STATE OF NEW YORK

S. 7511--A A. 9511--A

SENATE - ASSEMBLY

January 18, 2018

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, the social services law, the education law and the public health law, in relation to requiring health insurance policies to include coverage of all FDA-approved contraceptive drugs, devices, and products, as well as voluntary sterilization procedures, contraceptive education and counseling, and related follow up services and prohibiting a health insurance policy from imposing any cost-sharing requirements or other restrictions or delays with respect to this coverage (Part A); to amend the penal law, the criminal procedure law, the county law and the judiciary law, in relation to abortion; to repeal certain provisions of the public health law relating to abortion; to repeal certain provisions of the education law relating to the sale of contraceptives; and to repeal certain provisions of the penal law relating to abortion (Part B); to amend the public health law, in relation to establishing a maternal mortality review board (Part C); to amend the education law, in relation to appointees to the state board for medicine (Part D); to amend the penal law and the criminal procedure law, in relation to the possession of weapons by domestic violence offenders; and to repeal section 530.14 of the criminal procedure law and section 842-a of the family court act relating thereto (Part E); to amend the penal law, in relation to establishing the new crimes of sexual extortion in the first, second and third degrees; to amend the family court act and the criminal procedure law, in relation to adding unlawful publication of sexual images and sexual extortion as crimes over which family courts and criminal courts have concurrent jurisdiction in certain circumstances; to amend the penal law, in relation to establishing the new crime of unlawful publication of sexual images; and to amend the

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

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correction law, in relation to the definition of the term "sex offense" (Part F); to amend the public health law, in relation to extending the time of storage of forensic rape kits by hospitals; and repealing certain provisions of such law relating thereto (Part G); to amend the executive law, in relation to expanding the scope of unlawful discriminatory practices to include public educational institutions (Part H); to amend the state finance law, in relation to requiring contractors that do business with the state to annually report the number of sexual harassment violations (Subpart A); to amend the general business law, in relation to discrimination based upon sexual harassment (Subpart B); to amend the executive law and the public officers law, in relation to individual liability for sexual harassment (Subpart C); to amend the executive law and the general municipal law, in relation to the entering of confidential settlements (Subpart D); to amend the public officers law and the executive law, in relation to sexual harassment violations and establishing a unit to receive and investigate such claims (Subpart E); and to amend the executive law, the legislative law, the judiciary law, the general municipal law and the public authorities law, in relation to uniform standards for sexual harassment polices for all branches of state and local governments (Subpart F) (Part I); relating to the creation of computer science education standards (Part J); to amend the education law, in relation to the creation of the "Be Aware, Be Informed" awareness, prevention and education program (Part K); to amend the public health law, in relation to providing feminine hygiene products in public schools (Part L); and to amend the executive law, in relation to standards requiring assembly group A occupancies and mercantile group M occupancies to have diaper changing stations available for use by both male and female occupants (Part M)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act enacts into law major components of legislation relating to the Women's Agenda. Each component is wholly contained within a Part identified as Parts A through M. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Paragraph 16 of subsection (l) of section 3221 of the insurance law, as added by chapter 554 of the laws of 2002, is amended to read as follows:

(16) **(A)** Every group or blanket policy [~~which provides coverage for prescription drugs shall include coverage for the cost of contraceptive drugs or devices approved by the federal food and drug administration or generic equivalents approved as substitutes by such food and drug administration under the prescription of a health care provider legally authorized to prescribe under title eight of the education law. The~~

~~coverage required by this section shall be included in policies and certificates only through the addition of a rider.~~

~~(A)~~] that is issued, amended, renewed, effective or delivered on or after January first, two thousand nineteen, shall provide coverage for all of the following services and contraceptive methods:

(1) All FDA-approved contraceptive drugs, devices, and other products. This includes all FDA-approved over-the-counter contraceptive drugs, devices, and products as prescribed or as otherwise authorized under state or federal law. The following applies to this coverage:

(a) where the FDA has approved one or more therapeutic and pharmaceutical equivalent, as defined by the FDA, versions of a contraceptive drug, device, or product, a group or blanket policy is not required to include all such therapeutic and pharmaceutical equivalent versions in its formulary, so long as at least one is included and covered without cost-sharing and in accordance with this paragraph;

