



1 S 375-A. NOTICE CONCERNING OUTSOURCING OF JOBS. 1. FOR PURPOSES OF  
2 THIS SECTION:

3 A. "OUTSOURCING JOBS" MEANS TO RELOCATE OR MOVE EMPLOYMENT, JOBS, OR  
4 POSITIONS FROM THE STATE OF NEW YORK OR THE UNITED STATES OR ITS TERRI-  
5 TORIES TO AN OUTSIDE LOCALITY.

6 B. "MANUFACTURER" MEANS A PERSON, FIRM OR CORPORATION ENGAGED IN  
7 MAKING, CONVERTING, PROCESSING, ALTERING, REPAIRING, FINISHING OR  
8 PREPARING ANY CONSUMER PRODUCT FOR SALE TO A CONSUMER.

9 C. "IMPORTER" MEANS A PERSON, FIRM OR CORPORATION ENGAGED IN THE  
10 DISTRIBUTION OF ANY CONSUMER PRODUCT FOR SALE OR LEASE TO A CONSUMER IN  
11 THIS STATE.

12 D. "MERCHANT" MEANS A PERSON, FIRM OR CORPORATION ENGAGED IN THE SALE,  
13 DISPLAY OR OFFERING FOR SALE OF CONSUMER PRODUCTS OR MERCHANDISE AT  
14 RETAIL TO A CONSUMER.

15 2. ANY MERCHANT, MANUFACTURER, FIRM, CORPORATION, ASSOCIATION OR AGENT  
16 OR EMPLOYEE THEREOF LICENSED TO DO BUSINESS WITHIN THIS STATE WHICH IS  
17 INVOLVED IN THE PRACTICE OF OUTSOURCING JOBS OR SERVICES TO FOREIGN  
18 LOCATIONS SHALL DISCLOSE SUCH OUTSOURCING TO ANY CONSUMER DOING BUSINESS  
19 WITH SUCH ENTITY. SUCH SERVICES SHALL INCLUDE PROFESSIONAL AND CONSUMER  
20 SERVICES, INCLUDING BUT NOT LIMITED TO, HEALTH, ACCOUNTING, BANKING,  
21 MORTGAGE, AND INCOME TAX PREPARATION.

22 3. SUCH MERCHANTS, MANUFACTURERS, FIRMS, CORPORATIONS, ASSOCIATIONS OR  
23 AGENTS OR EMPLOYEES THEREOF SHALL CONSPICUOUSLY POST THE DISCLOSURE  
24 REQUIRED BY SUBDIVISION TWO OF THIS SECTION IN THE PLACES OF BUSINESS OF  
25 SUCH ENTITIES AND DISTRIBUTE A WRITTEN DISCLOSURE TO CONSUMERS.

26 4. THE PROVISIONS OF THIS SECTION SHALL NOT BE DEEMED TO ALTER OR  
27 OTHERWISE SUPERSEDE ANY OTHER DISCLOSURE REQUIREMENT IMPOSED BY STATE OR  
28 FEDERAL LAW.

29 5. A VIOLATION OF THIS SECTION SHALL BE DEEMED TO BE BOTH A DECEPTIVE  
30 ACT AND FALSE ADVERTISING AND SHALL BE SUBJECT TO THE PENALTIES OTHER-  
31 WISE PRESCRIBED IN ARTICLE TWENTY-TWO-A OF THIS CHAPTER.

32 S 375-B. RATIFICATION OF CERTAIN AGREEMENTS. AS PROVIDED IN SECTION  
33 THIRTEEN OF THE EXECUTIVE LAW, THE STATE, THROUGH THE GOVERNOR, SHALL  
34 NOT ENTER INTO OR ADOPT OR SUPPORT ANY MULTI-NATIONAL PROCUREMENT AGREE-  
35 MENT OR AGREE TO AMEND OR RENEW ANY EXISTING MULTI-NATIONAL PROCUREMENT  
36 AGREEMENT WITH ANY MULTI-NATIONAL TRADE ORGANIZATION, CORPORATION OR  
37 OTHER BUSINESS ENTITY WITHOUT THE RATIFICATION BY THE LEGISLATURE OF  
38 SUCH AGREEMENT.

