

- New York State License Requirements
- State and Federal Payroll Requirements
- New York State Sales Tax Requirements
- Career Opportunities and Placement
- Professional Ethics, Conduct and Attitude
- Professional Organizations, Trade Shows and Publications
- *View and discuss the mandatory Domestic Violence and Sexual Assault Awareness online course*

19 NYCRR Section 162.4. Cosmetology
 (a) Scope of curriculum. The educational requirements for cosmetologists shall include the following subjects and the hours assigned to each:

- Scope of Curriculum
 Hours
- (1) Professional Requirements 24
 - (2) Safety and Health 26
 - (3) Anatomy and Physiology 15
 - (4) Hair Analysis 10
 - (5) Hair and Scalp Disorders and Diseases 10
 - (6) Chemistry as Applied to Cosmetology 5
 - (7) Shampoos, Rinses, Conditioners and Treatments 30
 - (8) Hair Cutting and Shaping 175
 - (9) Hair Styling 245
 - (10) Chemical Restructuring 180
 - (11) Hair Coloring and Lightening 180
 - (12) Nail Care and Procedures 40
 - (13) Skin Care and Procedures 60
- Total 1000

(b) Subject matter. Each subject shall include a treatment of the topics as set forth herein:

Subject 1
 Professional Requirements—24 Hours

- New York State License Requirements
- State and Federal Payroll Requirements
- New York State Sales Tax Requirements
- Career Opportunities and Placement
- Professional Ethics, Conduct and Attitude
- Professional Organizations, Trade Shows and Publications
- *View and discuss the mandatory Domestic Violence and Sexual Assault Awareness online course*

Section 162.5. Waxing

(a) Scope of curriculum. The educational requirements for waxing shall include the following subjects and the hours assigned to each:

- Scope of Curriculum
 Hours
- (1) Professional Requirements 10
 - (2) Safety and Health 20
 - (3) Skin Structure, Disorders and Diseases 10
 - (4) Removal of Superfluous Hair 35
- Total 75

(b) Subject matter. Each subject shall include a treatment of the topics as set forth herein:

Subject 1
 Professional Requirements—10 Hours

- New York State License Requirements
- State and Federal Payroll Requirements
- New York State Sales Tax Requirements
- Career Opportunities and Placement
- Professional Ethics, Conduct and Attitude
- Professional Organizations, Trade Shows and Publications
- *View and discuss the mandatory Domestic Violence and Sexual Assault Awareness online course*

19 NYCRR Section 162.6. Nail specialist trainee

(a) Scope of curriculum. Educational requirements for nail specialist trainees shall include the following subjects and the hours assigned to each:

- Scope of Curriculum Hours

- Course Overview/Content [1] 2
 Workplace Safety and Health 5
 Infection Control 6
 Bacteria and Infectious Disorders and Diseases 6
 Anatomy and Physiology of the Nail, Hand, 3
 Arm, Foot and Leg

Client Consultation and Service Protocols 5
 Examination N/A

 Total Hours [26] 27

(b) Subject matter. Each subject (including the course overview) shall include a treatment of the topics as set forth herein:

Subject 1
 COURSE OVERVIEW/CONTENT—[1 HOUR] 2 HOURS

- Course Overview
- The Role of the Nail Specialist
- New York State Law, Rules, and Regulations
- *View and discuss the mandatory Domestic Violence and Sexual Assault Awareness online course*

Text of proposed rule and any required statements and analyses may be obtained from: David A. Mossberg, Esq., NYS Department of State, 123 William Street, 20th Floor, New York, NY 10038, (518) 473-2728, email: david.mossberg@dos.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Consensus Rule Making Determination

This rule is being proposed as a consensus rulemaking. The New York State Department of State (the “Department”) does not expect that any person is likely to object to its adoption because the proposed rule implements a nondiscretionary statutory direction, i.e., the creation, development, and provision of access to domestic violence and sexual assault awareness education courses to applicants seeking licensure pursuant to Article 27 of the NY General Business Law. See, L.2019, c. 715, § 3, eff. June 17, 2020. Amended L.2020, c. 71, § 1, eff. June 17, 2020.

Recent legislation mandates that all applicants, as part of their studies, take a course covering domestic violence and sexual assault awareness education. The instant rulemaking furthers this nondiscretionary legislative mandate by directing educational providers to offer the course, made available by the Department, to enrolled students.

As of the date of publication in the State Register, the course mandated by the legislation, has been posted on the Department’s website and is publicly available at no cost. Accordingly, the Department does not anticipate that any of the schools that offer an approved course of study will likely object. Further, inasmuch as all applicants are required to take the course, the Department does not anticipate that any applicants (i.e., students) will likely object as without the course, students would not be eligible to obtain a license. For the foregoing reasons, this rule is being proposed as a consensus rulemaking.

