

STATE OF NEW YORK

3708--B

2009-2010 Regular Sessions

IN SENATE

March 30, 2009

Introduced by Sen. SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to requiring licensed appearance enhancement professionals to successfully complete a prescribed course of study or program in the prevention of the transmission of infection and the proper methods of sterilization

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The general business law is amended by adding a new section
2 405-a to read as follows:
3 S 405-A. CONTINUING EDUCATION CONCERNING INFECTION CONTROL AND THE
4 TRANSMISSION OF INFECTIOUS DISEASES. 1. AS A PREREQUISITE FOR THE ISSU-
5 ANCE OF ANY LICENSE OR A RENEWAL OF AN APPEARANCE ENHANCEMENT BUSINESS
6 LICENSE OR A RENEWAL FOR A LICENSE TO PRACTICE WAXING, COSMETOLOGY, NAIL
7 SPECIALTY, ESTHETICS OR NATURAL HAIRSTYLING AS DEFINED BY SUBDIVISIONS
8 ONE THROUGH EIGHT OF SECTION FOUR HUNDRED OF THIS ARTICLE, THE LICENSED
9 APPLICANT SHALL PRESENT EVIDENCE SATISFACTORY TO THE DEPARTMENT OF
10 HAVING MET THE CONTINUING EDUCATION REQUIREMENTS PURSUANT TO THIS ARTI-
11 CLE.
12 2. THE CONTINUING EDUCATION REQUIREMENTS FOR ISSUANCE OR RENEWAL OF
13 SUCH LICENSE SHALL BE THE SUCCESSFUL COMPLETION BY THE APPLICANT, WITHIN
14 THE THREE MONTH PERIOD IMMEDIATELY PRECEDING THE DATE OF SUCH APPLICA-
15 TION, OF A COURSE OF STUDY IN INFECTION PREVENTION AND CONTROL OFFERED
16 THROUGH SCHOOLS OF INFECTION CONTROL, LICENSED BY THE DEPARTMENT OF
17 EDUCATION. UPON SUCCESSFUL COMPLETION OF THE COURSE OF STUDY AS
18 DESCRIBED IN THIS SECTION, SUCH SCHOOL SHALL GENERATE A COURSE
19 COMPLETION CERTIFICATE NUMBER THAT SHALL CONSTITUTE PROOF THAT THE
20 APPLICANT HAS SUCCESSFULLY COMPLETED A COURSE OF STUDY IN INFECTION

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

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1 CONTROL AS DESCRIBED IN THIS SECTION. IN ADDITION, ANY APPEARANCE
2 ENHANCEMENT SCHOOLS IN NEW YORK STATE, MAY OBTAIN A NEW YORK STATE
3 APPROVED CURRICULUM, OR COURSEWORK, TO BECOME AN APPROVED PROVIDER AND
4 MAY DO SO IN CONJUNCTION WITH AN APPROVED SCHOOL OF INFECTION CONTROL.
5 IN ORDER TO BE ELIGIBLE TO OFFER SUCH CURRICULUM OR COURSEWORK, THE
6 APPEARANCE ENHANCEMENT SCHOOL SHALL APPLY TO THE DEPARTMENT OF EDUCATION
7 FOR APPROVAL. THE COURSE OF STUDY MAY BE PROVIDED EITHER AT THE SCHOOL'S
8 PREMISES OR BY LONG DISTANCE METHODS OF INSTRUCTION AND TESTING INCLUD-
9 ING BUT NOT LIMITED TO, SELF-PACED HOME STUDY CORRESPONDENCE COURSES OR
10 THROUGH ONLINE COURSES. FOR THE PURPOSES OF THIS SECTION, THE TERM
11 "SCHOOL OF INFECTION CONTROL" SHALL MEAN A SCHOOL THAT HAS BEEN DEVEL-
12 OPED AND APPROVED BY THE DEPARTMENT OF EDUCATION FOR THE PURPOSE OF
13 DEVELOPING AND OFFERING COURSES PROVIDING EDUCATION IN THE FIELD OF
14 TRANSMISSION OF INFECTION AND CONTAGIOUS DISEASES, INCLUDING THE PROPER
15 METHODS OF SANITATION AND STERILIZATION TO BE PRACTICED, ESPECIALLY AS
16 THEY RELATE TO TOOLS, INSTRUMENTS AND EQUIPMENT, IN THE PROFESSIONS OF
17 WAXING, COSMETOLOGY, NAIL SPECIALTY, ESTHETICS OR NATURAL HAIRSTYLING.

