

STATE OF NEW YORK

9028

IN SENATE

June 14, 2018

Introduced by Sen. PHILLIPS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the general business law, in relation to requiring domestic violence and sexual assault awareness education for persons engaged in the practice of nail specialty, waxing, natural hair styling, esthetics and cosmetology

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 3 of section 403 of the general business law,
2 as amended by chapter 339 of the laws of 2017, is amended to read as
3 follows:

4 3. The advisory committee shall advise the secretary on all matters
5 relating to this article, and on such other matters as the secretary
6 shall request. In advising the secretary on matters concerning profes-
7 sional education or curriculum, inclusive of the maintenance of cultural
8 and ethnic awareness within the prescribed curriculum in regard to hair
9 types, including, but not limited to, curl pattern, hair strand thick-
10 ness, and volume of hair, the advisory committee shall, to the extent
11 practicable, consult with the state education department. The advisory
12 committee is directed, in consultation with the department of state, the
13 New York state office for the prevention of domestic violence and an
14 advocacy group recognized by the federal department of health and human
15 services, which has the ability to coordinate statewide and with local
16 communities on programming and educational materials related to the
17 prevention and intervention of domestic violence in New York state, to
18 develop, provide for and integrate awareness training on domestic
19 violence and sexual assault for all prospective students seeking to be
20 licensed under this article. Further, on a voluntary basis for those
21 seeking to renew their license as provided for in this article to devel-
22 op and provide access to educational material for domestic violence and
23 sexual assault awareness.

24 § 2. Subdivision 6 of section 408 of the general business law, as
25 amended by section 1 of part Y of chapter 60 of the laws of 2011, is
26 amended to read as follows:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 6. Any license, which has not been suspended or revoked, may, upon the
2 payment of the renewal fee, be renewed for additional periods of four
3 years from its application, without further examination, upon the filing
4 of an application for such renewal, on a form to be prescribed by the
5 secretary. When an applicant seeks to renew their license, the depart-
6 ment shall notify applicants of voluntary domestic violence and sexual
7 assault awareness education courses that can be accessed through the
8 department's website.

9 § 3. The general business law is amended by adding a new section 408-b
10 to read as follows:

11 § 408-b. Domestic violence and sexual assault awareness education. 1.
12 The department shall ensure that domestic violence and sexual assault
13 awareness education courses are made available to all licensees and
14 applicants for a license or renewal pursuant to this article and that
15 such courses are offered through the department's website. The depart-
16 ment, in consultation with the office for the prevention of domestic
17 violence and an advocacy group recognized by the federal department of
18 health and human services, which has the ability to coordinate statewide
19 and with local communities on programming and educational materials
20 related to the prevention and intervention of domestic violence in New
21 York state, shall develop and provide access to domestic violence and
22 sexual assault awareness education courses appropriate for those
23 licensed under this article.

24 2. A person licensed under this article who has completed domestic
25 violence and sexual assault awareness education shall not be civilly or
26 criminally liable for acting or failing to act on information obtained
27 during the course of employment concerning potential domestic violence
28 or sexual assault.

29 § 4. This act shall take effect on the one hundred eightieth day after
30 it shall have become a law; provided, however, that effective immediate-
31 ly, the addition and/or repeal of any rule or regulation necessary for
32 the implementation of this act on its effective date are authorized and
33 directed to be made and completed on or before such effective date.