(b) if the covered therapeutic and pharmaceutical equivalent versions of a drug, device, or product are not available or are deemed medically inadvisable a group or blanket policy shall provide coverage for an alternate therapeutic and pharmaceutical equivalent version of the contraceptive drug, device, or product without cost-sharing;

(c) this coverage shall include emergency contraception without cost-sharing when provided pursuant to an ordinary prescription, non-patient specific regimen order, or order under section sixty-eight hundred thirty-one of the education law and when lawfully provided other than through a prescription or order; and

(d) this coverage must allow for the dispensing of twelve months worth of a contraceptive at one time;

(2) Voluntary sterilization procedures;

(3) Patient education and counseling on contraception; and

(4) Follow-up services related to the drugs, devices, products, and procedures covered under this paragraph, including, but not limited to, management of side effects, counseling for continued adherence, and device insertion and removal.

(B) A group or blanket policy subject to this paragraph shall not impose a deductible, coinsurance, copayment, or any other cost-sharing requirement on the coverage provided pursuant to this paragraph.

(C) Except as otherwise authorized under this paragraph, a group or blanket policy shall not impose any restrictions or delays on the coverage required under this paragraph.

(D) Benefits for an enrollee under this paragraph shall be the same for an enrollee's covered spouse or domestic partner and covered nonspouse dependents.

(E) Notwithstanding any other provision of this subsection, a religious employer may request a contract without coverage for federal food and drug administration approved contraceptive methods that are contrary to the religious employer's religious tenets. If so requested, such contract shall be provided without coverage for contraceptive methods. This paragraph shall not be construed to deny an enrollee coverage of, and timely access to, contraceptive methods.

(1) For purposes of this subsection, a "religious employer" is an entity for which each of the following is true:

(a) The inculcation of religious values is the purpose of the entity.

(b) The entity primarily employs persons who share the religious tenets of the entity.

(c) The entity serves primarily persons who share the religious tenets of the entity.

(d) The entity is a nonprofit organization as described in Section 6033(a)(2)(A)i or iii, of the Internal Revenue Code of 1986, as amended.

(2) Every religious employer that invokes the exemption provided under this paragraph shall provide written notice to prospective enrollees prior to enrollment with the plan, listing the contraceptive health care services the employer refuses to cover for religious reasons.

[~~(B) (i)~~] (F) (1) Where a group policyholder makes an election not to purchase coverage for contraceptive drugs or devices in accordance with subparagraph [~~(A)~~] (E) of this paragraph each certificateholder covered under the policy issued to that group policyholder shall have the right to directly purchase the rider required by this paragraph from the insurer which issued the group policy at the prevailing small group community rate for such rider whether or not the employee is part of a small group.

[~~(ii)~~] (2) Where a group policyholder makes an election not to purchase coverage for contraceptive drugs or devices in accordance with subparagraph [~~(A)~~] (E) of this paragraph, the insurer that provides such coverage shall provide written notice to certificateholders upon enrollment with the insurer of their right to directly purchase a rider for coverage for the cost of contraceptive drugs or devices. The notice shall also advise the certificateholders of the additional premium for such coverage.

[~~(C)~~] (G) Nothing in this paragraph shall be construed as authorizing a group or blanket policy which provides coverage for prescription drugs to exclude coverage for prescription drugs prescribed for reasons other than contraceptive purposes.

[~~(D) Such coverage may be subject to reasonable annual deductibles and coinsurance as may be deemed appropriate by the superintendent and as are consistent with those established for other drugs or devices covered under the policy.~~]

§ 2. Subsection (cc) of section 4303 of the insurance law, as added by chapter 554 of the laws of 2002, is amended to read as follows:

(cc) (1) Every contract [~~which provides coverage for prescription drugs shall include coverage for the cost of contraceptive drugs or devices approved by the federal food and drug administration or generic equivalents approved as substitutes by such food and drug administration under the prescription of a health care provider legally authorized to prescribe under title eight of the education law. The coverage required by this section shall be included in contracts and certificates only through the addition of a rider.~~

