

# STATE OF NEW YORK

4420

2025-2026 Regular Sessions

## IN ASSEMBLY

February 4, 2025

Introduced by M. of A. BRONSON, CLARK, DINOWITZ, GALLAGHER, HEVESI, ROSENTHAL, STECK, GONZALEZ-ROJAS, REYES, MAMDANI, SEAWRIGHT, SIMON, COLTON, RAGA, SHRESTHA, TAPIA, CRUZ, DE LOS SANTOS, EPSTEIN, KELLES, PAULIN, LUNSFORD, DAVILA, STIRPE, BURDICK, FORREST, SHIMSKY, LEE -- read once and referred to the Committee on Labor

AN ACT to amend the labor law and the state administrative procedure act, in relation to enacting the nail salon minimum standards council act

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

1 Section 1. This act shall be known and may be cited as the "nail salon  
2 minimum standards council act".

3 § 2. The labor law is amended by adding a new article 19-E to read as  
4 follows:

### ARTICLE 19-E

#### NAIL SALON MINIMUM STANDARDS COUNCIL ACT

##### Section 697. Statement of public policy.

8 697-a. Definitions.

9 697-b. Nail salon minimum standards council.

10 697-c. Minimum pricing committee.

11 697-d. Powers and duties of the council.

12 697-e. Powers and duties of the commissioner with respect to the  
13 council.

14 697-f. Labor protections.

15 697-g. Future meetings.

16 697-h. Severability.

17 697-i. Preemption.

18 § 697. Statement of public policy. The legislature hereby finds and  
19 declares that there are persons employed in the nail salon industry in  
20 the state of New York at wages and standards insufficient to provide  
21 adequate maintenance and adequate health protections for themselves and

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

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1 their families. Such employment: impairs the health, efficiency, and  
2 well-being of such workers; constitutes unfair competition against other  
3 employers and their workers; threatens the stability of the industry;  
4 reduces the purchasing power of workers; and requires, in many  
5 instances, that wages be supplemented by the payment of public moneys  
6 for relief or other public and private assistance. Documented inappro-  
7 prate working conditions include the following: exposure to known  
8 carcinogens that have been found to cause cancer, asthma, and reproduc-  
9 tive health issues for nail salon workers; long hours in poorly venti-  
10 lated areas; unpredictable work schedules that adversely affect nail  
11 salon workers' ability to act as caregivers to their dependents;  
12 nonstandard procedures for obtaining certifications; inconsistent stand-  
13 ards and criteria for work performed by trainees; and high rates of wage  
14 theft. The current system of relying exclusively on individual  
15 complaints to the department has not been effective at creating indus-  
16 try-wide compliance with regulations now in effect. Intense competition  
17 on price has driven down standards to the detriment of workers, consum-  
18 ers, and employers themselves. Data has shown that there is a strong  
19 correlation between prices and wage violations: the lower the prices,  
20 the higher the rates of wage violations that occur in nail salons. Due  
21 to slim profit margins and intense industry competition, even small  
22 businesses wishing to increase pay and improve working conditions are  
23 unable to do so. It is imperative that such market conditions be  
24 corrected and regulated by the state of New York.

25 The purpose of this article is to install a mechanism to raise indus-  
26 try standards for nail salon workers, owners, and customers through a  
27 participatory and accessible process and to set the foundation for a  
28 thriving, stable, and sustainable nail salon industry in New York.

29 Accordingly, it is the declared policy of the state of New York that  
30 inappropriate conditions be eliminated as rapidly as practicable without  
31 substantially curtailing opportunities for employment or earning power.  
32 To this end, the commissioner shall establish a nail salon minimum stan-  
33 dards council pursuant to section six hundred ninety-seven-b of this  
34 article, to investigate and recommend minimum wages and standards in the  
35 nail salon industry, and the commissioner shall establish and implement  
36 and maintain such wages and standards. Furthermore, the commissioner  
37 shall convene an independent minimum pricing committee pursuant to  
38 section six hundred ninety-seven-c of this article to determine a fair  
39 minimum pricing model that will provide adequate maintenance for nail  
40 salon workers and protect consumer and worker health and safety stand-  
41 ards while maintaining business enterprise autonomy and a competitive  
42 marketplace.