39 S 3. The state finance law is amended by adding a new section 148 to  
40 read as follows:

41 S 148. STATE CONTRACTS; OUTSOURCING PROHIBITED. 1. DEFINITIONS. FOR  
42 PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING  
43 MEANINGS:

44 A. "DEVELOPMENTAL ASSISTANCE" (1) SHALL MEAN ANY FORM OF PUBLIC  
45 ASSISTANCE, INCLUDING TAX EXPENDITURES, MADE FOR THE PURPOSE OF STIMU-  
46 LATING ECONOMIC DEVELOPMENT OF A CORPORATION, INDUSTRY, GEOGRAPHIC  
47 JURISDICTION OR ANY OTHER SECTOR OF THE STATE'S ECONOMY, INCLUDING BUT  
48 NOT LIMITED TO INDUSTRIAL DEVELOPMENT BONDS, TRAINING GRANTS, LOANS,  
49 LOAN GUARANTEES, ENTERPRISE ZONES, EMPOWERMENT ZONES, TAX INCREMENT  
50 FINANCING, FEE WAIVERS, LAND PRICE SUBSIDIES, INFRASTRUCTURE WHOSE PRIN-  
51 CIPAL BENEFICIARY IS A SINGLE BUSINESS OR DEFINED GROUP OF BUSINESSES AT  
52 THE TIME IT IS BUILT OR IMPROVED, MATCHING FUNDS, TAX ABATEMENTS, TAX  
53 CREDITS AND TAX DISCOUNTS OF EVERY KIND, INCLUDING CORPORATE FRANCHISE,  
54 PERSONAL INCOME, SALES AND COMPENSATING USE, RAW MATERIALS, REAL PROPER-  
55 TY, JOB CREATION, INDIVIDUAL INVESTMENT, EXCISE, UTILITY, INVENTORY,

1 ACCELERATED DEPRECIATION, AND RESEARCH AND DEVELOPMENT TAX CREDITS AND  
2 DISCOUNTS.

3 (2) SHALL NOT INCLUDE:

4 (I) ASSISTANCE GENERALLY AVAILABLE TO ALL BUSINESSES OR TO A GENERAL  
5 CLASS OF SIMILAR BUSINESSES, SUCH AS A LINE OF BUSINESS, SIZE, LOCATION,  
6 OR SIMILAR GENERAL CRITERIA;

7 (II) REDEVELOPMENT PROPERTY POLLUTED AS DEFINED IN THE ENVIRONMENTAL  
8 CONSERVATION LAW OR PURSUANT TO FEDERAL LAW, RULES, OR REGULATIONS;

9 (III) ASSISTANCE PROVIDED FOR THE SOLE PURPOSE OF RENOVATING OLD OR  
10 DECAYING BUILDING STOCK OR BRINGING SUCH STOCK INTO COMPLIANCE WITH THE  
11 RELEVANT BUILDING AND FIRE CODES, AND ASSISTANCE PROVIDED FOR DESIGNATED  
12 HISTORIC PRESERVATION DISTRICTS, PROVIDED THAT SUCH ASSISTANCE IN EITHER  
13 CASE IS EQUAL TO OR LESS THAN FIFTY PERCENT OF THE TOTAL COST;

14 (IV) ASSISTANCE FOR HOUSING;

15 (V) ASSISTANCE FOR POLLUTION CONTROL OR ABATEMENT;

16 (VI) ASSISTANCE FOR ENERGY CONSERVATION;

17 (VII) TAX REDUCTIONS RESULTING FROM CONFORMITY WITH FEDERAL TAX LAW;

18 (VIII) WORKERS' COMPENSATION AND UNEMPLOYMENT COMPENSATION;

19 (IX) BENEFITS DERIVED FROM REGULATION;

20 (X) ASSISTANCE FOR COLLABORATION BETWEEN AN INSTITUTION OF HIGHER  
21 EDUCATION WITHIN THE STATE AND A BUSINESS;

22 (XI) GENERAL CHANGES IN TAX INCREMENT FINANCING LAW AND OTHER GENERAL  
23 TAX LAW CHANGES OF A PRINCIPALLY TECHNICAL NATURE;

24 (XII) FEDERAL ASSISTANCE UNTIL SUCH ASSISTANCE HAS BEEN REPAID TO AND  
25 REINVESTED BY THE STATE OR A MUNICIPAL AGENCY; AND

26 (XIII) FEDERAL LOAN FUNDS PROVIDED THROUGH THE UNITED STATES DEPART-  
27 MENT OF COMMERCE, ECONOMIC DEVELOPMENT ADMINISTRATION.

