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Mask Mandate Updated; 30-day Proposed Budget Amendments Up Next

The third week of joint legislative hearings on the Governor's proposed budget wrapped up this week against the backdrop of changes to the statewide mask mandate and declining numbers of COVID positive tests. Hearings will conclude next week as the Governor prepares any 30-day amendments to her proposal, which are also due next week. Following the release of those, the legislature will begin work in earnest to craft their one-house proposals, which are expected in early to mid-March.

Mask Mandate Announcement: On February 9, 2022, Governor Hochul announced that effective February 10, 2022, the statewide indoor business mask-or-vaccine requirement is lifted, however masks are still required in hospitals, nursing homes, shelters, transportation, and other related entities. The Governor also advised that the mask *requirements for schools* will continue and be reevaluated in early March. Importantly, the Governor noted that businesses, local governments and counties, continue to have the option to establish their own masking requirements.

On January 31, 2022, the state Health Commissioner had [issued a Determination](#) on indoor masking pursuant to 10 NYCRR 2.60 that supported the widespread use of face masking/covering requirements in most settings. That Determination expired on February 10, and it is anticipated an updated Determination will be issued in the short term to reflect the Governor's announcement.

HERO Act: On September 6, 2021, pursuant to Labor Law §218-b and the associated regulations at 12 NYCRR 840.1, the Commissioner of Health designated COVID-19 as a highly contagious communicable disease that presents a serious risk of harm to the public health in New York State. The Commissioner's designation triggered the requirement that Employers adopt a model safety plan as crafted by the NYS Department of Labor or develop their own plan in compliance with HERO Act standards. ([This link contains the NYS DOL Model Airborne Infectious Disease Exposure Prevention Plans for various industries](#)).

Of note, the [Commissioner's designation](#) that triggered the HERO Act is due to expire on February 15, 2022, at which point the Commissioner will review the transmission level of COVID-19 in New York State to determine whether to continue the designation (and thusly, the requirements of the HERO Act).



Legislative News

Legislative Activity

The Legislature will be in session on the 14th, 15th, 16th, 17th next week (the 2022 *Legislative Calendar* can be accessed [here](#)). There were 72 bills passed this week. Of particular note was:

~ [A7700 \(Hunter\) / S6667 \(Breslin\)](#) Reduces the minimum nonforfeiture interest rate for annuities from one percent to one half of one percent for annuities during the surrender charge period, and from one percent to fifteen hundredths of one percent during any contract period with no surrender charge. This bill passed the Senate and heads to the Assembly for consideration.

Upcoming Budget Hearings

The Legislature will be conducting the following budget hearings:

- ~February 14th, Mental Hygiene
- ~February 15th, Transportation
- ~February 16th, Economic Development / Taxes

Details [here](#).

From the Governor

Adirondack Park Agency Appointment Announced

Governor Kathy Hochul [announced](#) that at the February 2022 Board meeting of the Adirondack Park Agency, the Board appointed the Governor's recommendation of Barbara Rice to serve as Executive Director. Rice will replace Terry Martino who will retire from the Agency after more than twelve years of dedicated service.

Prior to her appointment, Rice had served as an APA Board Member from 2016 through 2018, and most recently served in Governor Hochul's Executive Chamber as Assistant Secretary for Economic Development.

Executive Orders

Governor Hochul did not issue any new COVID related EOs this week.

State Agencies

From the New York Office of the NYS Attorney General

AG Warns New Yorkers of Deceptive Online Sports Betting Companies Ahead of Super Bowl

New York Attorney General Letitia James [issued a consumer](#) alert urging New Yorkers to be aware of deceptive online sports betting companies this Super Bowl, which one of the first major sports event that New Yorkers can bet online. Since online sports gambling platforms went live in New York last month, New Yorkers have been bombarded with misleading ads on social media and streaming sites that claim “risk-free” bets and “\$1,000 welcome offers,” which sound like free money, but often come with strings attached without consumers’ awareness.

From the New York Office of the NYS Comptroller

Local Sales Tax Collections Up 19% in 2021

Local government sales tax collections totaling \$19.6 billion increased by 19.1%, or \$3.1 billion, in 2021 compared to the prior year, [according to a report](#) released this week by New York State Comptroller Thomas P. DiNapoli. He noted this is the highest annual increase on record after a historic low in 2020 when local sales tax collections declined by 10%. Annual growth in 2019 was 4.7%.

From the New York Office of Cannabis Management

OCM Announces Potential Enforcement Actions

The Office of Cannabis Management (OCM) sent out [letters](#) this week ordering businesses suspected of illegally selling cannabis, including the practice of “gifting,” to “cease and desist.” According to the February 8 OCM [announcement](#), the letters told potential violators that continuing operations would put their ability to obtain a license in the legal market at risk and may also subject them to substantial fines and possible criminal penalties.

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