

STATE OF NEW YORK

4717

2025-2026 Regular Sessions

IN SENATE

February 12, 2025

Introduced by Sen. FAHY -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts

AN ACT to amend the state finance law and the public authorities law, in relation to the purchase of personal protective equipment and medical supplies produced or manufactured in the state of New York

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

1 Section 1. Subdivisions 1 and 3 of section 148 of the state finance
2 law, as added by section 2 of part BB of chapter 55 of the laws of 2021,
3 are amended to read as follows:

4 1. Notwithstanding any other provisions of law, all contracts over
5 fifty thousand dollars in value made and awarded by any department or
6 agency of the state for the purchase of personal protective equipment or
7 medical supplies shall require that the personal protective equipment or
8 medical supply items be produced or made in whole or substantial part in
9 the [~~United States~~] state of New York; and shall utilize, to the extent
10 practicable, preferred sources in accordance with section one hundred
11 sixty-two of the state finance law, for at least thirty percent of such
12 personal protective equipment or medical supply items.

13 3. The provisions of this section shall not apply if the head of the
14 department or agency purchasing the personal protective equipment or
15 medical supplies, in [~~his or her~~] the head's sole discretion, determines
16 that such provisions would not be in the public interest; that obtaining
17 such personal protective equipment or medical supplies produced or made
18 in the state of New York or in the United States would increase the cost
19 of the contract by an unreasonable amount; that such personal protective
20 equipment or medical supplies cannot be produced or made in the state of
21 New York or in the United States in sufficient and reasonably available
22 quantities and of satisfactory quality or design to meet the depart-
23 ment's or agency's requirements; or that purchasing personal protective
24 equipment or medical supplies manufactured outside of the state of New

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

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1 York or outside of the United States is necessary to avoid a delay in
2 the delivery of critical services that could compromise the public
3 welfare. In the event a New York state source or a preferred source is
4 not able to supply personal protective equipment or medical supply
5 items, any other personal protective equipment or medical supply items
6 produced or made in whole or substantial part in the United States may
7 be utilized to satisfy the requirements of this subdivision.

8 § 2. Subdivisions 1 and 3 of section 2878-c of the public authorities
9 law, as added by section 3 of part BB of chapter 55 of the laws of 2021,
10 are amended to read as follows:

11 1. Notwithstanding any other provisions of law, all contracts over
12 fifty thousand dollars in value made and awarded by any state authority
13 for the purchase of personal protective equipment or medical supplies
14 shall require that the personal protective equipment or medical supply
15 items be produced or made in whole or substantial part in the [~~United~~
16 ~~States~~] state of New York; and shall utilize, to the extent practicable,
17 preferred sources in accordance with section one hundred sixty-two of
18 the state finance law, for at least thirty percent of such personal
19 protective equipment or medical supply items.

20 3. The provisions of this section shall not apply if the head of the
21 state authority purchasing the personal protective equipment or medical
22 supplies, in [~~his or her~~] the head's sole discretion, determines that
23 such provisions would not be in the public interest; that obtaining such
24 personal protective equipment or medical supplies in the state of New
25 York or outside of the United States would increase the cost of the
26 contract by an unreasonable amount; that such personal protective equip-
27 ment or medical supplies cannot be produced or made in the state of New
28 York or in the United States in sufficient and reasonably available
29 quantities and of satisfactory quality or design to meet the state
30 authority's requirements; or that purchasing personal protective equip-
31 ment or medical supplies manufactured outside of the state of New York
32 or outside of the United States is necessary to avoid a delay in the
33 delivery of critical services that could compromise the public welfare.
34 In the event a New York state source or a preferred source is not able
35 to supply personal protective equipment or medical supply items, any
36 other personal protective equipment or medical supply items produced or
37 made in whole or substantial part in the United States may be utilized
38 to satisfy the requirements of this subdivision.

39 § 3. This act shall take effect on the sixtieth day after it shall
40 have become a law and shall apply to any state contracting opportunities
41 advertised on or after such date and shall exclude contracts for which
42 an invitation for bid, request for proposal, or similar solicitation has
43 been issued prior to this proposal becoming effective.