Job Impact Statement

As is evident by the nature of this rulemaking, this proposal will not have a substantial adverse impact on jobs and employment opportunities. The rule adds an additional hour of nondiscretionary course work, as recently mandated by the legislature, to educational courses of study for those seeking to obtain a new license in the practice of nail specialty, waxing, natural hair styling, ethics or cosmetology. Inasmuch as the proposal implements a nondiscretionary mandate, that imposes only a modest burden on applicants (i.e., an additional hour of education), the Department of State does not believe that this regulation will deter individuals from seeking a license. For the foregoing reasons, a job impact statement is not required.

Thoroughbred Breeding and Development Fund

**PROPOSED RULE MAKING
 NO HEARING(S) SCHEDULED**

Residency Requirement for Dam of New York Bred Foal

I.D. No. TBD-34-20-00008-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of sections 4081.1, 4081.2 and 4081.3 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 252(1), 253(6) and 254(2)

Subject: Residency requirement for dam of New York bred foal.

Purpose: To enable the Fund to improve agriculture and Thoroughbred horse breeding in New York.

Text of proposed rule: Sections 4081.1, 4081.2 and 4081.3 of 9 NYCRR would be amended, as follows:

§ 4081.1. Definitions.

(a) As used in this Article, the following terms shall mean:

* * *

(13) *Resident mare means a mare that is continuously in residence in New York State from the date of conception in New York State or within 120 days after her last cover in the year of conception occurring outside of New York State and that remains in residence until foaling in the following year.*

(14) *Non-resident mare means a mare that does not qualify as a resident mare.*

(15) *Foal from public auction mare means the foal delivered in New York State following public auction by a mare purchased in such public auction under the terms and conditions set forth in Section 4081.2(c).*

(b) Inquiries. Questions regarding these rules and regulations, procedures, application forms or other similar matters may be directed to the executive director of the fund at the fund offices, One Broadway Center, [Suite 600] 1st floor, Schenectady, New York 12305. Telephone (518) [395-5400] 388-0174.

§ 4081.2. Registration as a New York-bred.

In order to qualify for registration as a New York-bred, a thoroughbred horse must have been foaled in New York State and:

(a) [If such horse was conceived in New York State by a registered New York stallion at the time of conception, the dam of such horse must have remained in New York State for a minimum of 90 days after foaling or the dam must have remained in New York continuously from the time of conception until she foaled.] *For resident mares. In order to qualify for registration as a New York-bred, the foal of a resident mare must have been foaled in New York State and the dam of such foal must have been continuously in residence in New York State from the date of conception in New York State or within 120 days after her last cover in the year of conception occurring outside New York State until foaling.*

(b) [If such horse was not conceived in New York State by a stallion registered as a New York stallion at the time of conception, the dam of such horse must have been bred back in New York State to a registered New York stallion in the year of foaling and must have remained in New York State for a minimum of 90 days after the date of foaling.] *For non-resident mares. In order to qualify for registration as a New York-bred, the foal of a non-resident mare must have been foaled in New York State, and the dam of such horse must have been bred back in New York State to a registered New York stallion in the year of foaling and must have remained in New York State for a minimum of 90 consecutive days after arrival. If the dam of such foal is bred to a stallion outside of New York State in the year of foaling, the foal of the new resident mare shall not be eligible for registration as a New York-bred.*

(c) [The horse conceived as a result of such breed-back shall not qualify for registration as New York-bred unless:

(1) the dam of such horse shall have remained a minimum of 90 days after the date of foaling; or

(2) the dam shall have remained in New York State continuously from the time of conception until it foaled.] *Mares from public auction. Effective for public auction sales occurring on or after November 1, 2019, a non-resident mare that is purchased in foal through public auction will be deemed to be a resident mare for all purposes if each of the following conditions is satisfied:*

(1) *the mare is purchased for at least \$50,000 (or such other amount as the fund may determine annually and prominently disclose on the fund's website on or before July 1 of each year) in the public auction;*

(2) *the mare is present in New York State within 15 days after the sale is concluded;*

(3) *the foal from public auction mare is foaled in New York State; and*

(4) *thereafter, the mare is continuously in residence in New York State from within 120 days after last cover in the year of conception of another foal and remains in residence until foaling (such mare shall not be subject to breed-back requirements set forth in section 4081.3 of this Part).*

In the event that any of the foregoing conditions in this subdivision are not met, no breeder, owner or stallion awards attributable to the foal from public auction mare shall be due or owing to the individual or entity that

purported to purchase the public auction mare in accordance with this subsection, provided, however, that nothing in this subdivision shall affect the owner awards or stallion awards that may be due and owing to individuals or entities that are not controlled by or affiliated with the individual or entity that purported to purchase the public auction mare in accordance with this subsection.

§ 4081.3. Bred back in New York State.