~~(1)~~] that is issued, amended, renewed, effective or delivered on or after January first, two thousand nineteen, shall provide coverage for all of the following services and contraceptive methods:

(A) All FDA-approved contraceptive drugs, devices, and other products. This includes all FDA-approved over-the-counter contraceptive drugs, devices, and products as prescribed or as otherwise authorized under state or federal law. The following applies to this coverage:

(i) where the FDA has approved one or more therapeutic and pharmaceutical equivalent, as defined by the FDA, versions of a contraceptive drug, device, or product, a contract is not required to include all such therapeutic and pharmaceutical equivalent versions in its formulary, so long as at least one is included and covered without cost-sharing and in accordance with this subsection;

(ii) if the covered therapeutic and pharmaceutical equivalent versions of a drug, device, or product are not available or are deemed medically inadvisable a contract shall provide coverage for an alternate therapeu-

tic and pharmaceutical equivalent version of the contraceptive drug, device, or product without cost-sharing;

(iii) this coverage shall include emergency contraception without cost-sharing when provided pursuant to an ordinary prescription, non-patient specific regimen order, or order under section sixty-eight hundred thirty-one of the education law and when lawfully provided other than through a prescription or order; and

(iv) this coverage must allow for the dispensing of twelve months worth of a contraceptive at one time;

(B) Voluntary sterilization procedures;

(C) Patient education and counseling on contraception; and

(D) Follow-up services related to the drugs, devices, products, and procedures covered under this subsection, including, but not limited to, management of side effects, counseling for continued adherence, and device insertion and removal.

(2) A contract subject to this subsection shall not impose a deductible, coinsurance, copayment, or any other cost-sharing requirement on the coverage provided pursuant to this subsection.

(3) Except as otherwise authorized under this subsection, a contract shall not impose any restrictions or delays on the coverage required under this subsection.

(4) Benefits for an enrollee under this subsection shall be the same for an enrollee's covered spouse or domestic partner and covered nonspouse dependents.

(5) Notwithstanding any other provision of this subsection, a religious employer may request a contract without coverage for federal food and drug administration approved contraceptive methods that are contrary to the religious employer's religious tenets. If so requested, such contract shall be provided without coverage for contraceptive methods. This paragraph shall not be construed to deny an enrollee coverage of, and timely access to, contraceptive methods.

(A) For purposes of this subsection, a "religious employer" is an entity for which each of the following is true:

(i) The inculcation of religious values is the purpose of the entity.

(ii) The entity primarily employs persons who share the religious tenets of the entity.

(iii) The entity serves primarily persons who share the religious tenets of the entity.

(iv) The entity is a nonprofit organization as described in Section 6033(a)(2)(A)i or iii, of the Internal Revenue Code of 1986, as amended.

(B) Every religious employer that invokes the exemption provided under this paragraph shall provide written notice to prospective enrollees prior to enrollment with the plan, listing the contraceptive health care services the employer refuses to cover for religious reasons.

[~~(2)~~](6) (A) Where a group contractholder makes an election not to purchase coverage for contraceptive drugs or devices in accordance with paragraph [~~one~~] five of this subsection, each enrollee covered under the contract issued to that group contractholder shall have the right to directly purchase the rider required by this subsection from the insurer or health maintenance organization which issued the group contract at the prevailing small group community rate for such rider whether or not the employee is part of a small group.

(B) Where a group contractholder makes an election not to purchase coverage for contraceptive drugs or devices in accordance with paragraph [~~one~~] five of this subsection, the insurer or health maintenance organization that provides such coverage shall provide written notice to

enrollees upon enrollment with the insurer or health maintenance organization of their right to directly purchase a rider for coverage for the cost of contraceptive drugs or devices. The notice shall also advise the enrollees of the additional premium for such coverage.

[~~(3)~~]**(7)** Nothing in this subsection shall be construed as authorizing a contract which provides coverage for prescription drugs to exclude coverage for prescription drugs prescribed for reasons other than contraceptive purposes.