28 B. "OUTSOURCING JOBS" MEANS TO RELOCATE OR MOVE EMPLOYMENT, JOBS, OR  
29 POSITIONS FROM THE STATE OF NEW YORK OR THE UNITED STATES OR ITS TERRI-  
30 TORIES TO AN OUTSIDE LOCALITY.

31 2. THE STATE AND ANY GOVERNMENTAL AGENCY OR POLITICAL SUBDIVISION OR  
32 PUBLIC BENEFIT CORPORATION OF THE STATE SHALL NOT ENGAGE IN THE PRACTICE  
33 OF OUTSOURCING JOBS AND SHALL NOT CONTRACT FOR ANY PURPOSE, IN ANY FORM,  
34 WITH ANY ENTITY WHICH ENGAGES IN THE PRACTICE OF OUTSOURCING JOBS WHEN  
35 STATE FUNDS ARE USED FOR SUCH JOBS OR SERVICES.

36 3. A CLAUSE SHALL BE INSERTED IN ALL SPECIFICATIONS OR CONTRACTS HERE-  
37 AFTER MADE OR AWARDED BY THE STATE, OR ANY PUBLIC DEPARTMENT OR OFFICIAL  
38 THEREOF, PROHIBITING ANY CONTRACTOR, TO WHOM ANY CONTRACT SHALL BE LET,  
39 GRANTED OR AWARDED, AS REQUIRED BY LAW, FROM OUTSOURCING JOBS. IF ANY  
40 CONTRACTOR, TO WHOM ANY CONTRACT IS HEREAFTER LET, GRANTED OR AWARDED,  
41 AS REQUIRED BY LAW, BY THE STATE, OR BY ANY PUBLIC DEPARTMENT OR OFFI-  
42 CIAL THEREOF, SHALL OUTSOURCE JOBS AS PROHIBITED BY THIS SECTION, THE  
43 STATE SHALL REVOKE AND ANNUL SUCH CONTRACT, AND THE STATE, PUBLIC  
44 DEPARTMENT OR OFFICER, AS THE CASE MAY BE, SHALL BE RELIEVED AND  
45 DISCHARGED FROM ANY AND ALL LIABILITY AND OBLIGATIONS GROWING OUT OF  
46 SUCH CONTRACT, AND SHALL FORFEIT AND LOSE ALL MONEYS, THERETOFORE EARNED  
47 UNDER SUCH CONTRACT EXCEPT SO MUCH AS MAY BE REQUIRED TO PAY HIS OR HER  
48 EMPLOYEES.

49 4. NO CONTRACTOR THAT RECEIVES DEVELOPMENTAL ASSISTANCE FROM THE STATE  
50 SHALL ENGAGE IN THE PRACTICE OF OUTSOURCING JOBS. IF SUCH CONTRACTOR  
51 ENGAGES IN SUCH PROHIBITED PRACTICE, SUCH CONTRACTOR SHALL RETURN SUCH  
52 ASSISTANCE TO THE STATE. ANY CONTRACTOR THAT VIOLATES THE PROVISIONS OF  
53 THIS SECTION SHALL NOT RECEIVE ANY STATE DEVELOPMENTAL ASSISTANCE FOR A  
54 PERIOD OF FIVE YEARS FROM THE DATE OF THE LATEST VIOLATION OR DETERMI-  
55 NATION OF VIOLATION OF THIS SECTION, WHICHEVER IS LATER.

