

STATE OF NEW YORK

9952

IN ASSEMBLY

April 19, 2022

Introduced by M. of A. OTIS -- read once and referred to the Committee on Science and Technology

AN ACT to amend the state technology law, in relation to enacting the "critical infrastructure standards and procedures act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The state technology law is amended by adding a new article 4 to read as follows:

ARTICLE 4

CRITICAL INFRASTRUCTURE STANDARDS AND PROCEDURES ACT

Section 401. Short title.

402. Definitions.

403. Compliance with cybersecurity standards for critical infrastructure.

404. Procurement, construction, reconstruction, alteration, design and commissioning of critical infrastructure or automation control systems or automation control system components.

405. Operations and maintenance of critical infrastructure.

§ 401. Short title. This article shall be known and may be cited as the "critical infrastructure standards and procedures (CRISP) act".

§ 402. Definitions. The following terms shall have the following meanings:

1. Critical infrastructure shall include, but shall not be limited to:

(a) public transportation;

(b) water and wastewater treatment facilities;

(c) public utilities and services subject to the jurisdiction, supervision, powers and duties of the public service commission and the department of public service;

(d) public buildings, including those operated by the state university of New York;

(e) hospitals and public health facilities regulated pursuant to article twenty-eight of the public health law;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 (f) facilities created or existing under the public authorities law;
2 and

3 (g) financial services organizations regulated under the financial
4 services law.

5 2. Automation and control system shall include personnel, hardware,
6 software and policies involved in the operation of the critical infras-
7 tructure that may affect or influence its safe, secure and reliable
8 operation.

9 3. Automation and control system components shall mean control systems
10 and any complementary hardware and software components that have been
11 installed and configured to operate in an automation and control system.
12 Such systems shall include, but shall not be limited to:

13 (a) control systems, whether physically separate or integrated,
14 including distributed control systems, programmable logic controllers,
15 remote terminal units, intelligent electronic devices, supervisory
16 control and data acquisition, networked electronic sensing and control,
17 and monitoring and diagnostic systems;

18 (b) associated information systems, such as advanced or multivariable
19 control, online optimizers, dedicated equipment monitors, graphical
20 interfaces, process historians, manufacturing execution systems and
21 plant information management systems;

22 (c) associated internal, human, network, or machine interfaces used to
23 provide control, safety, and manufacturing operations functionality to
24 continuous, batch, discrete; and

25 (d) other processes as defined by the international society of auto-
26 mation including the ISA/IEC 62443 series of standards, as referenced by
27 the national institute of standards and technology (NIST).

28 4. Asset owner shall mean the public or private owner or entity
29 accountable and responsible for operation of the critical infrastructure
30 and for the automation and control system. The asset owner shall be the
31 operator of the automation and control system and of such equipment
32 under control.

33 5. Operational technology shall mean the hardware and software that
34 detects or causes a change in the critical infrastructure through the
35 direct monitoring or control of physical devices, systems, processes and
36 events.

37 § 403. Compliance with cybersecurity standards for critical infras-
38 tructure. The office, in consultation with the department of homeland
39 security and emergency services and the superintendent of financial
40 services shall make a determination of critical infrastructure, includ-
41 ing whose assets, systems, and networks, whether physical or virtual,
42 are considered vital and vulnerable to cybersecurity attacks.

43 § 404. Procurement, construction, reconstruction, alteration, design
44 and commissioning of critical infrastructure or automation control
45 systems or automation control system components. On or after July first,
46 two thousand twenty-six, the asset owner, when procuring automation and
47 control system components, as defined in subdivision three of section
48 four hundred two of this article, services or solutions, or when
49 contracting for facility upgrades or the construction of critical
50 infrastructure facilities, shall require such components, services, and
51 solutions to conform to the ISA/IEC 62443 series of standards as refer-
52 enced by NIST for defining measures to assure conformance. All contracts
53 awarded for construction, reconstruction, alteration, design and commis-
54 sioning of facilities identified as critical infrastructure under this
55 article shall provide that such installed automation and control compo-

1 nents meet the minimum standards for cybersecurity as defined by the
2 ISA/IEC 62443 series of standards as referenced by NIST.

3 § 405. Operations and maintenance of critical infrastructure. On or
4 after July first, two thousand twenty-four, the asset owner shall be
5 responsible for ensuring that the operation and maintenance of opera-
6 tional technology, including critical infrastructure, automation control
7 systems and automation control system components conform with the
8 ISA/IEC 62443 series of standards as referenced by NIST, including annu-
9 al risk assessments and shall create a mitigation plan.

10 § 2. This act shall take effect on the one hundred eightieth day after
11 it shall have become a law. Effective immediately, the office, the
12 commissioner of homeland security and emergency services and the super-
13 intendent of financial services may promulgate rules and regulations and
14 take other actions reasonably necessary to implement this act on that
15 date.