



New York City Department of Health and Mental Hygiene

FY 2015 Regulatory Agenda

SUBJECT AREA

School Based Programs for Children Ages Three through Five

SUMMARY OF PROPOSED RULE

Authorize the Department to issue and rescind a certificate filing notice.

REASON WHY ACTION IS BEING CONSIDERED

Rescission of the certificate of filing based on the new list of public health hazards (Article 47, parallel amendment).

INDIVIDUALS LIKELY TO BE AFFECTED

Child care services operating pursuant to Health Code Article 43

RELEVANT FEDERAL, STATE AND LOCAL LAWS

Health Code Article 47

Health Code Article 43

SCHEDULE FOR ADOPTION

Winter 2014

AGENCY CONTACT PERSON

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**New York City Department of Health and Mental Hygiene
FY 2015 Regulatory Agenda**

SUBJECT AREA

Child Care Services (Requirements)

SUMMARY OF PROPOSED RULE

Amend Health Code Article 47 to require training of child care workers by certified trainers, to supplement requirements regarding supervision of children. Amend the list of public health hazards.

REASON WHY ACTION IS BEING CONSIDERED

To improve the health and welfare of children in child care.

INDIVIDUALS LIKELY TO BE AFFECTED

Child care providers operating pursuant to Health Code Article 47

RELEVANT FEDERAL, STATE AND LOCAL LAWS

Health Code Article 47

Health Code Article 43

SCHEDULE FOR ADOPTION

Winter 2014

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**New York City Department of Health and Mental Hygiene
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SUBJECT AREA

Child Care Services

SUMMARY OF PROPOSED RULE

Add a new provision to Rules of the City of New York to establish a penalty schedule for citations sustained at the OATH Health Tribunal for violations of Health Code Articles 47 and 43.

REASON WHY ACTION IS BEING CONSIDERED

To establish consistency and transparency regarding fines imposed for sustained violations of child care regulations.

INDIVIDUALS LIKELY TO BE AFFECTED

Child care providers operating pursuant to Health Code Articles 47 and 43.

RELEVANT FEDERAL, STATE AND LOCAL LAWS

Health Code Article 47

Health Code Article 43

SCHEDULE FOR ADOPTION

Winter 2014

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**New York City Department of Health and Mental Hygiene
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SUBJECT AREA

Nutrition and Physical Activity

SUMMARY OF PROPOSED RULE

Revise the nutrition and physical activity requirements in Article 47 to reflect updated recommendations from the Institute of Medicine and other authorities.

REASON WHY ACTION IS BEING CONSIDERED

Childhood obesity is of significant concern, both because it is associated with health risks in childhood and it increases the risk of adult obesity, which is in turn, associated with numerous chronic diseases.

INDIVIDUALS LIKELY TO BE AFFECTED

Permitted child care facilities.

RELEVANT FEDERAL, STATE AND LOCAL LAWS

Article 47 of the New York City Health Code

SCHEDULE FOR ADOPTION

Spring 2015

AGENCY CONTACT PERSON

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**New York City Department of Health and Mental Hygiene
FY 2015 Regulatory Agenda**

SUBJECT AREA

Food Protection

SUMMARY OF PROPOSED RULE

Update and amend the food protection regulations found in Health Code Article 81 to simplify and clarify certain provisions; add requirements regarding freezing of fish intended for raw consumption; amend the consumer advisory provision to require written notice and account for recommendations in the 2013 US FDA Model Food Code.

REASON WHY ACTION IS BEING CONSIDERED

The changes are being considered in order to promote compliance with the food protection requirements by simplifying and clarifying certain provisions; protect consumers from foodborne illness relating to consumption of raw fish; promote consumer awareness of the risks of eating raw or undercooked food; and take account of provisions in the 2013 US FDA Model Food Code.

INDIVIDUALS LIKELY TO BE AFFECTED

All food service and non-retail food service establishments in NYC

RELEVANT FEDERAL, STATE AND LOCAL LAWS

New York City Health Code, Articles 81 and 89
10 NYCRR Part 14, Subpart 14-1 (State Sanitary Code)

SCHEDULE FOR ADOPTION

Winter 2014

AGENCY CONTACT PERSON

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**New York City Department of Health and Mental Hygiene
FY 2015 Regulatory Agenda**

SUBJECT AREA

Animals (Permits)

SUMMARY OF PROPOSED RULE

Additional permit requirements for wild and other animal permits to include circus, exhibit, performance and displays.

REASON WHY ACTION IS BEING CONSIDERED

This additional permit is being considered in order to promote compliance with public health guidelines.

INDIVIDUALS LIKELY TO BE AFFECTED

Organizers for circus, exhibit, performance and displays that include wild and other animals.

RELEVANT FEDERAL, STATE AND LOCAL LAWS

Article 161

Article 5

SCHEDULE FOR ADOPTION

Spring 2015

AGENCY CONTACT PERSON

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**New York City Department of Health and Mental Hygiene
FY 2015 Regulatory Agenda**

SUBJECT AREA

Animals

SUMMARY OF PROPOSED RULE

Removal of ferrets from list of prohibited animals.