1 5. ANY BUSINESS ENTITY THAT RECEIVES DEVELOPMENTAL ASSISTANCE FROM THE  
2 STATE SHALL SUBMIT AN ANNUAL REPORT TO THE ATTORNEY GENERAL AND GRANTING  
3 AGENCY STATING THE AMOUNT OF SUCH DEVELOPMENTAL ASSISTANCE RECEIVED, THE  
4 AMOUNT OF EMPLOYMENT BY SUCH BUSINESS ENTITY GAINED OR LOST IN NEW YORK  
5 OVER THE COURSE OF THE YEAR, WHAT SUCH DEVELOPMENTAL ASSISTANCE WENT  
6 TOWARDS, AND ANY OTHER DATA THE ATTORNEY GENERAL MAY REQUIRE. SUCH  
7 REPORT SHALL BE SUBMITTED ON OR BEFORE FEBRUARY FIRST OF EACH YEAR.

8 6. EACH REPORT SHALL BE MADE AVAILABLE TO THE PUBLIC IN AN EASILY  
9 ACCESSIBLE FORMAT, INCLUDING BUT NOT LIMITED TO AN ELECTRONIC VERSION  
10 VIA THE WORLD WIDE WEB.

11 S 4. The general obligations law is amended by adding a new section  
12 5-707 to read as follows:

13 S 5-707. CONSENT TO TRANSMISSION OF PERSONAL INFORMATION. 1. NO CORPO-  
14 RATION OR OTHER BUSINESS ENTITY SHALL SELL, SHARE, TRANSFER OR OTHERWISE  
15 DISCLOSE NONPUBLIC PERSONAL INFORMATION TO OR WITH ANY NONAFFILIATED  
16 THIRD PARTIES WHICH ARE LOCATED OUTSIDE THE UNITED STATES OR ITS TERRI-  
17 TORIES WITHOUT THE PRIOR WRITTEN CONSENT OF THE CONSUMER TO WHOM THE  
18 NONPUBLIC PERSONAL INFORMATION RELATES.

19 2. FOR PURPOSES OF THIS SECTION:

20 A. "NONAFFILIATED THIRD PARTY" MEANS ANY ENTITY THAT IS NOT AN AFFIL-  
21 IATE OF, OR RELATED BY COMMON OWNERSHIP OR AFFILIATED BY CORPORATE  
22 CONTROL WITH, THE FINANCIAL INSTITUTION, BUT DOES NOT INCLUDE A JOINT  
23 EMPLOYEE OF THAT INSTITUTION AND A THIRD PARTY.

24 B. "CONSUMER" MEANS AN INDIVIDUAL RESIDENT OF THIS STATE, OR THAT  
25 INDIVIDUAL'S LEGAL REPRESENTATIVE, WHO OBTAINS OR HAS OBTAINED FROM A  
26 FINANCIAL INSTITUTION A FINANCIAL PRODUCT OR SERVICE TO BE USED PRIMARI-  
27 LY FOR PERSONAL, FAMILY, OR HOUSEHOLD PURPOSES. FOR PURPOSES OF THIS  
28 SECTION, AN INDIVIDUAL RESIDENT OF THIS STATE IS SOMEONE WHOSE LAST  
29 KNOWN MAILING ADDRESS, OTHER THAN AN ARMED FORCES POST OFFICE OR FLEET  
30 POST OFFICE ADDRESS, AS SHOWN IN THE RECORDS OF THE FINANCIAL INSTITU-  
31 TION, IS LOCATED IN THIS STATE. FOR PURPOSES OF THIS SECTION, AN INDI-  
32 VIDUAL IS NOT A CONSUMER OF A FINANCIAL INSTITUTION SOLELY BECAUSE HE OR  
33 SHE IS (I) A PARTICIPANT OR BENEFICIARY OF AN EMPLOYEE BENEFIT PLAN THAT  
34 A FINANCIAL INSTITUTION ADMINISTERS OR SPONSORS, OR FOR WHICH THE FINAN-  
35 CIAL INSTITUTION ACTS AS A TRUSTEE, INSURER OR FIDUCIARY, (II) COVERED  
36 UNDER A GROUP OR BLANKET INSURANCE POLICY OR GROUP ANNUITY CONTRACT  
37 ISSUED BY THE FINANCIAL INSTITUTION, (III) A BENEFICIARY IN A WORKERS'  
38 COMPENSATION PLAN, (IV) A BENEFICIARY OF A TRUST FOR WHICH THE FINANCIAL  
39 INSTITUTION IS A TRUSTEE OR (V) A PERSON WHO HAS DESIGNATED THE FINAN-  
40 CIAL INSTITUTION AS TRUSTEE FOR A TRUST, PROVIDED THAT THE FINANCIAL  
41 INSTITUTION PROVIDES ALL REQUIRED NOTICES REQUIRED BY THIS SECTION TO  
42 THE PLAN SPONSOR, GROUP OR BLANKET INSURANCE POLICYHOLDER OR GROUP ANNU-  
43 ITY CONTRACT HOLDER.