[~~(4) Such coverage may be subject to reasonable annual deductibles and coinsurance as may be deemed appropriate by the superintendent and as are consistent with those established for other drugs or devices covered under the policy.~~]

§ 3. Subparagraph (E) of paragraph 17 of subsection (i) of section 3216 of the insurance law is amended by adding a new clause (v) to read as follows:

(v) all FDA-approved contraceptive drugs, devices, and other products, including all over-the-counter contraceptive drugs, devices, and products as prescribed or as otherwise authorized under state or federal law; voluntary sterilization procedures; patient education and counseling on contraception; and follow-up services related to the drugs, devices, products, and procedures covered under this clause, including, but not limited to, management of side effects, counseling for continued adherence, and device insertion and removal. Except as otherwise authorized under this clause, a contract shall not impose any restrictions or delays on the coverage required under this clause. However, where the FDA has approved one or more therapeutic and pharmaceutical equivalent, as defined by the FDA, versions of a contraceptive drug, device, or product, a contract is not required to include all such therapeutic and pharmaceutical equivalent versions in its formulary, so long as at least one is included and covered without cost-sharing and in accordance with this clause. If the covered therapeutic and pharmaceutical equivalent versions of a drug, device, or product are not available or are deemed medically inadvisable a contract shall provide coverage for an alternate therapeutic and pharmaceutical equivalent version of the contraceptive drug, device, or product without cost-sharing. This coverage shall include emergency contraception without cost-sharing when provided pursuant to an ordinary prescription, non-patient specific regimen order, or order under section sixty-eight hundred thirty-one of the education law and when lawfully provided other than through a prescription or order; and this coverage must allow for the dispensing of twelve months worth of a contraceptive at one time.

§ 4. Paragraph (d) of subdivision 3 of section 365-a of the social services law, as amended by chapter 909 of the laws of 1974 and as relettered by chapter 82 of the laws of 1995, is amended to read as follows:

(d) family planning services and supplies for eligible persons of childbearing age, including children under twenty-one years of age who can be considered sexually active, who desire such services and supplies, in accordance with the requirements of federal law and regulations and the regulations of the department. **Coverage of prescription contraceptives, excluding emergency contraception, shall include the dispensing of a twelve-month supply at one time. Notwithstanding any inconsistent provision of law, the provision of a twelve-month supply of contraceptives under the Medicaid program shall not apply to emergency contraception. A prescription for contraceptives, with the exception of a prescription for emergency contraception, may be filled twelve times**

within one year from the date the prescriber initiated the prescription. No person shall be compelled or coerced to accept such services or supplies.

§ 5. Subdivision 6 of section 6527 of the education law, as added by chapter 573 of the laws of 1999, paragraph (c) as amended by chapter 464 of the laws of 2015, paragraph (d) as added by chapter 429 of the laws of 2005, paragraph (e) as added by chapter 352 of the laws of 2014, paragraph (f) as added by section 6 of part V of chapter 57 of the laws of 2015 and paragraph (g) as added by chapter 502 of the laws of 2016, is amended to read as follows:

6. A licensed physician may prescribe and order a non-patient specific regimen [~~to a registered professional nurse~~], pursuant to regulations promulgated by the commissioner, and consistent with the public health law, [~~for~~] **to**:

(a) **a registered professional nurse for:**

(i) administering immunizations[~~.~~]**;**

[~~(b)~~] **(ii)** the emergency treatment of anaphylaxis[~~.~~]**;**

[~~(c)~~] **(iii)** administering purified protein derivative (PPD) tests or other tests to detect or screen for tuberculosis infections[~~.~~]**;**

[~~(d)~~] **(iv)** administering tests to determine the presence of the human immunodeficiency virus[~~.~~]**;**

[~~(e)~~] **(v)** administering tests to determine the presence of the hepatitis C virus[~~.~~]**;**

[~~(f)~~] **(vi) emergency contraception, to be administered to or dispensed to be self-administered by the patient, under section sixty-eight hundred thirty-two of this title;**

(vii) the urgent or emergency treatment of opioid related overdose or suspected opioid related overdose[~~.~~]**; or**

[~~(g)~~] **(viii)** screening of persons at increased risk of syphilis, gonorrhea and chlamydia.

(b) a licensed pharmacist, for dispensing emergency contraception, to be self-administered by the patient, under section sixty-eight hundred thirty-two of this title.

