

**NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE
FY 2023 REGULATORY AGENDA**

DIVISION: Division of Disease Control
BUREAU/PROGRAM: Bureau of Communicable Disease
SUBJECT: AGS reporting

- 1. Provide a brief description of the subject area(s) of the proposed rule:**
Amend New York City (NYC) Health Code §§11.03(a) and 13.03 to require clinical laboratories to report all positive test results for alpha-gal syndrome (AGS) to the Department.
- 2. State the reason(s) why action by the agency is being considered:**
AGS is a serious, potentially life-threatening allergic reaction to galactose- α -1,3-galactose (alpha-gal), a sugar molecule found in most mammals and in red meats. In some people, the initial exposure triggers an immune system response that results in a food allergy to red meat and other products made from mammals. There has been an increase in AGS cases nationally likely due to an increase in bites from the lone star tick (*Amblyomma americanum*), which has been found in New York State and parts of NYC.
- 3. Provide a summary of the anticipated contents of the proposed rule (if known):**
Require clinical laboratories to report positive AGS test results to the Department.
- 4. Provide a summary of the objectives of the proposed rule:**
Understand the burden of AGS in NYC and monitor epidemiological trends to guide public health programming.
- 5. Provide the legal basis or enabling authority for the proposed rule:**
NYC Charter §556(c)(2) and (4) provides the Department's jurisdiction to supervise the reporting and control of communicable diseases and to regulate clinical laboratories, respectively.
- 6. Provide a description of the types of individuals and/or entities likely to be subject to the proposed rule:**
Clinical laboratories
- 7. Provide other relevant laws:**
New York City Health Code, Articles 11 and 13
Public Health Law § 580
- 8. Provide the approximate schedule (e.g., Spring 2023):**
Fall 2022
- 9. Agency contact for this proposed rulemaking:**
Agency: Department of Health and Mental Hygiene
Bureau or Division: Division of Disease Control
Rulemaking Contact Person: Rima Oken
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**NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE
FY 2023 REGULATORY AGENDA**

DIVISION: Environmental Health

BUREAU/PROGRAM: Bureau of Environmental Disease and Injury Prevention

SUBJECT: Blood lead levels

- 1. Provide a brief description of the subject area(s) of the proposed rule:**
Amend Articles 11 and 173 of the NYC Health Code to propose adoption of a lowered blood lead reference value (BLRV) which CDC lowered in October 2021 from 5 mcg/dL or greater to 3.5 mcg/dL or greater. The Department will also propose to repeal the definitions of “unsafe lead paint” and “unsafe lead paint hazard” from NYC Health Code § 173.14(b) and amend the definition of “lead-based paint” to reflect the current definition of “lead-based paint” found in NYC Administrative Code § 27-2056.2(7)(b), which was adopted in December 2021.
- 2. State the reason(s) why action by the agency is being considered:**
To better align Health Code requirements to reflect the current practice of taking action at a lower BLRV and update definitions.
- 3. Provide a summary of the anticipated contents of the proposed rule (if known):**
Amend Article 173 of the NYC Health Code to reflect the new BLRV and the current definition of lead-based paint.
- 4. Provide a summary of the objectives of the proposed rule:**
To better align Health Code requirements to reflect the current practice of taking action at a lower BLRV and update definitions.
- 5. Provide a summary of the legal basis or enabling authority for the proposed rule:**
Sections 558 and 1043 of the NYC Charter.
- 6. List all relevant federal, state and local laws and rules, including those which may duplicate, overlap or conflict with the proposed rule:**
NYC Health Code §§ 11.09, 173.13 and 173.14
NYC Housing Maintenance Code § 27- 2056.2
- 7. Provide a description of the types of individuals and/or entities likely to be subject to the proposed rule:**
Building owners, condominium owners, and cooperative boards of directors of dwellings where DOHMH has determined that a child less than 18 years of age with a blood lead level at or above the BLRV resides or spends at least 5 hours per week; health care providers and laboratories that collect and analyze blood lead specimens in order to determine lead levels; New York City children with elevated blood lead levels.
- 8. Provide the intended approximate schedule for adopting the proposed rule (e.g., Spring 2023):**
Fall 2023
- 9. Agency contact for this proposed rulemaking:**
Agency: NYC DOHMH
Bureau or Division: Bureau of Environmental Disease and Injury Prevention
Contact Person: Andrew Faciano
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**NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE
FY 2023 REGULATORY AGENDA**

DIVISION: Division of Disease Control

BUREAU/PROGRAM: Bureau of Hepatitis, HIV, and Sexually Transmitted Infections

SUBJECT: CRE reporting

1. Provide a brief description of the subject area(s) of the proposed rule:

Amend New York City (NYC) Health Code §11.25 to require reporting of animals infected with Carbapenem-resistant Enterobacterales (CRE) to the Department.

2. State the reason(s) why action by the agency is being considered:

CRE is a type of antibiotic-resistant bacteria and is a growing public health concern. Patients with CRE generally have poor clinical outcomes and there is a high mortality rate. Animals are susceptible to CRE infection and CRE can be transmitted between animals and between animals and humans.

