

304

2011-2012 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 5, 2011

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Introduced by M. of A. LANCMAN -- read once and referred to the Committee on Health

AN ACT to amend the labor law and the public health law, in relation to enacting the "H1N1 in the workplace prevention act"

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "H1N1 in the workplace prevention act."

3     S 2. The labor law is amended by adding a new section 202-1 to read as  
4     follows:

5     S 202-L.     POSTING OF H1N1 INFLUENZA RELATED INFORMATION. 1. FOR THE  
6     PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING  
7     MEANINGS:

8     (A) "EMPLOYEE" MEANS A PERSON WHO PERFORMS SERVICES FOR HIRE FOR AN  
9     EMPLOYER, FOR AN AVERAGE OF TEN OR MORE HOURS PER WEEK, AND INCLUDES ALL  
10    INDIVIDUALS EMPLOYED AT ANY SITE OWNED OR OPERATED BY AN EMPLOYER BUT  
11    SHALL NOT INCLUDE AN INDEPENDENT CONTRACTOR.

12    (B) "EMPLOYER" MEANS A PERSON OR ENTITY THAT EMPLOYS TEN OR MORE  
13    EMPLOYEES AT AT LEAST ONE SITE AND INCLUDES AN INDIVIDUAL, CORPORATION,  
14    PARTNERSHIP, ASSOCIATION, NONPROFIT ORGANIZATION, GROUP OF PERSONS,  
15    COUNTY, TOWN, CITY, SCHOOL DISTRICT, PUBLIC AUTHORITY OR OTHER GOVERN-  
16    MENTAL SUBDIVISION OF ANY KIND.

17    2. EVERY EMPLOYER SHALL POST A SIGN APPROVED BY THE DEPARTMENT OF  
18    HEALTH IN EVERY WORKPLACE AT THE LOCATION OR LOCATIONS WHERE NOTICES TO  
19    EMPLOYEES ARE NORMALLY POSTED, TO INFORM EMPLOYEES OF SAFE WORKPLACE  
20    PRACTICES FOR THE PREVENTION OF THE H1N1 OR OTHER INFLUENZA VIRUS IN  
21    SUCH WORKPLACE.

22    S 3. Subdivision 1 of section 206 of the public health law is amended  
23    by adding a new paragraph (t) to read as follows:

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

LBD01360-01-1

1 (T) BY RULE AND REGULATION, ESTABLISH STANDARDS NECESSARY AND APPRO-  
2 PRIATE FOR THE IMPLEMENTATION OF SUBDIVISION TWO OF SECTION TWO HUNDRED  
3 TWO-L OF THE LABOR LAW.  
4 S 4. This act shall take effect immediately.