§ 6. Subdivision 3 of section 6807 of the education law, as added by chapter 573 of the laws of 1999, is amended and a new subdivision 4 is added to read as follows:

3. A pharmacist may dispense drugs and devices to a registered professional nurse, and a registered professional nurse may possess and administer, drugs and devices, pursuant to a non-patient specific regimen prescribed or ordered by a licensed physician**, licensed midwife** or certified nurse practitioner, pursuant to regulations promulgated by the commissioner and the public health law.

4. A pharmacist may dispense a non-patient specific regimen of emergency contraception, to be self-administered by the patient, prescribed or ordered by a licensed physician, certified nurse practitioner, or licensed midwife, under section sixty-eight hundred thirty-two of this article.

§ 7. The education law is amended by adding a new section 6832 to read as follows:

§ 6832. Emergency contraception; non-patient specific prescription or order. 1. As used in this section, the following terms shall have the following meanings, unless the context requires otherwise:

(a) "Emergency contraception" means one or more prescription or nonprescription drugs, used separately or in combination, in a dosage and manner for preventing pregnancy when used after intercourse, found

safe and effective for that use by the United States food and drug administration, and dispensed or administered for that purpose.

(b) "Prescriber" means a licensed physician, certified nurse practitioner or licensed midwife.

2. This section applies to the administering or dispensing of emergency contraception by a registered professional nurse or the dispensing of emergency contraception by a licensed pharmacist pursuant to a prescription or order for a non-patient specific regimen made by a prescriber under section sixty-five hundred twenty-seven, sixty-nine hundred nine or sixty-nine hundred fifty-one of this title. This section does not apply to administering or dispensing emergency contraception when lawfully done without such a prescription or order.

3. The administering or dispensing of emergency contraception by a registered professional nurse or the dispensing of emergency contraception by a licensed pharmacist shall be done in accordance with professional standards of practice and in accordance with written procedures and protocols agreed to by the registered professional nurse or licensed pharmacist and the prescriber or a hospital (licensed under article twenty-eight of the public health law) that provides gynecological or family planning services.

4. (a) When emergency contraception is administered or dispensed, the registered professional nurse or licensed pharmacist shall provide to the patient written material that includes: (i) the clinical considerations and recommendations for use of the drug; (ii) the appropriate method for using the drug; (iii) information on the importance of follow-up health care; (iv) information on the health risks and other dangers of unprotected intercourse; and (v) referral information relating to health care and services relating to sexual abuse and domestic violence.

(b) Such written material shall be developed or approved by the commissioner in consultation with the department of health and the American college of obstetricians and gynecologists.

§ 8. Subdivision 4 of section 6909 of the education law, as added by chapter 573 of the laws of 1999, paragraph (a) as amended by chapter 221 of the laws of 2002, paragraph (c) as amended by chapter 464 of the laws of 2015, paragraph (d) as added by chapter 429 of the laws of 2005, paragraph (e) as added by chapter 352 of the laws of 2014, paragraph (f) as added by section 5 of part V of chapter 57 of the laws of 2015 and paragraph (g) as added by chapter 502 of the laws of 2016, is amended to read as follows:

4. A certified nurse practitioner may prescribe and order a non-patient specific regimen [~~to a registered professional nurse~~], pursuant to regulations promulgated by the commissioner, consistent with subdivision three of section [~~six thousand nine~~] sixty-nine hundred two of this article, and consistent with the public health law, for:

(a) a registered professional nurse for:

(i) administering immunizations[~~.~~];

[~~(b)~~] (ii) the emergency treatment of anaphylaxis[~~.~~];

[~~(c)~~] (iii) administering purified protein derivative (PPD) tests or other tests to detect or screen for tuberculosis infections[~~.~~];

[~~(d)~~] (iv) administering tests to determine the presence of the human immunodeficiency virus[~~.~~];

[~~(e)~~] (v) administering tests to determine the presence of the hepatitis C virus[~~.~~];

[~~(f)~~] **(vi) emergency contraception, to be administered to or dispensed to be self-administered by the patient, under section sixty-eight hundred thirty-two of this title;**

(vii) the urgent or emergency treatment of opioid related overdose or suspected opioid related overdose[~~.~~]**; or**

[~~(g)~~] **(viii)** screening of persons at increased risk for syphilis, gonorrhea and chlamydia.

