

NOTICE OF PUBLIC HEARING

- Subject:** Opportunity to Comment on Proposed Repeal of Article 23 (Weight Reducing Groups) of the New York City Health Code, Found in Title 24 of the Rules of the City of New York.
- Date / Time:** July 26, 2011, 10:00 A.M. – 12:00 P.M.
- Location:** New York City Department of Health and Mental Hygiene
Gotham Center, 14th Floor, Room 14-44
42-09 28th Street
Long Island City, NY 11101-4132
- Contact:** Rena Bryant
(347) 396-6071

Proposed Rule

The Department of Health and Mental Hygiene is proposing that the Board of Health repeal Article 23 of the Health Code.

Instructions

Prior to the hearing, you may submit written comments about the proposed amendment by mail to:

New York City Department of Health and Mental Hygiene
Board of Health
Office of the Secretary to the Board
Attention: Rena Bryant
Gotham Center, 14th Floor, Room 14-15, Box 31
Long Island City, NY 11101-4132

or electronically through NYC RULES at <http://www.nyc.gov/html/nycrules/html/proposed/proposed.shtml> or by email to RESOLUTIONCOMMENTS@HEALTH.NYC.GOV or online (without attachments) at <http://www.nyc.gov/html/doh/html/notice/notice.shtml> on or before 5:00 P.M., on July 26, 2011.

To request a sign language interpreter or other form of reasonable accommodation for a disability at the hearing, please contact Rena Bryant at the phone number shown above by July 12, 2011.

Copies of written comments and a summary of oral comments received at the hearing will be available within a reasonable time after receipt between the hours of 9:00 A.M. and 5:00 P.M. at the

New York City Department of Health and Mental Hygiene
Board of Health
Office of the Secretary to the Board
Attention: Rena Bryant
Gotham Center, 14th Floor, Room 14-15, CN 31
Long Island City, NY 11101-4132

The Department's general policy is to make written comments available for public viewing on the internet. All Comments received, including any personal information provided, will be posted without change to <http://www.nyc.gov/html/doh/html/comment/comment.shtml>.

Statement of Basis and Purpose

Statutory Authority

These amendments to the New York City Health Code (the "Health Code") are issued according to §§556, 558 and 1043 of the New York City Charter (the "Charter"). Section 556 of the Charter provides the Department of Health and Mental Hygiene (the "Department") with authority to regulate all matters affecting the health in the city of New York. Section 558(b) and (c) of the Charter empower the Board of Health (the "Board") to amend the Health Code and to include in the Health Code all matters over which the Department has authority. Section 1043 of the Charter gives the Department rulemaking powers.

Basis and purpose of the rule change

As part of a comprehensive review of the Health Code, the Department of Health and Mental Hygiene (the Department or DOHMH) is requesting that the Board of Health repeal Article 23 (Weight Reducing Groups). The Department has not registered weight reducing groups, nor has it enforced Article 23's provisions for many years. Removing Article 23 from the books would reflect the Department's non-regulatory practice with regard to weight reducing groups.

Accordingly, the Department requests the Board to repeal Article 23.

The resolution is as follows:

RESOLVED, that Article 23, relating to Weight Reducing Groups, and the list of section headings in Article 23 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby are, **REPEALED**.

**NEW YORK CITY LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Repeal of Health Code Article 23 (Registration of Weight Reducing Groups)

REFERENCE NUMBER: 2011 RG 043

RULEMAKING AGENCY: Department of Health and Mental Hygiene

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: May 26, 2011

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1526**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Repeal of Health Code Article 23 (Registration of Weight Reducing Groups)

REFERENCE NUMBER: DOHMH-4

RULEMAKING AGENCY: DOHMH

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Matthew Margolin
Mayor's Office of Operations

June 1, 2011
Date