To qualify as having been bred back in New York, a mare, after foaling in New York State, shall remain in New York for [the applicable period of such year] a minimum of 90 consecutive days after arrival. During such applicable period, such mare shall be booked exclusively to and serviced exclusively by a registered New York sire. Should such mare fail to be so certified as in foal during such period, it may be taken from the State after [the applicable] that minimum 90-consecutive-day period [of such year] and be deemed "bred back" provided it is not serviced by a nonregistered New York sire thereafter in the year. Should such mare die or otherwise become medically unfit for breeding during or after foaling, it shall be considered "bred back" if such mare had been booked for service to a registered New York stallion in such year and, if alive, was not serviced by a nonregistered New York sire thereafter during such year or the following year.

Text of proposed rule and any required statements and analyses may be obtained from: Tracy Egan, Executive Director, New York State Thoroughbred Breeding and Development Fund, One Broadway Center, 1st Floor, Schenectady, NY 12305, (518) 388-0174, email: tegans@nybreds.com

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement

1. Statutory authority: The New York State Thoroughbred Breeding and Development Fund ("Fund") is authorized to promulgate these rules pursuant to Racing Pari-Mutuel Wagering and Breeding Law ("Racing Law") Sections 252(1), 253(6), and 254(2). Section 252(1) creates the Fund as a body corporate and politic constituting a public benefit corporation. Section 253(6) authorizes the Fund to perform and engage in such acts as may be necessary and proper for exercising its powers. Under Section 254(2), the Fund is authorized to dispose and distribute the money received by it pursuant to the provisions of Sections 222 through 705 of the RWL, in accordance with distribution schedules promulgated by the Fund and adopted in the rules and regulations of the Fund's Board. This rulemaking establishes guidelines for the proper distribution of breeding and development funds to worthy breeders and owners.

2. Legislative objectives: To enable the Fund to improve agriculture and Thoroughbred horse breeding in New York.

3. Needs and benefits: This rule making proposes to expand the population of Thoroughbred mares and subsequent foal population in New York. The current rules require, for a foal conceived and born in New York to be registered as a New York-bred horse, that if the stallion was a registered New York stallion then the dam must either stay in New York from conception to birth ("foaling") or remain for 90 days after the foaling, 9 NYCRR § 4081.2(a). If the foal is not conceived in New York by a registered New York stallion, then the dam must remain for 90 days after the foaling in New York and participate in the program for another year by being bred back to a registered New York stallion during the year the foal was born, 9 NYCRR § 4081.2(b). For the bred-back foal to be registered as New York-bred, it must be conceived and foaled in New York and the dam must meet the subdivision (a) conditions: stay continuously in New York until, or remain for 90 days after, the foaling, 9 NYCRR § 4081.2(c).

The proposal would eliminate the breed back requirement for a non-resident mare purchased in foal at a public auction, provided that the dam is purchased for a price (or more) specified by the Fund, resides in New York within 15 days after the purchase, the foal is born in New York, and the dam resides in New York from within 120 days after last cover in the year of conception of another foal until foaling. This is implemented by amendments to 9 NYCRR § 4081.1 to define resident mare, non-resident mare, and foal from public auction mare; and to 9 NYCRR § 4081.2 to set forth the conditions for a foal to be registered as a New York-bred horse from a resident mare, non-resident mare, or mare from public auction. The proposal would also amend 9 NYCRR § 4081.3 to conform the description of bred-back in New York State to the other proposed amendments.

4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: There would be no additional costs to the regulated parties. The proposal would lessen the conditions for a horse to be considered a participant in the New York-bred program. This will not impose any additional costs on the horse and farm owners and breeders.

(b) Costs to the agency, the State and local governments for the

implementation and continuation of the rule: There will be no costs to local government because the Fund is the only governmental entity authorized to administer the breeding program.

(c) The information, including the source(s) of such information and the methodology upon which the cost analysis is based: The Fund has relied upon its knowledge of the breeding industry to determine that no additional costs are imposed by the proposed rulemaking.

5. Local government mandates: None. The Fund is the only governmental entity authorized to administer the breeding program.

6. Paperwork: None.

7. Duplication: No relevant rules or other legal requirements of the state and/or federal government exist that duplicate, overlap or conflict with this rule.

8. Alternatives: The Fund considered and rejected retaining the breed back rule in its present form. The importance to the New York horse breeding industry of competing effectively with other jurisdictions is paramount, and the Fund determined that to attract and maintain a sufficient population of Thoroughbred mares in New York, the Fund needed to adopt the more flexible requirements that are offered by competing jurisdictions.

9. Federal standards: There are no minimum standards of the Federal government for this or a similar subject area.

10. Compliance schedule: The Commission believes that regulated persons will be able to achieve compliance with the rule upon adoption of this rule.

Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

A regulatory flexibility analysis for small business and local governments, a rural area flexibility analysis and a job impact statement are not required for this rulemaking proposal because it will not adversely affect small businesses, local governments, rural areas or jobs.

This proposal will make it easier for a horse foaled in New York State to qualify for the incentives offered by the New York State Thoroughbred Breeding and Development Fund by adopting more flexible residency requirements for the mare from which the foal is born.

This rule will not impose an adverse economic impact or reporting, record keeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. No local government activities are involved.