

2104

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. BENJAMIN -- Multi-Sponsored by -- M. of A. HOOPER, MILLER -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the general business law, in relation to authorizing and directing the secretary of state to promulgate regulations to govern the use of chemicals in connection with the practice of nail specialty

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

1 Section 1. Section 404 of the general business law, as amended by
2 chapter 341 of the laws of 1998, is amended to read as follows:
3 S 404. Rules and regulations. The secretary shall promulgate rules and
4 regulations which establish standards for practice and operation by
5 licensees under this article in order to ensure the health, safety and
6 welfare of the public. Such rules and regulations shall include, but not
7 be limited to, the sanitary conditions and procedures required to be
8 maintained, a minimum standard of training appropriate to the duties of
9 nail specialists, waxers, natural hair stylists, estheticians, and
10 cosmetologists and the provision of service by nail specialists, waxers,
11 natural hair stylists, estheticians or cosmetologists at remote
12 locations other than the licensee's home provided that such practitioner
13 holds an appearance enhancement business license to operate at a fixed
14 location or is employed by the holder of an appearance enhancement busi-
15 ness license. Regulations setting forth the educational requirements for
16 nail specialists shall include education in the area of causes of
17 infection and bacteriology. IN ADDITION, THE SECRETARY SHALL PROMULGATE
18 RULES AND REGULATIONS GOVERNING THE USE OF CHEMICALS IN CONNECTION WITH
19 THE PRACTICE OF NAIL SPECIALTY, INCLUDING, BUT NOT LIMITED TO, HEALTH
20 AND SAFETY CONCERNS IMPLICATED BY THE TOPICAL APPLICATION OF SUCH CHEMI-
21 CALS TO THE BODY AND THE INHALATION OF THE FUMES THEREFROM AND FIRE
22 HAZARDS DUE TO SUCH FUMES; SUCH RULES AND REGULATIONS SHALL REQUIRE: THE
23 DISPLAY OF SIGNS IN A PROMINENT PLACE WHERE SUCH CHEMICALS ARE USED, IN

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

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1 CLEARLY READABLE TYPE AND PRINTED IN BLOCK LETTERS, DESCRIBING SUCH
2 POTENTIAL HEALTH AND SAFETY CONCERNS IMPLICATED BY THE TOPICAL APPLICA-
3 TION OF SUCH CHEMICALS AND THE INHALATION OF FUMES THEREFROM; AND THE
4 USE OF APPROPRIATE VENTILATION, WHICH MAY INCLUDE EXHAUST FANS WHENEVER
5 SUCH CHEMICALS ARE USED. In promulgating such rules and regulations the
6 secretary shall consult with the state education department, the advi-
7 sory committee established pursuant to this article, any other state
8 agencies and private industry representatives as may be appropriate in
9 determining minimum training requirements.

10 S 2. This act shall take effect on the one hundred twentieth day after
11 it shall have become a law, provided however, that effective immediate-
12 ly, the addition, amendment and/or repeal of any rules or regulations
13 necessary for the implementation of the foregoing section of this act on
14 its effective date are authorized and directed to be made and completed
15 on or before such effective date.