43 The commissioner and the nail salon minimum standards council estab-  
44 lished pursuant to section six hundred ninety-seven-b of this article  
45 shall have the power to investigate the wages and standards for workers  
46 in the nail salon industry to ascertain whether the minimum wages and  
47 standards established in accordance with the provisions of this article  
48 are sufficient to provide adequate maintenance and adequate health  
49 protections for nail salon workers, consumers, and the general public.  
50 The legislature understands that provisions of this article may have  
51 anti-competitive effects, and enacts this article with full knowledge of  
52 its possible anti-competitive effects and with the specific intention  
53 that all conduct authorized by this article receive immunity from feder-  
54 al antitrust laws to the fullest extent possible.

1 § 697-a. Definitions. As used in this article: 1. "Council" means the  
2 nail salon minimum standards council established pursuant to section six  
3 hundred ninety-seven-b of this article.

4 2. "Member" means a member of the nail salon minimum standards council  
5 established pursuant to section six hundred ninety-seven-b of this arti-  
6 cle.

7 3. "Standards" means any requirements applicable to nail salon work-  
8 places for which the council may provide recommendations as per section  
9 six hundred ninety-seven-d of this article.

10 4. "Nail salon" and "nail firm" mean an appearance enhancement busi-  
11 ness which practices nail specialty, as that term is defined in section  
12 four hundred of the general business law.

13 5. "Nail salon worker" means any person engaged in whole or in part in  
14 the practice of nail specialty as defined in section four hundred of the  
15 general business law.

16 6. "Nail salon employer" means an owner or operator of an appearance  
17 enhancement business that specializes in the practice of nail specialty  
18 as defined in section four hundred of the general business law.

19 7. "Trainee" means a person who works as a trainee as defined in  
20 section four hundred of the general business law.

21 8. "Delegate" means a non-voting member on the nail salon minimum  
22 standards council established pursuant to section six hundred ninety-  
23 seven-b of this article.

24 9. "Nominating representative" means a person or entity appointed by  
25 the commissioner to nominate members of the council.

26 § 697-b. Nail salon minimum standards council. 1. (a) There is hereby  
27 established the nail salon minimum standards council, which shall  
28 consist of fifteen voting members plus six non-voting delegate members.  
29 The voting members shall consist of six nail salon workers, six nail  
30 salon employers, and three public representative members. Three of the  
31 non-voting delegate members shall be nail salon worker delegates and the  
32 other three non-voting delegate members shall be nail salon employer  
33 delegates. The commissioner shall appoint the public representatives.  
34 In addition, the commissioner shall appoint one nominating represen-  
35 tative with a demonstrated history of representing the interests of  
36 workers in New York state who shall nominate at least six worker members  
37 and at least three non-voting delegate members to the council. The  
38 commissioner shall also appoint one nominating representative with a  
39 demonstrated history of representing the interests of nail salon employ-  
40 ers who shall nominate at least six employer members and at least three  
41 non-voting delegate members to the council. The public representatives  
42 shall consist of the following: one member from the department; one  
43 member from the department of health, with expertise in occupational  
44 safety and health; and one member at the discretion of the commissioner.  
45 The public representative members shall have no financial ties to the  
46 nail salon industry, including campaign contributions within five years  
47 of such representatives' appointment to the council, and shall not have  
48 had complete or partial ownership of a nail salon at present or within  
49 five years of such representatives' appointment to the council. No  
50 public representative member shall have lobbied on behalf of nail salon  
51 workers or nail salon employers within five years of such represen-  
52 tative's appointment to the council.

53 (b) The commissioner shall appoint the nominating representative for  
54 nail salon workers, the nominating representative for nail salon employ-  
55 ers, and the three public representatives within sixty days of the  
56 effective date of this article.

1 (c) Within sixty days of being appointed, the nominating represen-  
2 tative for nail salon workers shall submit to the commissioner the names  
3 of the nail salon workers and non-voting worker delegates to be consid-  
4 ered for appointment to the council. Within fifteen days of receipt of  
5 these nominations, the commissioner shall consider the nominations and  
6 appoint six nail salon worker members and three nail salon worker deleg-  
7 ates.