REASON WHY ACTION IS BEING CONSIDERED

Board was petitioned to consider rulemaking in this area.

INDIVIDUALS LIKELY TO BE AFFECTED

Pet owners

RELEVANT FEDERAL, STATE AND LOCAL LAWS

Health Code Article 161

SCHEDULE FOR ADOPTION

Spring 2015

AGENCY CONTACT PERSON

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**New York City Department of Health and Mental Hygiene
FY 2015 Regulatory Agenda**

SUBJECT AREA

Radiation Control

SUMMARY OF PROPOSED RULE

Update and amend the radiation control regulations found in Health Code Article 175 to incorporate the applicable federal regulations by reference.

REASON WHY ACTION IS BEING CONSIDERED

To simplify the process of maintaining the required consistency with applicable federal regulations. The regulated community will have uniform standards.

INDIVIDUALS LIKELY TO BE AFFECTED

All facilities operating in New York City under Health Code Article 175.

RELEVANT FEDERAL, STATE AND LOCAL LAWS

10 NYCRR Part 16 (New York State Sanitary Code)
Health Code Article 175

SCHEDULE FOR ADOPTION

Fall 2015

AGENCY CONTACT PERSON

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**New York City Department of Health and Mental Hygiene
FY 2015 Regulatory Agenda**

SUBJECT AREA

Vital Statistics

SUMMARY OF PROPOSED RULE

Update the Health Code to simplify who is qualified to apply for death certificates and confidential medical reports, and to enable the Department to provide verifications of fact-of-death for a fee.

REASON WHY ACTION IS BEING CONSIDERED

To clarify who is qualified to apply for death certificates and confidential medical reports of death, and to enable the Department to provide verifications of fact-of-death.

INDIVIDUALS LIKELY TO BE AFFECTED

Requestors of death certificates and verifications of death certificates

RELEVANT FEDERAL, STATE AND LOCAL LAWS

NYC Health Code

§205.01 Definitions;

§205.07 Confidential medical report of death; not subject to compelled disclosure or inspection

§207.11 Inspection of records; transcripts;

§207.13 Fees for vital statistics services

SCHEDULE FOR ADOPTION

Winter 2014

AGENCY CONTACT PERSON

Steven Schwartz

Registrar

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**New York City Department of Health and Mental Hygiene
FY2015 Regulatory Agenda**

SUBJECT AREA

Vital Statistics

SUMMARY OF PROPOSED RULE

Update requirements for correcting gender on a birth record when evidence has been submitted by the person requesting the new record indicating that a successful transition has occurred.

REASON WHY ACTION IS BEING CONSIDERED

The requirements for correcting gender on a birth record have not been substantially updated since 1971. Since that time the field of transgender health has evolved, as have local, state and federal rules and regulations.

INDIVIDUALS LIKELY TO BE AFFECTED

Transgender individuals who were born in New York City.

RELEVANT FEDERAL, STATE AND LOCAL LAWS

NYC Health Code §207.05(a)(5)- Correction of records; filing of new birth certificates.

SCHEDULE FOR ADOPTION

Winter 2014

AGENCY CONTACT PERSON

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Registrar

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**New York City Department of Health and Mental Hygiene
FY 2015 Regulatory Agenda**

SUBJECT AREA

Window Guards

SUMMARY OF PROPOSED RULE

Amend Chapter 12 of Title 24 of the Rules of the City of the New York City Health Code to update specifications for window guards and other limiting devices and procedures for obtaining Department approval of window guards and limiting devices; update lease notice an annual notice provided to tenants.

REASON WHY ACTION IS BEING CONSIDERED

Department specifications for window guards and other limiting devices and the procedures for obtaining Department approvals for guards and limiting devices as well as the formatting of the notices provided to tenants.

INDIVIDUALS LIKELY TO BE AFFECTED

Building owners, managers and agents, and tenants and occupants of multiple dwellings having dwelling units where children 10 years of age or younger reside.

RELEVANT FEDERAL, STATE AND LOCAL LAWS

Section 131.15 of the New York City Health Code
Chapter 12, Title 24 of the Rules of the City of New York
Section 17-123 of the Administrative Code
Section 27-2043.1 of the Administrative Code (Housing Maintenance Code)

SCHEDULE FOR ADOPTION

Winter 2014

AGENCY CONTACT PERSON

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**New York City Department of Health and Mental Hygiene
FY 2015 Regulatory Agenda**

SUBJECT AREA

Food Service Establishment Inspection Procedures

SUMMARY OF PROPOSED RULE

Update Rules of the City of New York Chapter 23 (Food Service Establishment Inspection Procedures) to be in accordance with amendments to Article 81 of the New York City Health Code.

REASON WHY ACTION IS BEING CONSIDERED

To conform Chapter 23 to amendments made to Article 81.

INDIVIDUALS LIKELY TO BE AFFECTED

The public, permittees, owners and managers of all food service establishments are likely to be affected.

RELEVANT FEDERAL, STATE AND LOCAL LAWS

New York City Health Code Article 81
10 NYCRR Part 14, Subpart 14-1 (New York State Sanitary Code)

SCHEDULE FOR ADOPTION

Winter 2014

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