STATE OF NEW YORK

6791

2021-2022 Regular Sessions

IN ASSEMBLY

April 8, 2021

Introduced by M. of A. BICHOTTE HERMELYN, RICHARDSON -- read once and referred to the Committee on Banks

AN ACT to amend the elder law and the banking law, in relation to requiring financial planners working with the elderly to be certified financial planners

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

Section 1. The elder law is amended by adding a new section 219-a to read as follows:

§ 219-a. Financial planning sales, products and services sold or marketed to the elderly. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) The term "elderly person" shall have the same meaning ascribed in section two hundred fourteen of this title.

(b) The term "financial planner" shall mean any individual, business or entity that sells, promotes or holds themselves out to sell or promote or provide investment planning, income tax planning, education planning, retirement planning, estate planning, risk management, and any other area with respect to the management of financial resources; including but not limited to 401(k)s, Individual Retirement Accounts (IRAs), Roth IRAs, SEP-IRAs, and IRA rollovers.

2. Financial planners who derive any income or business from elderly persons who are residents of New York state shall be required to become certified. Certification shall mean having fulfilled all educational, ethical and certification exam requirements set forth by the Certified Financial Planner Board of Standards, Incorporated or a nationally recognized accreditation agency acceptable to the superintendent of financial services.

§ 2. The banking law is amended by adding a new article 12-F to read as follows:

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

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ARTICLE 12-F
FINANCIAL PLANNERS SELLING RETIREMENT PRODUCTS OR SERVICES TO THE ELDERLY

Section 599-aa. Financial planning sales, products and services sold or marketed to the elderly.

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(a) The term "elderly person" shall have the same meaning ascribed in section two hundred fourteen of the elder law.

(b) The term "financial planner" shall mean any individual, business or entity that sells, promotes or holds themselves out to sell or promote or provide investment planning, income tax planning, education planning, retirement planning, estate planning, risk management, and any other area with respect to the management of financial resources; including but not limited to 401(k)s, Individual Retirement Accounts (IRAs), Roth IRAs, SEP-IRAs, and IRA rollovers.

2. Financial planners who derive any income or business from elderly persons who are residents of New York state shall be required to become certified. Certification shall mean having fulfilled all educational, ethical, and certification exam requirements set forth by the Certified Financial Planner Board of Standards, Incorporated or a nationally recognized accreditation agency acceptable to the superintendent.

§ 3. This act shall take effect on the three hundred sixty-fifth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.