8 (d) Of the six nail salon worker members:

9 (i) Four nail salon worker members shall be employed at the time of  
10 appointment at nail salons located in the city of New York, one nail  
11 salon worker member shall be employed at the time of appointment at a  
12 nail salon located in Westchester county, Nassau county or Suffolk coun-  
13 ty, and one nail salon worker member shall be employed at the time of  
14 appointment at a nail salon in any county of the state except for the  
15 city of New York, Westchester county, Nassau county or Suffolk county.

16 (ii) The nominating representative for nail salon workers shall  
17 endeavor to nominate members who reflect the demographic and cultural  
18 background of the population of nail salon workers in the counties in  
19 which they work and have language facility in one or more of the  
20 languages specified in paragraph (b) of subdivision two of this section.

21 (iii) Preference shall be given to nail salon workers with significant  
22 experience in the nail salon industry, as measured by time spent in the  
23 industry.

24 (e) The three non-voting worker delegate members shall have demon-  
25 strated experience in working directly with nail salon workers in areas  
26 pertaining to or are organizations related to:

27 (i) labor relations;

28 (ii) occupational health and safety standards and compliance with  
29 those standards; or

30 (iii) a community center focused on the nail salon industry and has a  
31 membership that includes both workers and owners in New York.

32 (f) Within sixty days of being appointed, the nominating represen-  
33 tative for nail salon employers shall submit to the commissioner the  
34 names of nail salon employers and non-voting employer delegates. Within  
35 fifteen days of receipt of these nominations, the commissioner shall  
36 consider the nominations and appoint six nail salon employer members and  
37 three nail salon employer delegates.

38 (g) Of the six nail salon employer members:

39 (i) Four nail salon employer members shall at the time of the appoint-  
40 ment be nail salon employers at nail salons located in the city of New  
41 York, one nail salon employer member shall at the time of the appoint-  
42 ment be a nail salon employer at a nail salon located in Westchester  
43 county, Nassau county or Suffolk county, and one nail salon employer  
44 member shall at the time of appointment be a nail salon employer at a  
45 nail salon in any county of the state except for the city of New York,  
46 Westchester county, Nassau county or Suffolk county.

47 (ii) The nominating representative for nail salon employers shall  
48 endeavor to nominate members who reflect the demographic and cultural  
49 background of the population of nail salon employers in the counties in  
50 which their nail salons operate and have language facility in one or  
51 more of the languages specified in paragraph (b) of subdivision two of  
52 this section.

53 (iii) Preference shall be given to nail salon employers that have a  
54 higher than average minimum wage for their nail salon workers and that  
55 do not have any judgments, injunctions, liens, or administrative orders  
56 against them; no nail salon employer shall be appointed a member or a

1 delegate who has an unsatisfied judgment, lien, or administrative order  
2 pending against them or an injunction in effect against them that arises  
3 out of a violation of state labor laws or federal wage and hour laws.

4 (h) The non-voting employer delegate members shall have demonstrated  
5 experience in working directly with nail salon employers in areas  
6 pertaining to:

7 (i) labor and government relations;

8 (ii) compliance and advocacy related to occupational health and safety  
9 standards; or

10 (iii) general business practices and operations.

11 (i) Council members shall serve the full term for which they have been  
12 appointed. A member who does not serve the full term for which they were  
13 appointed shall be replaced by a new member by appointment of the  
14 commissioner following the commissioner's receipt of nominations from  
15 the nominating representative. Nominations shall be submitted to the  
16 commissioner within thirty days of such vacancy arising.

17 (j) The public representative members shall be the chairpersons of the  
18 council. The chairpersons shall conduct the meetings of the council,  
19 take attendance at council meetings and act as the primary point persons  
20 between the commissioner and the council.

21 (k) The council shall convene its first meeting within sixty days of  
22 the date of appointment of the fifteen members.

23 (l) Members may submit to the department expenses incurred for travel  
24 to and from council meetings and hearings for reimbursement. Members  
25 shall also receive a per diem of one hundred twenty dollars for each day  
26 of council meetings and hearings the member was in attendance.

27 2. (a) The commissioner shall establish and maintain an active website  
28 explaining the role of the council, the members of the council, and  
29 non-retaliation protections of this article within sixty days of the  
30 effective date of this article. The website shall also include a current  
31 list of dates and locations of council meetings and hearings.

