

800

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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Introduced by M. of A. WEPRIN -- read once and referred to the Committee  
on Governmental Operations

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

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

LBD03931-01-3

1 THE COMMISSIONER OF GENERAL SERVICES PURSUANT TO PARAGRAPH B OF THIS  
2 SUBDIVISION. THE PROVISIONS OF THIS PARAGRAPH MAY BE WAIVED BY THE HEAD  
3 OF THE STATE AGENCY IF THE HEAD OF THE STATE AGENCY DETERMINES IN WRIT-  
4 ING THAT IT IS IN THE BEST INTERESTS OF THE STATE TO DO SO. THE HEAD OF  
5 THE STATE AGENCY SHALL DELIVER EACH SUCH WAIVER TO THE COMMISSIONER OF  
6 GENERAL SERVICES.

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