44 C. "NONPUBLIC PERSONAL INFORMATION" MEANS PERSONALLY IDENTIFIABLE  
45 INFORMATION (I) PROVIDED BY A CONSUMER OR (II) RESULTING FROM ANY TRANS-  
46 ACTION WITH THE CONSUMER OR ANY SERVICE PERFORMED FOR THE CONSUMER.  
47 NONPUBLIC PERSONAL INFORMATION DOES NOT INCLUDE PUBLICLY AVAILABLE  
48 INFORMATION WHERE THERE IS A REASONABLE BASIS TO BELIEVE THAT SUCH  
49 INFORMATION IS LAWFULLY MADE AVAILABLE TO THE GENERAL PUBLIC FROM FEDER-  
50 AL, STATE OR LOCAL GOVERNMENT RECORDS, WIDELY DISTRIBUTED MEDIA OR  
51 DISCLOSURES TO THE GENERAL PUBLIC THAT ARE REQUIRED TO BE MADE BY FEDER-  
52 AL, STATE OR LOCAL LAW. NONPUBLIC PERSONAL INFORMATION SHALL INCLUDE ANY  
53 LIST, DESCRIPTION OR OTHER GROUPING OF CONSUMERS, AND PUBLICLY AVAILABLE  
54 INFORMATION PERTAINING TO THEM, THAT IS DERIVED USING ANY NONPUBLIC  
55 PERSONAL INFORMATION OTHER THAN PUBLICLY AVAILABLE INFORMATION, BUT  
56 SHALL NOT INCLUDE ANY LIST, DESCRIPTION OR OTHER GROUPING OF CONSUMERS,

1 AND PUBLICLY AVAILABLE INFORMATION PERTAINING TO SUCH CONSUMERS, THAT IS  
2 DERIVED WITHOUT USING ANY NONPUBLIC PERSONAL INFORMATION.

3 S 5. The labor law is amended by adding a new section 201-g to read as  
4 follows:

5 S 201-G. NOTICE OF OUTSOURCING; PROHIBITED REPLACEMENT TRAINING. 1.  
6 FOR PURPOSES OF THIS SECTION, "OUTSOURCING JOBS" MEANS TO RELOCATE OR  
7 MOVE EMPLOYMENT, JOBS, OR POSITIONS FROM THE STATE OF NEW YORK TO AN  
8 OUTSIDE LOCALITY OTHER THAN A LOCALITY LOCATED WITHIN THE UNITED STATES  
9 OR ITS TERRITORIES.

10 2. ANY EMPLOYER THAT ENGAGES OR IS PLANNING ON ENGAGING IN THE PRAC-  
11 TICE OF OUTSOURCING JOBS WHICH ARE WITHIN NEW YORK STATE TO A LOCATION  
12 OUTSIDE THE UNITED STATES OR ITS TERRITORIES SHALL PROVIDE ITS AFFECTED  
13 EMPLOYEES WITH AT LEAST ONE HUNDRED EIGHTY DAYS NOTICE IMMEDIATELY PRIOR  
14 TO SUCH OUTSOURCING. THE NOTICE REQUIRED BY THIS SECTION SHALL ALSO BE  
15 PROVIDED TO THE DEPARTMENT AT LEAST ONE HUNDRED EIGHTY DAYS IMMEDIATELY  
16 PRIOR TO SUCH OUTSOURCING.