32 (b) The website shall be accessible in at least each of the following  
33 languages: Bengali, Burmese, Chinese, English, Haitian-Creole, Italian,  
34 Korean, Nepali, Polish, Russian, Spanish, Tibetan, Khmer, and Viet-  
35 namese.

36 § 697-c. Minimum pricing committee. 1. The commissioner shall estab-  
37 lish an independent committee of the council which shall: examine profit  
38 margins in the nail salon industry; evaluate New York's nail service  
39 prices; and recommend a fair minimum pricing model for all nail industry  
40 services to maintain adequate consumer and worker health and safety  
41 standards while maintaining business enterprise autonomy and a compet-  
42 itive marketplace.

43 2. (a) The committee established pursuant to subdivision one of this  
44 section shall consist of three members: one recommended by the nominat-  
45 ing representative for workers, one recommended by the nominating repre-  
46 sentative for employers, and one selected by the commissioner. Each  
47 member shall be from a different organization and shall have demon-  
48 strated experience and expertise in economic research on the nail salon  
49 industry in the state or on similar low-wage industries in the state.  
50 At least fifteen days before final approval of the three committee  
51 members, the commissioner shall apprise members and delegates of the  
52 council of the individuals the commissioner is considering for appoint-  
53 ment and forward to the members and delegates all of the materials  
54 submitted by each individual under consideration in support of the  
55 application. The commissioner shall provide the members and delegates of  
56 the council an opportunity to submit comments on each individual under

1 consideration, and shall take account of such comments in making a final  
2 decision. The commissioner shall approve the committee members within  
3 ninety days of the effective date of this article.

4 (b) The commissioner shall establish a member application which shall  
5 ask, at a minimum, the following information of the applicant: (i) the  
6 name, phone number, and email address of the applicant; (ii) the occupa-  
7 tion and job title of the applicant; (iii) the firm name and address  
8 which the applicant works for or is associated with; (iv) a description  
9 of the applicant's experience and expertise in economic research on the  
10 nail salon industry in the state or on similar low-wage industries in  
11 the state; and (v) a list of research reports on topics relevant to the  
12 tasks of the committee which were written by the applicant or for which  
13 the applicant provided information.

14 (c) Delegate members of the council shall periodically participate in  
15 committee meetings to help provide industry background information. The  
16 non-voting members shall not have any role in the actual work and  
17 report.

18 3. The committee shall hold its first meeting within thirty days of  
19 appointment. The committee shall have the authority to collect informa-  
20 tion through research and economic analysis and shall compile a report  
21 making recommendations to the commissioner on a fair pricing model  
22 sufficient to cover: (a) the remuneration required by law to be paid to  
23 a nail specialty practitioner who administers nail services; (b) the  
24 ordinary incidents of overhead costs incurred by a licensee at the  
25 location in which the nail services are provided, including the cost of  
26 rent, utilities, and supplies; (c) the costs associated with ensuring a  
27 safe environment for workers and consumers; and (d) a reasonable return  
28 on investment. The committee may recommend a pricing model that varies  
29 by geographic area to account for variations in overhead costs in such  
30 areas, provided that the price applied within such area shall be uniform  
31 for all nail salons operating within such area.

32 4. The committee shall submit the report required pursuant to subdivi-  
33 sion three of this section to the commissioner within one year of the  
34 first meeting of the committee; provided however, that the committee has  
35 duly and sufficiently considered all recommendations of the council  
36 accepted by the commissioner pursuant to section six hundred ninety-sev-  
37 en-e of this article prior to submitting the report. If the committee  
38 requires more time to consider the recommendations of the council  
39 accepted by the commissioner, the committee may submit a request for an  
40 extension of the report for no more than ninety days.

41 5. The commissioner shall review the report submitted by the committee  
42 and within thirty days of receipt thereof shall approve, reject, or  
43 modify pricing model recommendations. Any modification to a minimum  
44 pricing recommendation shall ensure a reasonable and sufficient rate of  
45 pay and price for service to prevent wage theft and other violations of  
46 federal and state wage laws and applicable regulations.