3. Provide a summary of the anticipated contents of the proposed rule (if known):

Require veterinarians, facilities responsible for the care of animals, and laboratories to report all cases of CRE among animals to the Department.

4. Provide a summary of the objectives of the proposed rule:

Improve our understanding of the epidemiology of CRE in animals to implement data-informed interventions and outreach to reduce the risk of animal to animal and animal to human transmission.

5. Provide the legal basis or enabling authority for the proposed rule:

NYC Charter §556(c)(2) provides the Health Department's jurisdiction to supervise the reporting and control of communicable diseases.

6. Provide a description of the types of individuals and/or entities likely to be subject to the proposed rule:

Veterinarians and veterinary practices; persons in charge of an animal hospital, rehabilitation facility, animal shelter, zoological park, or facility responsible for animal care; and veterinary diagnostic laboratories.

7. Provide other relevant laws:

NYC Health Code, Article 11 and 13
Public Health Law §580

8. Provide the approximate schedule (e.g., Spring 2023):

Fall 2022

9. Agency contact for this proposed rulemaking:

Agency: Department of Health and Mental Hygiene

Bureau or Division: Division of Disease Control

Rulemaking Contact Person: Rima Oken

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**NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE
FY 2023 REGULATORY AGENDA**

DIVISION: Division of Disease Control

BUREAU/PROGRAM: Bureau of Hepatitis, HIV, and Sexually Transmitted Infections

SUBJECT: Hepatitis B reporting

- 1. Provide a brief description of the subject area(s) of the proposed rule:**
Amend New York City (NYC) Health Code §§11.03(a) and 13.03(b) to require clinical laboratories to report all negative hepatitis B e antigen and surface antigen test results to the Department of Health and Mental Hygiene (Health Department).
- 2. State the reason(s) why action by the agency is being considered:**
Hepatitis B is a serious and potentially deadly disease that can be treated. Improved surveillance will help guide public health programming and improve patient outcomes.
- 3. Provide a summary of the anticipated contents of the proposed rule (if known):**
Require clinical laboratories to report all negative hepatitis B e antigen and surface antigen test results to the Health Department.
- 4. Provide a summary of the objectives of the proposed rule:**
Help identify eligible people with hepatitis B for treatment and enable patient and provider outreach.
- 5. Provide the legal basis or enabling authority for the proposed rule:**
NYC Charter §556(c)(2) and (4) provides the Health Department's jurisdiction to supervise the reporting and control of communicable diseases and to regulate clinical laboratories, respectively.
- 6. Provide a description of the types of individuals and/or entities likely to be subject to the proposed rule:**
Clinical laboratories
- 7. Provide other relevant laws:**
NYC Health Code, Articles 11 and 13
Public Health Law § 580
- 8. Provide the approximate schedule (e.g., Spring 2023):**
Fall 2022
- 9. Agency contact for this proposed rulemaking:**
Agency: Department of Health and Mental Hygiene
Bureau or Division: Division of Disease Control
Rulemaking Contact Person: Rima Oken
Telephone: 347-396-7591
Email: roken@health.nyc.gov

**NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE
FY 2023 REGULATORY AGENDA**

DIVISION: Division of Disease Control

BUREAU/PROGRAM: Bureau of Hepatitis, HIV, and Sexually Transmitted Infections

SUBJECT: Hepatitis C reporting

- 1. Provide a brief description of the subject area(s) of the proposed rule:**
Amend New York City (NYC) Health Code §§11.03(a) and 13.03(b) to require clinical laboratories to report all negative hepatitis C antibody test results to the Department.
- 2. State the reason(s) why action by the agency is being considered:**
Hepatitis C is a serious and potentially deadly disease that can be cured. Improved surveillance will help guide public health programming and improve patient outcomes.
- 3. Provide a summary of the anticipated contents of the proposed rule (if known):**
Require clinical laboratories to report all negative hepatitis C antibody test results to the Health Department.
- 4. Provide a summary of the objectives of the proposed rule:**
Improve our understanding of hepatitis C disease burden in NYC; identify disparities in hepatitis C testing to target outreach and other public health interventions; and assist in cluster detection and response activities.
- 5. Provide the legal basis or enabling authority for the proposed rule:**
NYC Charter §556(c)(2) and (4) provides the Department's jurisdiction to supervise the reporting and control of communicable diseases and to regulate clinical laboratories, respectively.
- 6. Provide a description of the types of individuals and/or entities likely to be subject to the proposed rule:**
Clinical laboratories
- 7. Provide other relevant laws:**
New York City Health Code, Articles 11 and 13
Public Health Law § 580
- 8. Provide the approximate schedule (e.g., Spring 2023):**
Fall 2022
- 9. Agency contact for this proposed rulemaking:**
Agency: Department of Health and Mental Hygiene
Bureau or Division: Division of Disease Control
Rulemaking Contact Person: Rima Oken
Telephone: 347-396-7591
Email: roken@health.nyc.gov

**NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE
FY 2023 REGULATORY AGENDA**

DIVISION: Division of Disease Control

BUREAU/PROGRAM: Bureau of Hepatitis, HIV, and Sexually Transmitted Infections

SUBJECT: Syphilis reporting

- 1. Provide a brief description of the subject area(s) of the proposed rule:**
Amend New York City (NYC) Health Code §§11.03(a) and 13.03(b) to require clinical laboratories to report all negative syphilis test results to the Department.
- 2. State the reason(s) why action by the agency is being considered:**
Syphilis cases continue to rise in NYC and nationally. A better understanding of the epidemiology of syphilis in NYC and syphilis testing practices will help inform public health programming and improve patient outcomes.
- 3. Provide a summary of the anticipated contents of the proposed rule (if known):**
Require clinical laboratories to report all negative syphilis test results to the Health Department.
- 4. Provide a summary of the objectives of the proposed rule:**
Identify disparities in syphilis testing to target outreach and other public health interventions; and better estimate date of infection and disease stage to inform treatment decisions.
- 5. Provide the legal basis or enabling authority for the proposed rule:**
NYC Charter §556(c)(2) and (4) provides the Health Department's jurisdiction to supervise the reporting and control of communicable diseases and to regulate clinical laboratories, respectively.
- 6. Provide a description of the types of individuals and/or entities likely to be subject to the proposed rule:**
Clinical laboratories
- 7. Provide other relevant laws:**
NYC Health Code, Articles 11 and 13
Public Health Law § 580
- 8. Provide the approximate schedule (e.g., Spring 2023):**
Fall 2022
- 9. Agency contact for this proposed rulemaking:**
Agency: Department of Health and Mental Hygiene
Bureau or Division: Division of Disease Control
Rulemaking Contact Person: Rima Oken
Telephone: 347-396-7591
Email: roken@health.nyc.gov

**NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE
FY 2023 REGULATORY AGENDA**

DIVISION: Environmental Health
BUREAU/PROGRAM: Bureau of Child Care
SUBJECT: School-based Child Care-Flu

- 1. Provide a brief description of the subject area(s) of the proposed rule:**
Amend Article 43 of the NYC Health Code to propose to change the time period for requiring proof of influenza vaccine from July 1st to April 1st in light of the typical end to influenza season and to require a notice of filing to be renewed every 2 years by a school-based child care program.
- 2. State the reason(s) why action by the agency is being considered:**
To better align Health Code requirements with the actual influenza season and to ensure timely school renewals.
- 3. Provide a summary of the anticipated contents of the proposed rule (if known):**
Amend the time period when proof of influenza vaccine is required to end to be April 1 instead of July 1 and to require a notice of filing to be renewed every 2 years by a school-based child care program.
- 4. Provide a summary of the objectives of the proposed rule:**
Update the time period when proof of flu vaccine is required to better align with influenza season and to require a notice of filing to be renewed every 2 years.
- 5. Provide a summary of the legal basis or enabling authority for the proposed rule:**
§§ 558 and 1043 of the NYC Charter.
- 6. List all relevant federal, state and local laws and rules, including those which may duplicate, overlap or conflict with the proposed rule:**
N/A
- 7. Provide a description of the types of individuals and/or entities likely to be subject to the proposed rule:**
NYC school-based child care programs and children in such child care and their families.
- 8. Provide the intended approximate schedule for adopting the proposed rule (e.g., Spring 2023):**
Spring 2023
- 9. Agency contact for this proposed rulemaking:**
Agency: NYC DOHMH
Bureau or Division: Bureau of Child Care
Contact Person: Renee Noel
Telephone: (646) 632-6157
Email: Rnoel-he@health.nyc.gov

**NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE
FY 2023 REGULATORY AGENDA**

DIVISION: Environmental Health
BUREAU/PROGRAM: Bureau of Child Care
SUBJECT: Child Care-Background Checks

- 1. Provide a brief description of the subject area(s) of the proposed rule:**
Align the NYC Health Code Article 47 background check requirements with the requirements under the federal Child Care Development Block Grant; clarify requirements for professional qualifications and change the time period during when proof of influenza vaccine is required in order to better align with the influenza season.
- 2. State the reason(s) why action by the agency is being considered:**
Propose changes regarding background check requirements and professional qualifications to align with federal law and revise dates when proof of influenza vaccination is required.
- 3. Provide a summary of the anticipated contents of the proposed rule (if known):**
Revisions to background checks and staff qualifications; amend the time period when proof of influenza vaccine is required to end to be April 1 instead of July 1.
- 4. Provide a summary of the objectives of the proposed rule:**
Align Health Code staff requirements with federal requirements; update the time period when proof of flu vaccine is required to better align with influenza season.
- 5. Provide a summary of the legal basis or enabling authority for the proposed rule:**
§§ 558 and 1043 of the NYC Charter
- 6. List all relevant federal, state and local laws and rules, including those which may duplicate, overlap or conflict with the proposed rule:**
NYS Social Services Law
Title 45, Part 98 et seq. of the Code of Federal Regulations
- 7. Provide a description of the types of individuals and/or entities likely to be subject to the proposed rule:**
NYC child care programs and children in child care and their families.
- 8. Provide the intended approximate schedule for adopting the proposed rule (e.g., Spring 2023):**
Spring 2023
- 9. Agency contact for this proposed rulemaking:**
Agency: NYC DOHMH
Bureau or Division: Bureau of Child Care
Contact Person: Renee Noel
Telephone: (646) 632-6157
Email: Rnoel-he@health.nyc.gov

**NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE
FY 2023 REGULATORY AGENDA**

DIVISION: Environmental Health
BUREAU/PROGRAM: Bureau of Child Care
SUBJECT: Summer Camps

- 1. Provide a brief description of the subject area(s) of the proposed rule:**
Amend Article 48 of the NYC Health Code concerning the minimum age for children enrolling in summer camp and clarify staff qualifications and facility requirements.
- 2. State the reason(s) why action by the agency is being considered:**
Amend minimum age to participate in camp and clarify staff qualifications and facility requirements.
- 3. Provide a summary of the anticipated contents of the proposed rule (if known):**
Amend minimum age to participate in camp and clarify staff qualifications and facility requirements.
- 4. Provide a summary of the objectives of the proposed rule:**
Promote the health and safety of children attending summer camp by clarifying requirements for attendance, staff qualifications and facilities.
- 5. Provide a summary of the legal basis or enabling authority for the proposed rule:**
§§ 558 and 1043 of the NYC Charter.
- 6. List all relevant federal, state and local laws and rules, including those which may duplicate, overlap or conflict with the proposed rule:**
NYS Social Services Law
NYS Sanitary Code.
- 7. Provide a description of the types of individuals and/or entities likely to be subject to the proposed rule:**
NYC camp programs and children in camp and their families.
- 8. Provide the intended approximate schedule for adopting the proposed rule (e.g., Spring 2023):**
Spring 2023
- 9. Agency contact for this proposed rulemaking:**
Agency: NYC DOHMH
Bureau or Division: Bureau of Child Care
Contact Person: Renee Noel
Telephone: (646) 632-6157
Email: Rnoel-he@health.nyc.gov

**NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE
FY 2023 REGULATORY AGENDA**

DIVISION: Center for Health Equity & Community Wellness
BUREAU/PROGRAM: Bureau of Chronic Disease Prevention
SUBJECT: Added Sugar Warning

- 1. Provide a brief description of the subject area(s) of the proposed rule:**
NYC Local Law 33 of 2022 requires an added sugar warning requirement for prepackaged foods in NYC chain restaurants.
- 2. State the reason(s) why action by the agency is being considered:**
NYC Local Law 33 requires the Health Department to promulgate rules for an icon and warning statement for prepackaged items high in added sugar. Intake of added sugars is associated with increased risk of excess weight, type 2 diabetes, hypertension, stroke, heart disease and cavities.
- 3. Provide a summary of the anticipated contents of the proposed rule (if known):**
The proposed rule will contain:
 - posting requirements for an icon for prepackaged items high in added sugar
 - language and posting requirements for a factual warning statement about high added sugar intake
- 4. Provide a summary of the objectives of the proposed rule:**
The objective of the rule is to comply with NYC Local Law 33 to provide requirements to chain restaurants that will help inform consumers of: 1) packaged foods in chain restaurants that contain high amounts of added sugars and 2) risks associated with consumption of added sugars.
- 5. Provide the legal basis or enabling authority for the proposed rule:**
NYC Local Law 33 (2022)
- 6. Provide a description of the types of individuals and/or entities likely to be subject to the proposed rule:**
New York City chain restaurants (those with 15 or more restaurants nationally)
- 7. Provide other relevant laws:**
New York City Charter, Chapter 22
Federal Food, Drug and Cosmetic Act (21 USC §§ 301 et seq.)
Nutrition Labeling and Education Act (Public Law 101-535)
- 8. Provide the approximate schedule:**
Spring 2023
- 9. Agency contact for this proposed rulemaking:**
Agency: NYC DOHMH
Bureau or Division: Center for Health Equity and Community Wellness
Contact Person: Amaka Anekwe
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**NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE
FY 2023 REGULATORY AGENDA**

DIVISION: Environmental Health
BUREAU/PROGRAM: Food safety and Community Sanitation
SUBJECT: Food Service Establishments

