Legislation Details (With Text)

File #:	Res 0535-2015	**Version:**	*	**Name:**	Amending the General Business Law to authorize the NYC DOHMH to enforce State health and safety regulations against appearance enhancement establishments and to allow the Dept to create a letter grading system for these establishments.
Type:	Resolution			**Status:**	Filed (End of Session)
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On agenda:	1/7/2015				
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Title: Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation amending the General Business Law to authorize the New York City Department of Health and Mental Hygiene to enforce State health and safety regulations against appearance enhancement establishments and to allow the Department to create a letter grading system for these establishments.

Sponsors:

Indexes:

Attachments: 1. Committee Report 5/1/15, 2. Hearing Testimony 5/1/15, 3. Hearing Transcript 5/1/15

Date	Ver.	Action By	Action	Result
1/7/2015	*	City Council	Introduced by Council	
1/7/2015	*	City Council	Referred to Comm by Council	
5/1/2015	*	Committee on Health	Hearing Held by Committee	
5/1/2015	*	Committee on Health	Laid Over by Committee	
5/1/2015	*	Committee on Consumer Affairs	Hearing Held by Committee	
5/1/2015	*	Committee on Consumer Affairs	Laid Over by Committee	
12/31/2017	*	City Council	Filed (End of Session)	

Res. No. 535

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation amending the General Business Law to authorize the New York City Department of Health and Mental Hygiene to enforce State health and safety regulations against appearance enhancement establishments and to allow the Department to create a letter grading system for these establishments.

By Council Members Espinal, Constantinides, Cohen, Lancman, Levine, Torres, Greenfield, Gibson, Rosenthal, King and Palma (by request of Bronx Borough President)

Whereas, New York State law authorizes the licensure of persons engaged in the practice of appearance enhancement which includes nail specialty, waxing, natural hair styling, esthetics and cosmetology as defined in the State General Business law; and

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Whereas, The Secretary of State has promulgated rules for appearance enhancement businesses related to owner responsibility, hygienic practices, sanitary dress, sanitary facilities, and safety training; and

Whereas, According to the U.S. Bureau of Statistics, appearance enhancement is a high growth industry and New York State is home to the second largest number of appearance enhancement workers in the United States; and

Whereas, There are growing health and safety concerns in the appearance enhancement industry, in particular, with respect to the toxic chemicals used in many beauty products and the danger of infections to costumers from insufficient sanitary practices; and

Whereas, The most recent concern comes from an advisory from the Occupational Safety and Health Administration warning of dangerously high levels of formaldehyde in many hair smoothing treatments; and

Whereas, There are also concerns about exposures to the "toxic trio" (formaldehyde, dibutyl phthalate, and toluene) commonly found in many nail products; and

Whereas, These health concerns apply to both consumers and workers, particularly to pregnant women, as toluene has been linked to birth defects and was banned by the European Union; and

Whereas, Concerns of infection resulting from manicures and pedicures have been raised by medical and health professionals, including the potential for serious fungal, viral and bacterial infections, such as MRSA and Hepatitis, if proper hygienic precautions are not taken; and

Whereas, The New York Department of State's brochure, "Consumer Guide To Beauty Salons and Spas," acknowledges the dangers from toxic chemicals and infection; and

Whereas, According to the 2012 New York State Appearance Enhancement Advisory Meeting Summary, 11.5% of the State's appearance enhancement establishments inspected over the previous four years received violations and of these, 56% were referred for discipline for serious violations; and

Whereas, It is not clear that the State Department has a sufficient number of inspectors to address the thousands of hair and nail salons across the state; and

Whereas, Authorizing the New York City Department of Health and Mental Hygiene to enforce State regulations against appearance enhancement establishments would increase inspection and enforcement at the local level; and

Whereas, Empowering the New York City Department of Health and Mental Hygiene to create a letter grading system for appearance enhancement establishments would help to educate otherwise unwitting consumers to make more deliberative and informed decisions; and

Whereas, The City of New York is not responsible for inspecting businesses engaged in the practice of appearance enhancement for purposes of health and safety because the authority lies solely with the State; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation amending the General Business Law to authorize the New York City Department of Health and Mental Hygiene to enforce State health and safety regulations against appearance enhancement establishments and to allow the Department to create a letter grading system for these establishments.

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Date 11/14/14
Time 3:12pm
Initials I.M.