18 S 2. Subdivision 1 of section 406 of the general business law is
19 amended by adding five new paragraphs f, g, h, i and j to read as
20 follows:

21 F. EACH APPLICATION FOR THE ISSUANCE OR RENEWAL OF AN APPEARANCE
22 ENHANCEMENT BUSINESS LICENSE OR A LICENSE TO PRACTICE WAXING, COSMETOLO-
23 GY, NAIL SPECIALTY, ESTHETICS OR NATURAL HAIRSTYLING SHALL INDICATE, BY
24 SELF-CERTIFICATION USING THE COURSE COMPLETION CERTIFICATE NUMBER, THAT
25 THE APPLICANT HAS SUCCESSFULLY COMPLETED THE PRESCRIBED COURSE OF STUDY,
26 FROM A SCHOOL OR PROGRAM, AS DESCRIBED IN SECTION FOUR HUNDRED FIVE-A OF
27 THIS ARTICLE, CONCERNING THE PREVENTION OF THE TRANSMISSION OF INFECTION
28 AND CONTAGIOUS DISEASES, AND THE PROPER METHODS OF SANITATION AND STERI-
29 LIZATION.

30 G. ANY SCHOOL OF INFECTION CONTROL OR ANY APPEARANCE ENHANCEMENT
31 SCHOOL THAT IS APPROVED BY THE DEPARTMENT OF EDUCATION, UNDER THIS ARTI-
32 CLE, SHALL BE ANNUALLY ASSESSED BASED ON THE PRIOR YEAR OF THEIR FINAN-
33 CIAL STATEMENTS, BY THE SECRETARY OF STATE. A PERCENTAGE OF THEIR GROSS
34 TUITION SHALL BE DEPOSITED INTO THE BUSINESS AND LICENSING ACCOUNT AS
35 DETERMINED BY THE ANNUAL FINANCIAL STATEMENT OR ANNUAL AUDITED FINANCIAL
36 STATEMENT. SUCH FUNDS SHALL BE TRANSFERRED TO THE GENERAL FUND IN EQUAL
37 QUARTERLY INSTALLMENTS WHICH SHALL BE DUE ON APRIL FIRST, JULY FIRST,
38 OCTOBER FIRST AND JANUARY FIRST.

39 H. (I) BEGINNING OCTOBER FIRST, TWO THOUSAND NINE, SUCH ANNUALIZED
40 ASSESSMENT SHALL BE SIX PERCENT.

41 (II) BEGINNING APRIL FIRST, TWO THOUSAND TEN, SUCH ANNUALIZED ASSESS-
42 MENT SHALL BE FIVE PERCENT.

43 (III) BEGINNING APRIL FIRST, TWO THOUSAND ELEVEN, SUCH ANNUALIZED
44 ASSESSMENT SHALL BE FOUR PERCENT.

45 (IV) BEGINNING APRIL FIRST, TWO THOUSAND TWELVE, AND IN EACH SUCCEED-
46 ING YEAR, SUCH ANNUALIZED ASSESSMENT SHALL BE THREE PERCENT. THE SECRE-
47 TARY OF STATE SHALL APPROPRIATE THE FUNDS DECLARED HEREIN TOWARDS THE
48 IMPLEMENTATION AND ENFORCEMENT OF THIS SECTION.

49 I. FOLLOWING THE CLOSE OF EACH FISCAL YEAR, THE SECRETARY OF STATE, IN
50 CONSULTATION WITH THE DIRECTOR OF THE BUDGET, SHALL DETERMINE IF THE
51 BALANCE IN THE BUSINESS AND LICENSING ACCOUNT HAS EXCEEDED THE AMOUNT
52 REQUIRED FOR THE IMPLEMENTATION AND ENFORCEMENT OF THIS SECTION, IT
53 SHOULD BE TAKEN INTO ACCOUNT FOR PROJECTED REVENUES AND EXPENDITURES FOR
54 THE SUBSEQUENT FISCAL YEAR. TO THE EXTENT THAT A SURPLUS IS IDENTIFIED,
55 THE SECRETARY OF STATE, WITH THE APPROVAL OF THE DIRECTOR OF THE BUDGET,
56 SHALL DIRECT THE TRANSFER OF SUCH SURPLUS TO THE GENERAL FUND.

1 J. LATE PAYMENTS MAY RESULT IN SUSPENSION OF LICENSURE BY THE SECRE-
2 TARY OF STATE. PAYMENTS REQUIRED BY THIS SUBDIVISION SHALL BE CONSIDERED
3 A CONDITION OF LICENSURE OR REGISTRATION.
4 S 3. Subdivision 6 of section 408 of the general business law, as
5 added by chapter 509 of the laws of 1992, is amended to read as follows:
6 6. Any license, which has not been suspended or revoked, may, upon the
7 payment of the renewal fee, be renewed for additional periods of two
8 years [from its application], without further examination, upon the
9 filing of an application for such renewal, on a form to be prescribed by
10 the secretary.
11 S 4. This act shall take effect on the sixtieth day after it shall
12 have become a law.