- 1. Provide a brief description of the subject area(s) of the proposed rule:**
Amend Article 89 of the NYC Health Code concerning suspension and revocation of a mobile food vending license or permit
- 2. State the reason(s) why action by the agency is being considered:**
Revisions are needed to update the standard for suspending or revoking a mobile food vending license or permit.
- 3. Provide a summary of the anticipated contents of the proposed rule (if known):**
Amend NYC Health Code 89.33 to include that a license or permit may be suspended or revoked for serious, repeated or persistent violations not based on having four or more violations.
- 4. Provide a summary of the objectives of the proposed rule:**
Revisions will update the standard for suspending or revoking a license or permit for mobile food vendors.
- 5. Provide a summary of the legal basis or enabling authority for the proposed rule:**
§§ 556, 558 and 1043 of the New York City Charter
- 6. List all relevant federal, state and local laws and rules, including those which may duplicate, overlap or conflict with the proposed rule:**
Subchapter 2 of Chapter 3 of Title 17 of the Administrative Code
Article 81 of the New York City Health Code
Chapter 6 Title 24 of the Rules of the City of New York
Subparts 14-1 and 14-4 of the State Sanitary Code
- 7. Provide a description of the types of individuals and/or entities likely to be subject to the proposed rule:**
Mobile food vendor permit and license holders
- 8. Provide the intended approximate schedule for adopting the proposed rule:**
Fall 2023
- 9. Agency contact for this proposed rulemaking:**
Agency: NYC DOHMH
Bureau or Division: Food Safety and Community Sanitation
Rulemaking Contact Person: Michelle Robinson
Telephone: (646) 632-6174
Email: Mrobins1@health.nyc.gov

**NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE
FY 2023 REGULATORY AGENDA**

DIVISION: Environmental Health

BUREAU/PROGRAM: Environmental Sciences & Engineering/Radiological Health

SUBJECT: Tanning Facilities

- 1. Provide a brief description of the subject area(s) of the proposed rule:**
Revisions to NYC Health Code Article 177 (“Tanning Facilities”)
- 2. State the reason(s) why action by the agency is being considered:**
Revisions are needed in order to maintain consistency with NY State Department of Health (NYS DOH) regulations that reflect amendments to the Public Health Law.
- 3. Provide a summary of the anticipated contents of the proposed rule (if known):**
Adding prohibition of tanning services to minors (previously restricted to persons below 17 years of age), as well as certain revisions including changes to facility warning signs and patron literature.
- 4. Provide a summary of the objectives of the proposed rule:**
Revisions will provide consistency with NYS DOH regulations and are more protective of public health.
- 5. Provide a summary of the legal basis or enabling authority for the proposed rule:**
§§ 556, 558 and 1043 of the New York City Charter
- 6. List all relevant federal, state and local laws and rules, including those which may duplicate, overlap or conflict with the proposed rule:**
NY State Public Health Law §§ 3550, 3555
10 NYCRR Part 72, Subpart 72-1.
- 7. Provide a description of the types of individuals and/or entities likely to be subject to the proposed rule:**
Tanning salon operators and patrons who are minors (17 years of age).
- 8. Provide the intended approximate schedule for adopting the proposed rule (e.g., Spring 2023):**
Fall 2023
- 9. Agency contact for this proposed rulemaking:**
Agency: NYC DOHMH
Bureau or Division: Environmental Sciences and Engineering
Rulemaking Contact Person: Mark Horberg
Telephone: 718.310.2840
Email: mhorberg@health.nyc.gov

**NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE
FY 2023 REGULATORY AGENDA**

DIVISION: Environmental Health
BUREAU/PROGRAM: Food safety and Community Sanitation
SUBJECT: Food Service Establishments

- 1. Provide a brief description of the subject area(s) of the proposed rule:**
Amend Chapter 6 to align with Local Law 80 of 2021 which requires the Department to reduce or waive monetary penalties for certain “first-time” violations of the New York City Health Code or Administrative Code provisions that address mobile food vending units regulated by the Department.
- 2. State the reason(s) why action by the agency is being considered:**
The Department is proposing to amend Chapter 6 of Title 24 of the Rules of the City of New York to implement Local Law 80 of 2021.
- 3. Provide a summary of the anticipated contents of the proposed rule (if known):**
Add definitions of a “first-time violation”, “cured” as well as describe procedures for submitting proof of having corrected a first-time violation. Additionally, Chapter 6 Appendixes A, B, and C will be amended to reduce penalties and make certain violations curable in accordance with Local Law 80.
- 4. Provide a summary of the objectives of the proposed rule:**
Update Chapter 6 as required to implement Local Law 80 of 2021
- 5. Provide a summary of the legal basis or enabling authority for the proposed rule:**
§§ 556, 558 and 1043 of the New York City Charter
- 6. List all relevant federal, state and local laws and rules, including those which may duplicate, overlap or conflict with the proposed rule:**
Local Law 80 of 2021
Subparts 14-1 and 14-4 of the State Sanitary Code
Articles 5 and 81 of the New York City Health Code
- 7. Provide a description of the types of individuals and/or entities likely to be subject to the proposed rule:**
Mobile food vendor permit and license holders
- 8. Provide the intended approximate schedule for adopting the proposed rule:**
Fall 2023
- 9. Agency contact for this proposed rulemaking:**
Agency: NYC DOHMH
Bureau or Division: Food Safety and Community Sanitation
Rulemaking Contact Person: Michelle Robinson
Telephone: (646) 632-6174
Email: Mrobins1@health.nyc.gov

**NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE
FY 2023 REGULATORY AGENDA**

DIVISION: Environmental Health
BUREAU/PROGRAM: Food Safety and Community Sanitation
SUBJECT: Fixed Penalties for Sustained Violations

- 1. Provide a brief description of the subject area(s) of the proposed rule:**
Amend Chapter 7 in Title 24 of the Rule of the City of New York to align with Local Law 80 of 2021 which requires the Department to reduce or waive monetary penalties for certain “first-time” violations of the New York City Health Code or Administrative Code provisions.
- 2. State the reason(s) why action by the agency is being considered:**
The Department is proposing to amend Chapter 7 of Title 24 of the Rules of the City of New York to implement Local Law 80 of 2021.
- 3. Provide a summary of the anticipated contents of the proposed rule (if known):**
Add definitions of a “first-time violation”, “cured” as well as describe procedures for submitting proof of having corrected a first-time violation. Additionally, Chapter 7 to update penalties and make certain violations curable in accordance with Local Law 80.
- 4. Provide a summary of the objectives of the proposed rule:**
Update Chapter 7 as required to implement Local Law 80 of 2021
- 5. Provide a summary of the legal basis or enabling authority for the proposed rule:**
§§ 556, 558 and 1043 of the New York City Charter
- 6. List all relevant federal, state and local laws and rules, including those which may duplicate, overlap or conflict with the proposed rule:**
N/A
- 7. Provide a description of the types of individuals and/or entities likely to be subject to the proposed rule:**
Food service establishments
- 8. Provide the intended approximate schedule for adopting the proposed rule (e.g., Spring 2023):**
Fall 2023
- 9. Agency contact for this proposed rulemaking:**
Agency: NYC DOHMH
Bureau or Division: Environmental Surveillance and Policy
Rulemaking Contact Person: Jean-Baptiste Rudatsikira
Telephone: (646) 632-6951
Email: jrudatsikira@health.nyc.gov

**NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE
FY 2023 REGULATORY AGENDA**

DIVISION: Environmental Health

BUREAU/PROGRAM: Bureau of Environmental Sciences and Engineering

SUBJECT: Penalty Schedules

- 1. Provide a brief description of the subject area(s) of the proposed rule:**
Amend Chapter 7 of Title 24 of the Rules of the City of New York (“Adjudicatory Hearings and Violation Fines and Penalties”) to update certain penalties for DOHMH rule violations.
- 2. State the reason(s) why action by the agency is being considered:**
To provide consistency of fine violation amounts.
- 3. Provide a summary of the anticipated contents of the proposed rule (if known):**
Add penalty amounts for violations of rules concerning bathing beaches, bathing establishments and radioactive materials and equipment.
- 4. Provide a summary of the objectives of the proposed rule:**
Propose to add a fixed penalty schedule for certain violations of Articles 165, 167 and 175 of the NYC Health Code.
- 5. Provide a summary of the legal basis or enabling authority for the proposed rule:**
§§ 558 and 1043 of the NYC Charter.
- 6. List all relevant federal, state and local laws and rules, including those which may duplicate, overlap or conflict with the proposed rule:**
N/A
- 7. Provide a description of the types of individuals and/or entities likely to be subject to the proposed rule:**
NYC-permitted bathing establishments, permitted bathing beaches, registered radiation equipment and licensed radioactive material.
- 8. Provide the intended approximate schedule for adopting the proposed rule (e.g., Spring 2023):**
Spring 2023
- 9. Agency contact for this proposed rulemaking:**
Agency: NYC DOHMH
Bureau or Division: Bureau of Environmental Sciences and Engineering
Contact Person: Mark Horberg
Telephone: 718-786-5544
Email: MHorberg@health.nyc.gov

**NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE
FY 2023 REGULATORY AGENDA**

DIVISION: Environmental Health

BUREAU/PROGRAM: Bureau of Environmental Sciences and Engineering

SUBJECT: Cooling Towers

- 1. Provide a brief description of the subject area(s) of the proposed rule:**
Amend Chapter 8 of Title 24 of the Rules of the City of New York to align with recent changes to the NYC Administrative Code and to clarify requirements for cooling towers.
- 2. State the reason(s) why action by the agency is being considered:**
To align Department rules with the NYC Administrative Code concerning cooling tower requirements.
- 3. Provide a summary of the anticipated contents of the proposed rule (if known):**
Aligning Chapter 8 with amendments made to the NYC Administrative Code; updating qualifications, responsibility and accountability requirements for a building owner's cooling tower system management team.
- 4. Provide a summary of the objectives of the proposed rule:**
Clarify and streamline regulatory language and add requirements to be more protective of public health.
- 5. Provide a summary of the legal basis or enabling authority for the proposed rule:**
§§ 556 and 1043 of the NYC Charter.
- 6. List all relevant federal, state and local laws and rules, including those which may duplicate, overlap or conflict with the proposed rule:**
Subpart 4-1 of Part 4 of Title 10 of NYCRR
§ 17-194.1 of the NYC Administrative Code.
- 7. Provide a description of the types of individuals and/or entities likely to be subject to the proposed rule:**
Owners/operators of cooling towers and owners of buildings with cooling towers.
- 8. Provide the intended approximate schedule for adopting the proposed rule (e.g., Spring 2023):**
Spring 2023
- 9. Agency contact for this proposed rulemaking:**
Agency: NYC DOHMH
Bureau or Division: Bureau of Environmental Sciences and Engineering
Rulemaking Contact Person: Karen Fernandez
Telephone: (718) 310-2771
Email: kfernand@health.nyc.gov

**NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE
FY 2023 REGULATORY AGENDA**

DIVISION: Environmental Health

BUREAU/PROGRAM: Bureau of Environmental Sciences and Engineering

SUBJECT: Cooling Towers

- 1. Provide a brief description of the subject area(s) of the proposed rule:**
Amend Chapter 8 of Title 24 of the Rules of the City of New York to update penalty schedule.
- 2. State the reason(s) why action by the agency is being considered:**
Update penalty schedule.
- 3. Provide a summary of the anticipated contents of the proposed rule (if known):**
Update the penalty schedule in § 8-09 of Chapter to include monetary penalties associated with the violation of requirements found in Administrative Code § 17-194.1.
- 4. Provide a summary of the objectives of the proposed rule:**
Update the penalty schedule.
- 5. Provide a summary of the legal basis or enabling authority for the proposed rule:**
§§ 556 and 1043 of the NYC Charter.
- 6. List all relevant federal, state and local laws and rules, including those which may duplicate, overlap or conflict with the proposed rule:**
Subpart 4-1 of Part 4 of Title 10 of NYCRR
§ 17-194.1 of the NYC Administrative Code.
- 7. Provide a description of the types of individuals and/or entities likely to be subject to the proposed rule:**
Owners/operators of cooling towers and owners of buildings with cooling towers.
- 8. Provide the intended approximate schedule for adopting the proposed rule (e.g., Spring 2023):**
Fall 2023
- 9. Agency contact for this proposed rulemaking:**
Agency: NYC DOHMH
Bureau or Division: Bureau of Environmental Sciences and Engineering
Rulemaking Contact Person: Karen Fernandez
Telephone: (718) 310-2771
Email: kfernand@health.nyc.gov

**NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE
FY 2023 REGULATORY AGENDA**

DIVISION: Environmental Health

BUREAU/PROGRAM: Bureau of Environmental Disease and Injury Prevention

SUBJECT: Window Guards

- 1. Provide a brief description of the subject area(s) of the proposed rule:**
Chapter 12 of Title 24 of the Rules of the City of New York will be updated to reflect technical advancements in window design and structure and to streamline the approval process for window fall prevention devices (window guards and limiting devices).
- 2. State the reason(s) why action by the agency is being considered:**
Update agency regulations to reflect technical advancements.
- 3. Provide a summary of the anticipated contents of the proposed rule (if known):**
Repeal and reenact rules in Chapter 12 of Title 24 of the Rules of the City of New York to update specifications for window guards and other limiting devices, and procedures for obtaining DOHMH approval of window guards and limiting devices; update lease notice and annual notice provided to tenants.
- 4. Provide a summary of the objectives of the proposed rule:**
Update agency regulations to reflect technical advancements.
- 5. Provide a summary of the legal basis or enabling authority for the proposed rule:**
§§ 556 and 1043 of the NYC Charter
§ 17-123 of the NYC Administrative Code
§ 131.15 of the NYC Health Code
Chapter 12 of Title 24 of the Rules of the City of New York,
§ 2043.1 of Title 27 of the Housing Maintenance Code
- 6. List all relevant federal, state and local laws and rules, including those which may duplicate, overlap or conflict with the proposed rule:**
N/A
- 7. Provide a description of the types of individuals and/or entities likely to be subject to the proposed rule:**
Building owners, condominium owners and cooperative boards of directors of multiple dwellings and units in such dwellings where children 10 years of age or younger reside.
- 8. Provide the intended approximate schedule for adopting the proposed rule (e.g., Spring 2023):**
Spring 2023
- 9. Agency contact for this proposed rulemaking:**
Agency: NYC DOHMH
Bureau or Division: Bureau of Environmental Disease and Injury Prevention
Contact Person: Andrew Faciano
Telephone: 646-632-6086
Email: afaciano@health.nyc.gov

**NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE
FY 2023 REGULATORY AGENDA**

DIVISION: Environmental Health
BUREAU/PROGRAM: Food safety and Community Sanitation
SUBJECT: Food Service Establishments

