

**NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE
FY 2024 REGULATORY AGENDA**

DIVISION: Environmental Health

BUREAU/PROGRAM: Bureau of Child Care

SUBJECT: NYC Health Code, Article 43 - School-based child care - Influenza vaccine

- 1. Provide a brief description of the subject area(s) of the proposed rule:**
Amend Article 43 of the NYC Health Code 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 the Certificate 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 influenza season and maintain timely information.
- 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 on April 1 instead of July 1 and to require the Certificate of Filing to be renewed every 2 years.
- 4. Provide a summary of the objectives of the proposed rule:**
Update the time period when proof of flu vaccine is required to align with influenza season and to require the Certificate of Filing to be renewed every 2 years.
- 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:**
N/A
- 7. Provide a description of the types of individuals and/or entities likely to be subject to the proposed rule:**
School-based child care program operators and enrolled families.
- 8. Provide the intended approximate schedule for adopting the proposed rule (e.g., Spring 2024):**
Spring 2024
- 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 2024 REGULATORY AGENDA**

DIVISION: Environmental Health

BUREAU/PROGRAM: Bureau of Child Care

SUBJECT: NYC Health Code, Article 47 - Group child care – Staffing requirements; Nutrition;
Influenza Vaccine

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

Align NYC Health Code Article 47 background check requirements with the requirements under the federal Child Care Development Block Grant; clarify requirements for professional qualifications; change the time period during when proof of influenza vaccine is required in order to better align with the influenza season and update nutrition requirements.

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

Propose changes regarding background check requirements to align with federal law, clarify professional qualifications and revise dates when proof of influenza vaccination is required.

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

Update background checks requirements to align with federal requirements; clarify staff qualifications; amend the time period when proof of influenza vaccine is required to end on April 1 instead of July 1; update nutrition requirements to reflect the latest federal nutrition recommendations found in the 2020 Dietary Guidelines for Americans, as well as other nutrition regulations.

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; improve equity for our youngest New Yorkers in group childcare settings by more strongly aligning Health Code nutrition requirements with federal nutrition recommendations and other nutrition requirements.

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:

45 CFR Part 98

NYS Social Services Law

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 2024):

Spring 2024

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 2024 REGULATORY AGENDA**

DIVISION: Environmental Health

BUREAU/PROGRAM: Bureau of Child Care

SUBJECT: NYC Health Code, Article 48 - Summer Camp requirements

- 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:**
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:**
NYS Social Services Law
NYS Sanitary Code (10 NYCRR Chapter 1)
- 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 2024):**
Spring 2024
- 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 2024 REGULATORY AGENDA**

DIVISION: Center for Health Equity and Community Awareness

BUREAU/PROGRAM: Chronic Disease Prevention

SUBJECT: NYC Health Code, Article 81 – Added sugar warning for restaurant food

- 1. Provide a brief description of the subject area(s) of the proposed rule:**
Local Law 33 (2021) requires an added sugar warning requirement for prepackaged foods in NYC chain restaurants.
- 2. State the reason(s) why agency action is being considered:**
Local Law 33 mandates the Department to promulgate rules for an icon and warning statement for prepackaged items high in added sugar.
- 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 sugars intake.
- 4. Provide a summary of the objectives of the proposed rule:**
The objective of the rule is 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. Intake of added sugars is associated with increased risk of excess weight, type 2 diabetes, hypertension, stroke, heart disease and cavities.
- 5. Provide a summary of the legal basis or enabling authority for the proposed rule:**
Local Law 33 (2021)
- 6. List all relevant federal, state and local laws and rules, including those which may duplicate, overlap or conflict with the proposed rule:**
Federal Nutrition Labeling and Education Act (Public Law 101-535)
- 7. 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)
- 8. Provide the intended approximate schedule for adopting the proposed rule (e.g., Spring 2024):**
Summer/Fall 2023
- 9. Agency contact for this proposed rulemaking:**

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|---------------------|---|
| Agency: | NYC DOHMH |
| Bureau or Division: | Center for Health Equity and Community Wellness |
| Contact Person: | Amaka Anekwe |
| Telephone: | 347-396-4759 |
| Email: | aaekwe@health.nyc.gov |

**NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE
FY 2024 REGULATORY AGENDA**

DIVISION: Environmental Health

BUREAU/PROGRAM: Bureau of Environmental Sciences and Engineering

SUBJECT: NYC Health Code, Article 131 – Building Heating requirements

- 1. Provide a brief description of the subject area(s) of the proposed rule:**
Amend Article 131 of the NYC Health Code to update the heating requirements in buildings during the winter months in accordance with Local Law 86 of 2017.
- 2. State the reason(s) why action by the agency is being considered:**
Update Article 131 of the NYC Health Code to align with Local Law 86 of 2017.
- 3. Provide a summary of the anticipated contents of the proposed rule (if known):**
Amend Article 131 of the NYC Health Code to increase the minimum temperature between the hours of 10pm to 6am to 62 degrees from 55 degrees and delete the outside temperature language.
- 4. Provide a summary of the objectives of the proposed rule:**
Amend Article 131 of the NYC Health Code to align with the changes made by Local Law 86 of 2017.
- 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:**
Local Law 86 of 2017
- 7. Provide a description of the types of individuals and/or entities likely to be subject to the proposed rule:**
Building owners
- 8. Provide the intended approximate schedule for adopting the proposed rule (e.g., Spring 2024):**
Fall 2023
- 9. Agency contact for this proposed rulemaking:**
Agency: NYC DOHMH
Bureau or Division: Environmental Surveillance and Policy
Contact Person: Jean-Baptiste Rudatsikira
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Email: jrudatsikira@health.nyc.gov

**NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE
FY 2024 REGULATORY AGENDA**

DIVISION: Environmental Health

BUREAU/PROGRAM: Bureau of Environmental Sciences and Engineering

SUBJECT: 24 RCNY Chapter 7 - 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 to update certain penalties for certain Department rule violations.
- 2. State the reason(s) why action by the agency is being considered:**
To provide consistency in civil penalties for violations cited by the Health Department.
- 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:**
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:**
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 2024):**
Spring 2024
- 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 2024 REGULATORY AGENDA**

DIVISION: Environmental Health

BUREAU/PROGRAM: Bureau of Environmental Disease and Injury Prevention

SUBJECT: 24 RCNY Chapter 12 - 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:**
NYC Charter, Sections 556 and 1043
NYC Administrative Code, Section 17-123
NYC Administrative Code, Section 2043.1 of Title 27, Chapter 2 (Housing Maintenance Code)
NYC Health Code, Section 131.15
- 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 2024):**
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
Telephone: 646-632-6086
Email: afaciano@health.nyc.gov