

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:

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

3 9. PRODUCTS MANUFACTURED IN COMPLIANCE WITH MINIMUM OCCUPATIONAL SAFE-
4 TY AND HEALTH ACT (OSHA) STANDARDS.

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

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

21 C. A STATE AGENCY SHALL NOT ENTER INTO ANY CONTRACT FOR PROCUREMENT OF
22 A (I) PRODUCT CONTAINED ON THE LIST PREPARED BY THE COMMISSIONER OF
23 GENERAL SERVICES PURSUANT TO PARAGRAPH B OF THIS SUBDIVISION; OR (II)
24 PRODUCT MANUFACTURER BY A MANUFACTURER CONTAINED ON THE LIST PREPARED BY
25 THE COMMISSIONER OF GENERAL SERVICES PURSUANT TO PARAGRAPH B OF THIS
26 SUBDIVISION. THE PROVISIONS OF THIS PARAGRAPH MAY BE WAIVED BY THE HEAD
27 OF THE STATE AGENCY IF THE HEAD OF THE STATE AGENCY DETERMINES IN WRIT-
28 ING 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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1 THE STATE AGENCY SHALL DELIVER EACH SUCH WAIVER TO THE COMMISSIONER OF
2 GENERAL SERVICES.
3 S 2. This act shall take effect on the ninetieth day after it shall
4 have become a law.