

2009-2010 Regular Sessions

I N S E N A T E

January 9, 2009

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to authorizing and directing the secretary of state to promulgate rules and regulations relating to air quality standards in regards to 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 IN CONNECTION WITH THE PRACTICE OF NAIL SPECIALTY
19 REQUIRING THE USE OF APPROPRIATE VENTILATION, AIR PURIFICATION SYSTEMS,
20 BY OTHER AIR QUALITY IMPROVEMENT MEANS DEEMED APPROPRIATE, OR ANY COMBI-
21 NATION THEREOF. In promulgating such rules and regulations the secretary
22 shall consult with the state education department, the advisory commit-
23 tee established pursuant to this article, any other state agencies and

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

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1 private industry representatives as may be appropriate in determining
2 minimum training requirements.

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