17 3. ANY EMPLOYEE DISPLACED BY THE PRACTICE OF OUTSOURCING JOBS SHALL  
18 NOT BE REQUIRED, AS A CONDITION OF RECEIPT OF SEVERANCE PAY, TO TRAIN  
19 EMPLOYEES OUTSIDE THE UNITED STATES OR ITS TERRITORIES WHO ARE REPLACING  
20 SUCH DISPLACED EMPLOYEE.

21 4. ANY EMPLOYER FOUND TO BE IN VIOLATION OF THIS SECTION SHALL BE  
22 SUBJECT TO THE PENALTIES OF SECTION TWO HUNDRED THIRTEEN OF THIS ARTI-  
23 CLE.

24 S 6. The executive law is amended by adding a new section 13 to read  
25 as follows:

26 S 13. PROCUREMENT AGREEMENTS BETWEEN THE GOVERNOR AND MULTINATIONAL  
27 ORGANIZATIONS. NOTWITHSTANDING ANY OTHER LAW, THE STATE, THROUGH THE  
28 GOVERNOR, SHALL NOT ENTER INTO OR ADOPT OR SUPPORT ANY MULTINATIONAL  
29 PROCUREMENT AGREEMENT OR AGREE TO AMEND OR RENEW ANY EXISTING MULTINA-  
30 TIONAL PROCUREMENT AGREEMENT WITH ANY MULTINATIONAL TRADE ORGANIZATION,  
31 CORPORATION OR OTHER BUSINESS ENTITY WITHOUT RATIFICATION BY THE LEGIS-  
32 LATURE OF SUCH AGREEMENT. ANY SUCH AGREEMENT SHALL BE DEEMED RATIFIED  
33 BY THE LEGISLATURE AFTER THE GOVERNOR'S CERTIFICATION TO THE TEMPORARY  
34 PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, AND THE SECRETARY  
35 OF STATE, THAT SUCH CONTRACT, THROUGH ITS TERMS, BETWEEN THE STATE AND  
36 THE MULTINATIONAL TRADE ORGANIZATION, CORPORATION OR OTHER BUSINESS  
37 ENTITY BY STATUTE, BY EXECUTIVE ORDER, OR BY THE TERMS OF ANY OTHER  
38 AGREEMENT ENTERED INTO BY OR ON BEHALF OF SUCH ORGANIZATION, CORPORATION  
39 OR OTHER BUSINESS ENTITY, PROVIDES ASSURANCE THAT SUCH MULTINATIONAL  
40 TRADE ORGANIZATION, CORPORATION OR OTHER BUSINESS ENTITY WILL ADHERE TO  
41 AND CARRY OUT THE PROVISIONS OF SUCH AGREEMENT PURSUANT TO THE  
42 PROVISIONS OF ARTICLE TWENTY-FOUR-D OF THE GENERAL BUSINESS LAW, SECTION  
43 ONE HUNDRED FORTY-EIGHT OF THE STATE FINANCE LAW, SECTION 5-707 OF THE  
44 GENERAL OBLIGATIONS LAW, AND SECTION TWO HUNDRED ONE-G OF THE LABOR LAW,  
45 AND UPON A MAJORITY VOTE BY THE SENATE AND ASSEMBLY APPROVING SUCH  
46 AGREEMENT.

47 S 7. Nothing in this act shall be construed to impede, infringe or  
48 diminish the integrity of collective bargaining agreements in existence  
49 and effect on the effective date of this act. Nothing in this act shall  
50 be construed to impede, infringe or diminish any agreement or contract  
51 provisions in existence and effect on the effective date of this act.

52 S 8. If any item, clause, sentence, subparagraph, paragraph, subdivi-  
53 sion, section, or any other part of this act, or the application thereof  
54 to any person or circumstances, is held to be invalid, such holding  
55 shall not affect, impair, or invalidate the remainder of this act, or of  
56 the application of such section or part of a section held invalid, to

1 any other person or circumstances, but shall be confined in its opera-  
2 tion to the item, clause, sentence, subparagraph, paragraph, subdivi-  
3 sion, section, or other part of this act directly involved in such hold-  
4 ing, or to the person and circumstances therein involved.

5 S 9. This act shall take effect on the one hundred eightieth day after  
6 it shall have become a law and shall apply to agreements or contracts  
7 entered into on or after such date.