47 (a) If a recommendation is modified by the commissioner, the commis-  
48 sioner shall issue an explanation for the modification which shall  
49 state: (i) why the proposed recommendation by the committee is insuffi-  
50 cient to meet the health, safety, and well-being of the industry and  
51 workers; and (ii) why the modified recommendation provides businesses  
52 with a reasonable return on investment while ensuring their ability to  
53 meet wage requirements and other standards sufficient to provide  
54 adequate maintenance for persons employed in the nail salon industry.

55 (b) If a recommendation is rejected by the commissioner, the memoran-  
56 dum shall state: (i) why the proposed recommendation by the committee is

1 insufficient to meet the health, safety, and well-being of the industry  
2 and its workers; and (ii) why modification of such recommendation was  
3 not reasonably feasible.

4 6. Any recommendation or modification thereof accepted by the commis-  
5 sioner shall be published as a proposed regulation in the New York state  
6 register for a period of thirty days, and the public shall be permitted  
7 to submit comments on the matter to the commissioner during that period.  
8 At the conclusion of that thirty-day period, the commissioner shall  
9 either adopt the proposal as a final regulation, or publish in the New  
10 York state register a revised proposed regulation. In the event the  
11 commissioner publishes a revised proposed regulation, the public shall  
12 be permitted to submit comments on the matter to the commissioner during  
13 that period. Upon the commissioner's adoption of a final regulation, the  
14 regulation shall have the force and effect of law.

15 7. A regulation adopted by the commissioner pursuant to this section  
16 shall be effective thirty days following the commissioner's adoption of  
17 a final regulation.

18 § 697-d. Powers and duties of the council. 1. In addition to the func-  
19 tions, powers and duties otherwise provided by this article, the council  
20 shall have the following powers and duties:

21 (a) to investigate the wages and standards for workers in the nail  
22 salon industry to ascertain whether the minimum wages and standards  
23 established in accordance with the provisions of this article are suffi-  
24 cient to provide adequate maintenance and to protect the health of nail  
25 salon workers, consumers, and the general public;

26 (b) to make recommendations to the commissioner on minimum wages,  
27 regulations and minimum standards governing working conditions for nail  
28 salon workers, and to make other recommendations to promote employer  
29 compliance with minimum wages, regulations and minimum standards govern-  
30 ing working conditions for nail salon workers. Such recommendations  
31 shall take into consideration the minimum wage sufficient to provide  
32 adequate maintenance and to protect the health and safety of nail salon  
33 workers, the value of the work or classification of work performed by  
34 nail salon workers, and the wages paid in the state for work of like or  
35 comparable character;

36 (c) to consult with employers and workers in the nail salon industry  
37 and with such other persons, including the commissioner and experts in  
38 economics, health and labor standards, and other relevant fields;

39 (d) to collect information through hearings, testimonies, and written  
40 submissions on the following subjects as they pertain to the nail salon  
41 industry:

42 (i) the adequacy of minimum hourly wages, minimum weekly wages, and  
43 piece rates in the three zones in section six hundred fifty-two of this  
44 chapter;

45 (ii) gratuities;

46 (iii) minimum weekly hours, differentiated for part-time, full-time,  
47 and trainee workers;

48 (iv) scheduling requirements and advance notice for schedule changes  
49 (predictable scheduling);

50 (v) policies regarding sick days, holidays, and other related leaves  
51 of absence;

52 (vi) policies regarding disciplinary actions and termination;

53 (vii) health and safety protections for consumers;

54 (viii) enforcement of anti-discrimination laws;

55 (ix) trainings, trainees, and certifications;

56 (x) job descriptions and duties; and

1 (xi) other employment benefits that may be necessary for the  
2 protection of the health and safety of the workers.

3 2. The council shall have the power, subject to the provisions of  
4 section seventy-three of the civil rights law, to hold hearings, subpoe-  
5 na witnesses, administer oaths, take testimony and compel the production  
6 of books, papers, documents and other evidence in furtherance of its  
7 duties; provided, however, that no subpoena shall issue except upon the  
8 affirmative vote of a majority of the whole membership of the council.  
9 The council may request and shall receive from all agencies such assist-  
10 ance and data as will enable it to properly perform its powers and  
11 duties pursuant to this section.

