S T A T E O F N E W Y O R K

6518

I N S E N A T E

February 21, 2012

Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the state finance law, in relation to products manufactured under conditions that fail to comply with minimum OSHA standards

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

Section 1. Section 165 of the state finance law is amended by adding a new subdivision 9 to read as follows:

9. PRODUCTS MANUFACTURED IN COMPLIANCE WITH MINIMUM OCCUPATIONAL SAFETY AND HEALTH ACT (OSHA) STANDARDS.

A. AS USED IN THIS SUBDIVISION, "MINIMUM OSHA STANDARDS" SHALL MEAN THOSE STANDARDS ISSUED PURSUANT TO THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED.

B. THE COMMISSIONER OF GENERAL SERVICES SHALL HAVE THE POWER AND IT SHALL BE HIS OR HER DUTY TO PREPARE A LIST OF ALL PRODUCTS THAT ARE MANUFACTURED UNDER CONDITIONS THAT FAIL TO OBSERVE: (I) STANDARDS PROMULGATED UNDER OSHA; OR (II) STANDARDS THAT ARE AT LEAST AS EFFECTIVE AS THE STANDARDS PROMULGATED UNDER OSHA, WHICH RELATE TO THE SAME ISSUES THEREUNDER, WHERE SUCH A MANUFACTURING OPERATION OCCURS IN A JURISDICTION NOT OTHERWISE REQUIRED TO COMPLY WITH SUCH STANDARDS, INCLUDING ANY OPERATION WHICH TAKES PLACE IN ANY OTHER COUNTRY, NATION OR PROVINCE. THE COMMISSIONER OF GENERAL SERVICES SHALL PREPARE A COMPANION LIST OF THE MANUFACTURERS OF SUCH PRODUCTS. THE COMMISSIONER OF GENERAL SERVICES SHALL ADD OR DELETE FROM SAID LISTS ANY PRODUCT OR MANUFACTURER UPON GOOD CAUSE SHOWN. THE COMMISSIONER OF GENERAL SERVICES SHALL CAUSE SUCH LISTS TO BE PUBLISHED ON THE WEBSITE OF THE OFFICE OF GENERAL SERVICES.

C. A STATE AGENCY SHALL NOT ENTER INTO ANY CONTRACT FOR PROCUREMENT OF A (I) PRODUCT CONTAINED ON THE LIST PREPARED BY THE COMMISSIONER OF GENERAL SERVICES PURSUANT TO PARAGRAPH B OF THIS SUBDIVISION; OR (II) PRODUCT MANUFACTURER BY A MANUFACTURER CONTAINED ON THE LIST PREPARED BY THE COMMISSIONER OF GENERAL SERVICES PURSUANT TO PARAGRAPH B OF THIS SUBDIVISION. THE PROVISIONS OF THIS PARAGRAPH MAY BE WAIVED BY THE HEAD OF THE STATE AGENCY IF THE HEAD OF THE STATE AGENCY DETERMINES IN WRITING THAT IT IS IN THE BEST INTERESTS OF THE STATE TO DO SO. THE HEAD OF

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

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THE STATE AGENCY SHALL DELIVER EACH SUCH WAIVER TO THE COMMISSIONER OF GENERAL SERVICES.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.