STATE OF NEW YORK

7296

2023-2024 Regular Sessions

IN ASSEMBLY

May 17, 2023

Introduced by M. of A. STIRPE -- read once and referred to the Committee on Economic Development

AN ACT to amend the general business law, in relation to licensing requirements to own, control or operate an appearance enhancement business; and to repeal certain provisions of such law relating thereto

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

Section 1. Subdivision 2 of section 401 of the general business law, as added by chapter 509 of the laws of 1992, is amended to read as follows:

2. No person shall own, control or operate, whether as a sole proprietor, partner, shareholder, officer, independent contractor or other person, an appearance enhancement business without having received a license for such business in the manner provided in this article. **No person shall be required to receive a license to engage in the practice of nail specialty, waxing, natural hair styling, esthetics or cosmetology, as defined in section four hundred of this article, as a requirement to receive a license to own, control or operate an appearance enhancement business; provided, however, no person that owns, controls, or operates such business shall engage in the practice of nail specialty, waxing, natural hair styling, esthetics or cosmetology, as defined in section four hundred of this article, without having received a license to engage in such practice in the manner prescribed in this article.**

§ 2. Section 403 of the general business law is amended by adding a new subdivision 3-a to read as follows:

3-a. a. No later than ninety days after the effective date of this subdivision, the advisory committee shall develop educational materials and a curriculum for a two hour in-person professional training and an exam which applicants must pass to receive a license to own, control or operate an appearance enhancement business. The cost of the training and

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

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examination required pursuant to this subdivision shall be covered by the applicant. Such training shall educate owners and operators on health and safety rules and regulations in order to protect the health, safety and welfare of the public and employees working within an appearance enhancement business. Educational materials shall contain, but are not limited to:

i. information about health hazards within the workplace;

ii. a list of side effects from extended exposure to chemicals used;

iii. proper procedures to reduce health risks if a person inhales or comes into physical contact with chemicals used; and

iv. relevant local, state and federal laws and provisions to be followed by such owners and operators.

b. The training for owners and operators required pursuant to this subdivision shall be conducted by organizations that are approved by the secretary to offer a course and have significant experience in training appearance enhancement business owners and operators on health and safety regulations. The advisory committee shall establish criteria that an organization shall meet to administer such training and qualifying examination. The secretary shall maintain a publicly accessible list of approved training organizations no later than one hundred twenty days after the effective date of this subdivision.

§ 3. Paragraph e of subdivision 2 of section 406 of the general business law is REPEALED.

§ 4. Subdivision 3 of section 406 of the general business law is amended by adding a new paragraph c to read as follows:

c. Each such application shall also be accompanied by satisfactory evidence of having taken the training and passed the appropriate examination offered by an approved organization pursuant to this article. An approved organization shall notify the department of the results of an applicant's examination within one week of an applicant's completion of the training and examination required pursuant to this article.

§ 5. This act shall take effect on the ninetieth 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.