12 3. A quorum of at least three worker members, three employer members,  
13 and three public representative members shall be required at each coun-  
14 cil meeting and hearing. In the event that a member is not in attendance  
15 for three consecutive meetings and/or hearings, such member's seat shall  
16 be considered vacant and shall be replaced pursuant to paragraph (i) of  
17 subdivision one of section six hundred ninety-seven-b of this article.

18 4. The council shall complete its duties and the chairpersons shall  
19 submit the report required pursuant to this article to the commissioner  
20 within one hundred eighty days of the first meeting of the council. The  
21 report shall contain evidence, either from testimony or written  
22 submissions, for the basis of each recommendation contained therein.

23 5. Each recommendation shall be voted and accepted by a majority vote  
24 of the council at the final meeting of the council. Only the votes of  
25 those in attendance shall be counted; provided, however, that all of the  
26 votes of the worker members shall be counted as one vote (the majority  
27 of the votes of the worker members in attendance shall be determinative  
28 of that one vote), all of the votes of the employer members in attend-  
29 ance shall be counted as one vote (the majority of the votes of the  
30 employer members in attendance shall be determinative of that one vote),  
31 and all of the votes of the public representative members in attendance  
32 shall count as one vote (the majority of the votes of the public repre-  
33 sentative members in attendance shall be determinative of that one  
34 vote). However, if quorum cannot be achieved at the final meeting on the  
35 first date scheduled by the council, then the council shall postpone the  
36 meeting and set a second date for the final meeting which shall occur  
37 within the next thirty days and if quorum cannot be achieved by the  
38 second date scheduled by the council, the members in attendance shall  
39 take a vote on each of the recommendations and provide an opportunity  
40 for remaining members to vote via electronic mail to the three public  
41 representatives within forty-eight hours.

42 6. The council shall hold at least four hearings, at least two of  
43 which shall take place in the city of New York, and one in each of the  
44 other two regions as described in section six hundred ninety-seven-b of  
45 this article. The council shall provide notice of each hearing at least  
46 four weeks prior to such hearing. Such notice shall be provided through  
47 a means which shall be determined before each hearing and shall disclose  
48 the time, place, and format of the hearing; provided, however, that each  
49 hearing shall be scheduled, to the best extent practicable, at a time  
50 convenient for workers and owners of nail salons and the council.

51 7. Members of the council may bring individuals serving in the capaci-  
52 ty of interpreter to council meetings, or they may request that the  
53 department provide them with an interpreter for meetings and hearings.  
54 Member requests that an interpreter of a certain language be available  
55 for a hearing shall be made no less than one week prior to the hearing

1 and the department shall provide such interpretation services for all  
2 members making such requests.

3 § 697-e. Powers and duties of the commissioner with respect to the  
4 council. In addition to the functions, powers and duties otherwise  
5 provided by this article, and notwithstanding any other provisions of  
6 law, the commissioner shall:

7 1. promulgate rules and regulations governing the manner in which the  
8 council shall function and perform its duties under this article,  
9 including procedures to be followed by the committee, to ensure that the  
10 actions of the council are consistent with the goals as described in the  
11 statement of public policy;

12 2. furnish the council and the committee with adequate legal, steno-  
13 graphic, clerical, linguistic, and other assistance as deemed needed,  
14 including, but not limited to, administrative resources and meeting  
15 facilitators;

16 3. submit data which is available to the commissioner to the council  
17 on the matters within the scope of the powers and duties of the council;

18 4. provide translation of all documents and forms used by or issued to  
19 members of the council. Such translation shall be made available in the  
20 languages as requested by worker and employer representatives. The  
21 commissioner shall direct the department to provide interpretation  
22 services to members and hearing attendees at all council meetings and  
23 hearings;

24 5. review the report and recommendations submitted by the council and,  
25 upon review, approve or reject each recommendation. If a recommendation  
26 is rejected by the commissioner, the council shall not be precluded in  
27 considering the same recommendation when the council reconvenes for  
28 future meetings;

29 6. submit a written memorandum to the council and the legislature  
30 within thirty days of receipt of the report submitted by the council.  
31 Such memorandum shall explain the final action regarding each recommen-  
32 dation included in the report, including an explanation and reason for  
33 the rejection of any recommendations;

