in order to be eligible for the program a business entity must demonstrate that it is either conducting the training itself or having a third-party provider conduct it. The regulation also makes clear that significant capital investment now has to be “related to” the training, not “in connection with.” It also adds, for clarity’s sake, a section setting forth the calculation of the credit which parallels the statutory calculation. Finally, the revised regulation requires a business entity participating in the program to fill out a post project survey for information tracking purposes.

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Agency: Department of Environmental Conservation

Title/Section(s): Product Stewardship and Product Labeling - Repeal of Part 368; addition of new Part 368 to Title 6 NYCRR.

State Register I.D. No: ENV-26-21-00003-A

Filing Date: June 30, 2021

Effective Date: February 23, 2022

Summary: This regulation is to expand, strengthen and clarify existing regulations to establish consistency with federal and state requirements. This rulemaking repeals and replaces the existing regulations for Recycling Emblems, develops new regulations for mercury-added consumer product labeling and develops new regulations to provide clarity and improve implementation of the existing Electronic Equipment Recycling and Reuse Act (EERRA). The regulations will apply statewide.

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Agency: Department of Environmental Conservations

Title/Section(s): Expanded Polystyrene Foam Container and Polystyrene Loose Fill Packaging Reduction - Addition of Part 353 to Title 6 NYCRR.

State Register I.D. No: ENV-36-21-00003-A

Filing Date: September 8, 2021

Effective Date: March 30, 2022

Summary: This regulation highlights the implementation of the expanded polystyrene foam container and loose fill packaging ban.

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Agency: Department of Health

Title/Section(s): Prescription Refills - Amendment of section 505.3(d)(2) of Title 18 NYCRR.

State Register I.D. No: HLT-01-22-00004-A

Filing Date: January 5, 2022

Effective Date: June 8, 2022

Summary: This regulation limits Medicaid FFS prescriptions to a maximum of 12 fills within one year from the date the prescriber initiates a prescription. This amended adopts prescription refills as follows: (1) A written order may not be refilled unless the practitioner has indicated the number of allowable refillings on the order; and (2) No written order for drugs may be refilled more than twelve months after the date of issuance, nor more than eleven times within a twelve-month period.

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Agency: Department of State

Title/Section(s): Ventilation Requirements - Amendment of section 160.16 of Title 19 NYCRR.

State Register I.D. No: DOS-42-21-00003-A

Filing Date: October 20, 2021

Effective Date: January 5, 2022

Summary: To provide an additional 6 months for appearance enhancement businesses to comply with existing ventilation standards.

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Agency: Department of Environmental Conservation

Title/Section(s): Chlorpyrifos prohibition - Amendment of Part 326 of Title 6 NYCRR.

State Register I.D. No: ENV-04-21-00007-A

Filing Date: January 27, 2021

Effective Date: July 21, 2021

Summary: This regulation prohibits distribution, sale, purchase, possession, or use of pesticides that contain the active ingredient chlorpyrifos.

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Agency: Department of Environmental Conservation

Title/Section(s): Food Donation and Food Scraps Recycling - Addition of Part 350 to Title 6 NYCRR.

State Register I.D. No: ENV-04-21-00008-A

Filing Date: January 27, 2021

Effective Date: August 11, 2021

Summary: The rule increases food donation and the recycling of food scraps through composting. The law requires large generators of food scraps to donate excess edible food and recycle all remaining food scraps if they are located within 25 miles of an organic's recycler. Food scraps generators may petition the Department for a one-year waiver from these requirements.

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Agency: Department of Economic Development

Title/Section(s): Excelsior Jobs program - Amendment of Parts 190, 191 and 193 of Title 5 NYCRR.

State Register I.D. No: EDV-36-21-00001-A

Filing Date: September 8, 2021

Effective Date: December 22, 2021

Summary: The purpose of this regulation is to update and include newly enhanced tax credits for projects including child care services.

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