- 1. Provide a brief description of the subject area(s) of the proposed rule:**
Amend Chapter 23 to align with Local Law 80 of 2021 which requires the Department to reduce or waive monetary penalties for certain “first-time” violations of the New York City Health Code or Administrative Code provisions that address food service establishments, and non-retail processing establishments regulated by the Department
- 2. State the reason(s) why action by the agency is being considered:**
The Department is proposing to amend Chapter 23 of Title 24 of the Rules of the City of New York to implement Local Law 80 of 2021.
- 3. Provide a summary of the anticipated contents of the proposed rule (if known):**
Add definitions of a “first-time violation”, “cured” as well as describe procedures for submitting proof of having corrected a first-time violation. Additionally, Chapter 23 Appendixes A, B, and C will be amended to reduce penalties and make certain violations curable in accordance with Local Law 80.
- 4. Provide a summary of the objectives of the proposed rule:**
Update Chapter 23 as required to implement Local Law 80 of 2021.
- 5. Provide a summary of the legal basis or enabling authority for the proposed rule:**
§§ 556, 558 and 1043 of the New York City Charter.
- 6. List all relevant federal, state and local laws and rules, including those which may duplicate, overlap or conflict with the proposed rule:**
Local Law 80 of 2021
Subchapter 2 of Chapter 3 of Title 17 of the Administrative Code
Articles 5, 81 and 89 of the New York City Health Code
Subparts 14-1 and 14-4 of the State Sanitary Code
- 7. Provide a description of the types of individuals and/or entities likely to be subject to the proposed rule:**
Food service establishments and non-retail processing establishments.
- 8. Provide the intended approximate schedule for adopting the proposed rule:**
Fall 2023
- 9. Agency contact for this proposed rulemaking:**
Agency: NYC DOHMH
Bureau or Division: Food Safety and Community Sanitation
Rulemaking Contact Person: Michelle Robinson
Telephone: 646) 632-6174
Email: Mrobins1@health.nyc.gov

**NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE
FY 2023 REGULATORY AGENDA**

DIVISION: Environmental Health

BUREAU/PROGRAM: Bureau of Environmental Sciences and Engineering

SUBJECT: Water Tanks

- 1. Provide a brief description of the subject area(s) of the proposed rule:**
Amend Chapter 31 of Title 24 of the Rules of the City of New York to update penalty schedule.
- 2. State the reason(s) why action by the agency is being considered:**
Update the penalty schedule to reflect fine amounts associated with violations of Administrative Code § 17-194 requirements.
- 3. Provide a summary of the anticipated contents of the proposed rule (if known):**
Update the penalty schedule to align with amendments to § 17-194 of the NYC Administrative Code.
- 4. Provide a summary of the objectives of the proposed rule:**
Update the penalty schedule.
- 5. Provide a summary of the legal basis or enabling authority for the proposed rule:**
§§ 556 and 1043 of the NYC Charter.
- 6. List all relevant federal, state and local laws and rules, including those which may duplicate, overlap or conflict with the proposed rule:**
§ 17-194 of the NYC Administrative Code.
- 7. Provide a description of the types of individuals and/or entities likely to be subject to the proposed rule:**
Owners of buildings with drinking water tanks.
- 8. Provide the intended approximate schedule for adopting the proposed rule (e.g., Spring 2023):**
Fall 2023
- 9. Agency contact for this proposed rulemaking:**
Agency: NYC DOHMH
Bureau or Division: Bureau of Environmental Sciences and Engineering
Rulemaking Contact Person: Karen Fernandez
Telephone: (718) 310-2771
Email: kfernand@health.nyc.gov

**NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE
FY 2023 REGULATORY AGENDA**

DIVISION: Center for Health Equity & Community Wellness
BUREAU/PROGRAM: Bureau of Chronic Disease Prevention
SUBJECT: Groceries to Go

- 1. Provide a brief description of the subject area(s) of the proposed rule:**
The Mayor’s Office of Food Policy (MOFP) launched Groceries to Go (G2G) in December 2021. G2G provides participants credits to purchase groceries for pick-up or delivery with local grocers using an online platform. The proposed rule will establish program eligibility.
- 2. State the reason(s) why action by the agency is being considered:**
The COVID-19 pandemic exacerbated food insecurity in NYC through historically high unemployment rates, creating financial instability and the closure of institutions such as senior centers and public schools, where people reliably accessed meals prior to the pandemic.
- 3. Provide a summary of the anticipated contents of the proposed rule (if known):**
Contents of the proposed rule are still being determined. Minimally, eligibility criteria will be based on the need for food assistance and ability to use an online platform for ordering groceries.
- 4. Provide a summary of the objectives of the proposed rule:**
To clearly define eligibility criteria for beneficiaries of the G2G program.
- 5. Provide the legal basis or enabling authority for the proposed rule:**
New York City Charter, Chapter 22
- 6. Provide a description of the types of individuals and/or entities likely to be subject to the proposed rule:**
New Yorker City residents who are eligible and wish to enroll in the G2G program
- 7. Provide other relevant laws:**
N/A
- 8. Provide the approximate schedule (e.g., Spring 2023):**
Winter 2022
- 9. Agency contact for this proposed rulemaking:**
Agency: NYC DOHMH
Bureau or Division: Bureau of Chronic Disease Prevention
Contact Person: Liz Solomon
Telephone: 347-396-4246
Email: esolomo1@health.nyc.gov