

Executive Order No. 17 Local Government Mandate Evaluation Impact on Local Government and Property Taxpayers

Submitting Agency: OCFS

NYCRR Citation: Title 18 of the New York State Code of Rules & Regulations Parts 416, 417, and Sub-parts 418-1, 418-2

Description of the Regulation:

On June 13, 2019, Governor Andrew M. Cuomo signed legislation removing non-medical exemptions from school vaccination requirements for children. As of that date, there is no longer a religious exemption to the requirement that children be vaccinated against measles and other diseases to attend public, private or parochial schools (in grades pre-kindergarten through 12), or child day care settings.

The Office of Children and Family Services (the Office) must change New York State Child Care Regulations to achieve compliance and consistency with the changes in Section 2164 of the New York State Public Health Law. In order to comply, and in order to protect the health, safety and general welfare of children in care, the Office must adopt emergency regulations removing from regulation the existing religious exemption from immunization requirements as currently provided for children in licensed and registered child care programs. OCFS is making revisions to current regulation regarding medical exemptions to vaccination in order to be consistent with Public Health Law. OCFS is also simultaneously proceeding with a notice of revised rulemaking to Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) sections 416.11, 417.11, 418-1.11 and 418-2.11.

Statutory Authority for the Regulation:

42 USC 9858 *et seq*; Social Services Law 20(3)(d), 390(2)(d)

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1. Does the regulation impose a mandate on a county, city, town, village, school district or special district that requires such entity to:

a. provide or undertake any program, project or activity;

Yes

No

b. increase spending for an existing program, project or activity (even if such program, project or activity is voluntarily undertaken by a local government unit);

Yes

No

c. grant any new property tax exemption, or broaden the eligibility or increase the value of any existing property tax exemption; or

Yes

No

d. carry out a legal requirement that would likely have the effect of raising property taxes.

Yes

No

If the answer to all questions above are “no,” ensuring the regulation will not result in a mandate on local governments and property taxpayers, an accounting and the approval of the Office for Taxpayer Accountability are not required. If the answer to any question above is “yes,” and the regulation may have a fiscal impact on local governments and property taxpayers, please proceed to items 2 – 3.

2. Is the mandate required by federal law or regulation or state law?

Yes

No

a. If yes, please cite the specific provision in the statute or federal regulation.
Public Health Law Section 2164

b. If yes, please describe any elements of the regulation not specifically mandated by the statute or regulation.
None.

3. If any portion of the mandate is not required by federal or state law, please attach to this checklist an accounting for such portion containing:*

a. a description of the mandate in the regulation;

b. an accounting of the impacts of such mandate that includes the following:

(i) A fiscal impact statement

(ii) A cost-benefit analysis, which includes:

(x) a specific delineation of the costs and benefits to local governments and property taxpayers; and

(y) a quantification of the impact on local government revenue and expenditures, where such impact is quantifiable based on available information (please consult with the Governor's Office of Regulatory Reform if further guidance is needed)

c. a description of input sought and received from affected local governments;

d. a description of the proposed revenue sources to fund such mandate; and

e. an explanation as to why this regulation should be advanced with a mandate.

*Note: The "Regulatory and Flexibility Analysis for Small Businesses and Local Governments" may be attached so long as the items set forth in 3 above are fully accounted for in the analysis.