

## New York City Department of Consumer and Worker Protection

### **Notice of Public Hearing and Opportunity to Comment on Proposed Rules**

**What are we proposing?** The Department of Consumer and Worker Protection (“DCWP” or “the Department”) is proposing to amend its rules relating to recommended decisions issued by the Office of Administrative Trials and Hearings (“OATH”) in response to changes made to the New York State Public Health Law by a recently enacted New York State law.

**When and where is the hearing?** DCWP will hold a public hearing on the proposed rule. The public hearing will take place at 11:00 AM on April 23, 2026. The public hearing will be accessible by phone and videoconference.

- To participate in the public hearing via phone, please dial +1 646-893-7101
  - Phone Conference ID: 256 362 383#
- To participate in the public hearing via videoconference, please follow the online link:
  - Meeting Link: <https://tinyurl.com/mt5wwwpu>
  - Meeting ID: 216 924 954 717 55
  - Passcode: yj63W2pp

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to DCWP through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to [Rulecomments@dcwp.nyc.gov](mailto:Rulecomments@dcwp.nyc.gov).
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by email at [Rulecomments@dcwp.nyc.gov](mailto:Rulecomments@dcwp.nyc.gov). You can also sign up on the phone or videoconference before the hearing begins at 11:00 AM on April 23, 2026. You can speak for up to three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

**Is there a deadline to submit comments?** Yes. You must submit any comments to the proposed rule on or before **April 23, 2026**

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the comment deadline, all comments received by DCWP on the proposed rule will be made available to the public online at <http://www1.nyc.gov/site/dca/about/public-hearings-comments.page>.

**What if I need assistance to participate in the hearing?** You must tell DCWP’s External Affairs division if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You may tell us by email at [Rulecomments@dcwp.nyc.gov](mailto:Rulecomments@dcwp.nyc.gov).

Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by **April 16, 2026**

**What authorizes DCWP to make this rule?** Sections 1043,2203(f), and (h)(1) of the New York City Charter, and section 20-104(b)(1) of the New York City Administrative Code authorize DCWP to make these proposed rules.

**Where can I find DCWP's rules?** The Department's rules are in title 6 of the Rules of the City of New York.

**What laws govern the rulemaking process?** DCWP must meet the requirements of section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of section 1043 of the City Charter.

### **Statement of Basis and Purpose of Proposed Rule**

The Department of Consumer and Worker Protection ("DCWP" or "the Department") is proposing to modify section 6-02 of title 6 of the Rules of the City of New York to allow the Office of Administrative Trials and Hearings ("OATH") to issue final decisions for violations of article 13-F of the New York State Public Health Law.

On November 21, 2025, New York State bill number S05624 was signed into law. The legislation amends the definition of enforcement officer in New York City for the purposes of enforcing article 13-F requirements for the sale of tobacco products, herbal cigarettes and smoking paraphernalia. Specifically, the law adds OATH as an enforcement officer for purposes of section 1399-ee of the New York State Public Health Law.

This proposed rule amendment would clarify that violations of article 13-F of the Public Health Law would no longer be treated as recommended decisions by OATH and instead result in final decisions. This change would streamline the adjudication process so that final decisions are rendered by OATH, allowing businesses to receive one decision and simplifying the manner in which penalties are resolved.

Sections 1043,2203(f), and (h)(1) of the New York City Charter, and section 20-104(b)(1) of the New York City Administrative Code authorize the Department to make these proposed rules.

New material is underlined.

[Deleted material is in brackets.]

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of the Department, unless otherwise specified or unless the context clearly indicates otherwise.

### **Proposed Rule Amendments**

Section 1. Subdivision (a) of section 6-02 of title 6 of the Rules of the City of New York is amended to read as follows:

- (a) OATH shall issue a recommended decision in the following cases:

(1) all proceedings heard by the adjudicatory body authorized to conduct trials at OATH pursuant to 48 RCNY Chapter 1; and

(2) all violations of the following statutes and of rules or regulations promulgated pursuant to such statutes: [Article 13-F of the New York State Public Health Law;] Article 11 of the New York State General Business Law; Article 5 of the New York State General Business Law; and Sections 192, 192-a, 192-b, and 192-c of Article 16 of the New York State Agriculture and Markets Law.

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

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

**RULE TITLE:** Amendment of Rules Relating to Adjudicatory Proceedings

**REFERENCE NUMBER:** 2026 RG 016

**RULEMAKING AGENCY:** Department of Consumer and Worker Protection

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  
Senior Counsel

Date: March 5, 2026

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

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

**RULE TITLE:** Amendment of Rules Relating to Adjudicatory Proceedings

**REFERENCE NUMBER:** DCWP-71

**RULEMAKING AGENCY:** Department of Consumer and Worker Protection

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/ Francisco X. Navarro  
Mayor's Office of Operations

March 6, 2026  
Date