34 7. publish any recommendation accepted by the commissioner as a  
35 proposed regulation in the New York state register for a period of thir-  
36 ty days, and the public shall be permitted to submit comments on the  
37 matter to the commissioner during that period. At the conclusion of the  
38 thirty-day period, the commissioner shall either adopt the proposal as a  
39 final regulation or reject it. In the event the commissioner rejects the  
40 proposed regulation, the commissioner shall state the reasons for the  
41 rejection, and such rejection of the proposed regulation shall not  
42 preclude the council from considering the same recommendation when the  
43 council reconvenes for future meetings. Upon the commissioner's adoption  
44 of a final regulation, the regulation shall have the force and effect of  
45 law; and

46 8. promote compliance with the minimum standards as adopted by the  
47 commissioner pursuant to this section by: (a) issuing to the secretary  
48 of state a quarterly report on any nail salon business determined to be  
49 liable in a civil, criminal, or administrative action involving egre-  
50 gious or repeated noncompliance with the minimum standards adopted by  
51 the commissioner which shall include the name of the business and speci-  
52 fy the violation or violations, the dates of occurrence, and any fines,  
53 penalties, and judgments rendered; and (b) publishing such report on the  
54 website described in paragraph (a) of subdivision two of section six  
55 hundred ninety-seven-b of this article.

1 § 697-f. Labor protections. 1. No nail salon owner or manager shall  
2 discharge or in any manner discriminate or retaliate against any nail  
3 salon worker because: (a) the worker has made any complaint or disclosed  
4 any information to the council regarding working conditions, health  
5 measures, or rates of pay; (b) the worker has testified or submitted  
6 testimony at a hearing sponsored by the council; (c) the worker has  
7 participated as a worker representative on the council or applied to be  
8 a worker representative; or (d) the employer believes that the worker  
9 has made a complaint to such worker's employer, the commissioner or the  
10 commissioner's authorized representative, or the attorney general.

11 2. Any nail salon worker discharged or otherwise discriminated or  
12 retaliated against in the terms and conditions of employment in  
13 violation of subdivision one of this section shall be entitled to rein-  
14 statement, triple any lost wages and work benefits caused by such  
15 violation, and any reasonably incurred attorneys' fees and costs in  
16 accordance with section two hundred fifteen of this chapter.

17 § 697-g. Future meetings. The council shall reconvene no later than  
18 two years after the implementation of the council's last recommenda-  
19 tions. Three months prior to such meeting, the commissioner shall  
20 contact the current members, who shall attest to any changes in their  
21 employment or ownership status at nail salons. If a member of the coun-  
22 cil steps down, the commissioner shall appoint new members to the coun-  
23 cil chosen by the nominating representatives of the nail salon workers  
24 or nail salon employers in accordance with the provisions of section six  
25 hundred ninety-seven-b of this article.

26 § 697-h. Severability. If any section of this article or the applica-  
27 tion thereof to any person or circumstances shall be adjudged invalid by  
28 a court of competent jurisdiction, such order or judgment shall be  
29 confined in its operation to the controversy in which it was rendered,  
30 and shall not affect or invalidate the remainder of any provision of any  
31 section or the application of any part thereof to any other person or  
32 circumstance and to this end the provisions of each section of the arti-  
33 cle are hereby declared to be severable.

34 § 697-i. Preemption. This law shall not preempt any state or local  
35 enactment which provides greater benefits or protections to a covered  
36 worker.

37 § 3. Subparagraph (xiv) of paragraph b of subdivision 2 of section 102  
38 of the state administrative procedure act, as added by chapter 493 of  
39 the laws of 2010, is amended and a new subparagraph (xv) is added to  
40 read as follows:

41 (xiv) any regulation comprised solely of one or more additions to the  
42 list of nonprescription drugs reimbursable under the medicaid program  
43 pursuant to paragraph (a) of subdivision four of section three hundred  
44 sixty-five-a of the social services law[ ~~]~~; or

45 (xv) any regulation promulgated by the commissioner of labor in  
46 accordance with article nineteen-E of the labor law.

47 § 4. This act shall take effect immediately.