

**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE
FY 2014 REGULATORY AGENDA**

SUBJECT AREA

Child Care Services-Transportation

SUMMARY OF PROPOSED RULE

To add provisions to Health Code Article 47 section on transportation in child care (§47.65) to increase the supervision and accountability of children being delivered to and departing from child care services at the beginning and end of the day and in association with off-site trips, either by transportation services provided by the child care service or by independent services.

REASON WHY ACTION IS BEING CONSIDERED

To provide for improved coordination between transportation personnel and child care provider staff to ensure child safety.

INDIVIDUALS LIKELY TO BE AFFECTED

Child care providers operating pursuant to Health Code Article 47; Department of Education supplied and/or contracted bus services; private bus companies and livery drivers and parents of children attending child care requiring transportation

RELEVANT FEDERAL, STATE AND LOCAL LAWS

Health Code Article 47

SCHEDULE FOR ADOPTION

Winter 2013

AGENCY CONTACT PERSON

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Bureau for Child Care
(212) 788-4808

**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE
FY 2014 REGULATORY AGENDA**

SUBJECT AREA

Food Protection-Raw fish

SUMMARY OF PROPOSED RULE

To require that raw fish be frozen properly if it is intended for raw consumption and to require food service establishments to maintain documentation that the fish was frozen prior to consumption.

REASON WHY ACTION IS BEING CONSIDERED

Consistent with the US FDA's Food Code recommendations, the Department proposes amending Article 81 of the Health Code to require that fish that may be served raw to be frozen first in order to destroy harmful parasites and to require food service establishments to maintain documentation showing that fish served raw have been frozen in accordance with the regulations.

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

Spring 2014

AGENCY CONTACT PERSON

Michelle Robinson
Deputy Executive Director
Food Safety and Community Sanitation
(212) 788-4793

**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE
FY 2014 REGULATORY AGENDA**

SUBJECT AREA

Bathing establishments

SUMMARY OF PROPOSED RULE

Amend Health Code Article 165 to address risks associated with hyperventilation, competitive, repetitive breath holding and extended underwater distance swimming by requiring new language on warning signs; clarifying when pool safety plans need to be updated and clarifying expected responsibilities of pool operators.

REASON WHY ACTION IS BEING CONSIDERED

To address identified risky behaviors that have resulted in drowning deaths and injuries in pools located in New York City and New York State.

INDIVIDUALS LIKELY TO BE AFFECTED

Bathing establishments with pools.

RELEVANT FEDERAL, STATE AND LOCAL LAWS

Health Code-Article 165

SCHEDULE FOR ADOPTION

Fall 2013

AGENCY CONTACT PERSON

Christopher Boyd, Assistant Commissioner
Environmental Sciences & Engineering
347-396-6077

**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE
FY 2014 REGULATORY AGENDA**

SUBJECT AREA

Radiation-Quality Assurance updates

SUMMARY OF PROPOSED RULES

To update Health Code Article 175 regulatory requirements concerning a permitted-facility's Quality Assurance program, including the following:

- Requiring mandatory accreditation for operation of Computed Tomography (CT) x-ray units
- Requiring dental offices that use Cone Beam Computed Tomography to maintain quality assurance programs and perform radiation protection survey's due to increased levels of potential exposure
- Providing a methodology and testing frequency to ensure integrity of operator lead protective garments.

REASON WHY ACTION IS BEING CONSIDERED

There are presently no standards in Article 175 for these quality assurance requirements and by filling these regulatory gaps, the regulated community will have uniform standards that promote patient and facility personnel safety by minimizing unnecessary radiation exposures.

INDIVIDUALS LIKELY TO BE AFFECTED

The registrants of x-ray facilities operating in New York City who are required to conduct Quality Assurance programs under Health Code Article 175.

RELEVANT FEDERAL, STATE AND LOCAL LAWS

Health Code Article 175

10 NYCRR Part 16 (New York State Sanitary Code)

SCHEDULE FOR ADOPTION

Fall 2013

AGENCY CONTACT PERSON

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Office for Radiological Health

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**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE
FY 2014 REGULATORY AGENDA**

SUBJECT AREA

Commercial Tanning Facilities

SUMMARY OF PROPOSED RULE

Create a new article of the Health Code regulating commercial tanning facilities with the intent of increasing consumer knowledge of the hazards of UV radiation and protecting the public from potential health risks.

REASON WHY ACTION IS BEING CONSIDERED

The purpose of the proposed rules is to assume regulatory oversight authority from the NYS Department of Health and to reduce the risk of cancer among adolescents, increase the awareness of the risks of indoor tanning and establish the safer and sanitary operation of tanning facilities.

INDIVIDUALS LIKELY TO BE AFFECTED

The public, permittees, owners and managers of commercial tanning facility establishments.

RELEVANT FEDERAL, STATE AND LOCAL LAWS

New York State Public Health Law Article 35-A
10 NYCRR Part 72, Subpart 72-1

SCHEDULE FOR ADOPTION

Winter 2013

AGENCY CONTACT PERSON

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**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE
FY 2014 REGULATORY AGENDA**

SUBJECT AREA

Smoking in Public Areas

SUMMARY OF PROPOSED RULE

Update and amend Chapter 10 of the Rules of the City of New York including the repeal of Section 10-09 (Separate smoking rooms in bars), Appendix A (Specifications for separate smoking rooms), and all references to separate smoking rooms in that Chapter.

REASON WHY ACTION IS BEING CONSIDERED

To repeal and update sections of the rule which are no longer in effect, which require clarity and which are inconsistent with New York State Public Health Law Article 13-E. New York City's Smoke Free Air Act has been amended since the adoption of these rules, some of which are now obsolete or no longer applicable.

INDIVIDUALS LIKELY TO BE AFFECTED

All work places and public places affected by the Smoke Free Air Act and the New York State Public Health Law Article 13-E.

RELEVANT FEDERAL, STATE AND LOCAL LAWS

NYS Public Health Law, Article 13-E

Title 17 of the Administrative Code of the City of New York, Chapter 5

Title 24 of the Rules of the City of New York, Chapter 10

SCHEDULE FOR ADOPTION

Winter 2013

AGENCY CONTACT PERSON

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Food Safety and Community Sanitation

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**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE
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SUBJECT AREA

Food Service Establishment Inspection Procedures

SUMMARY OF PROPOSED RULE

Update Chapter 23 (Food Service Establishment Inspection Procedures) and Appendix 23A (Food Service Establishment Inspection Worksheet) and Appendix 23B (Food Service Establishment Inspection Scoring Parameters –A Guide to Conditions) to be in accordance with clarifications and corrections made to Article 81 of the New York City Health Code.

REASON WHY ACTION IS BEING CONSIDERED

To conform Chapter 23 to recent 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

Spring 2014

AGENCY CONTACT PERSON

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