(b) a licensed pharmacist, for dispensing emergency contraception, to be self-administered by the patient, under section sixty-eight hundred thirty-two of this title.

§ 9. Subdivision 5 of section 6909 of the education law, as added by chapter 573 of the laws of 1999, is amended to read as follows:

5. A registered professional nurse may execute a non-patient specific regimen prescribed or ordered by a licensed physician**, licensed midwife** or certified nurse practitioner, pursuant to regulations promulgated by the commissioner.

§ 10. Section 6951 of the education law is amended by adding a new subdivision 4 to read as follows:

4. A licensed midwife may prescribe and order a non-patient specific regimen pursuant to regulations promulgated by the commissioner, consistent with this section and the public health law, to:

(a) a registered professional nurse for emergency contraception, to be administered to or dispensed to be self-administered by the patient, under section sixty-eight hundred thirty-two of this title; or

(b) a licensed pharmacist, for dispensing emergency contraception, to be self-administered by the patient, under section sixty-eight hundred thirty-two of this title.

§ 11. Subdivision 1 of section 207 of the public health law is amended by adding a new paragraph (o) to read as follows:

(o) Emergency contraception, including information about its safety, efficacy, appropriate use and availability.

§ 12. This act shall take effect January 1, 2019; provided that section five of this act shall take effect January 1, 2020; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed by the commissioner of education and the board of regents on or before such effective date.

PART B

Section 1. Section 4164 of the public health law is REPEALED.

§ 2. Subdivision 8 of section 6811 of the education law is REPEALED.

§ 3. Sections 125.40, 125.45, 125.50, 125.55 and 125.60 of the penal law are REPEALED, and the article heading of article 125 of the penal law is amended to read as follows:

HOMICIDE[~~, ABORTION~~] AND RELATED OFFENSES

§ 4. Section 125.00 of the penal law is amended to read as follows:

§ 125.00 Homicide defined.

Homicide means conduct which causes the death of a person [~~or an unborn child with which a female has been pregnant for more than twenty four weeks~~] under circumstances constituting murder, manslaughter in the first degree, manslaughter in the second degree, **or** criminally negligent homicide[~~, abortion in the first degree or self-abortion in the first degree~~].

§ 5. The section heading, opening paragraph and subdivision 1 of section 125.05 of the penal law are amended to read as follows:

Homicide[~~, abortion~~] and related offenses; [~~definitions of terms~~] **definition**.

The following [~~definitions are~~] **definition is** applicable to this article:

[~~1.~~] "Person," when referring to the victim of a homicide, means a human being who has been born and is alive.

§ 6. Subdivisions 2 and 3 of section 125.05 of the penal law are REPEALED.

§ 7. Subdivision 2 of section 125.15 of the penal law is REPEALED.

§ 8. Subdivision 3 of section 125.20 of the penal law is REPEALED.

§ 9. Paragraph (b) of subdivision 8 of section 700.05 of the criminal procedure law, as amended by chapter 368 of the laws of 2015, is amended to read as follows:

(b) Any of the following felonies: assault in the second degree as defined in section 120.05 of the penal law, assault in the first degree as defined in section 120.10 of the penal law, reckless endangerment in the first degree as defined in section 120.25 of the penal law, promoting a suicide attempt as defined in section 120.30 of the penal law, strangulation in the second degree as defined in section 121.12 of the penal law, strangulation in the first degree as defined in section 121.13 of the penal law, criminally negligent homicide as defined in section 125.10 of the penal law, manslaughter in the second degree as defined in section 125.15 of the penal law, manslaughter in the first degree as defined in section 125.20 of the penal law, murder in the second degree as defined in section 125.25 of the penal law, murder in the first degree as defined in section 125.27 of the penal law, [~~abortion in the second degree as defined in section 125.40 of the penal law, abortion in the first degree as defined in section 125.45 of the penal law,~~] rape in the third degree as defined in section 130.25 of the penal law, rape in the second degree as defined in section 130.30 of the penal law, rape in the first degree as defined in section 130.35 of the penal law, criminal sexual act in the third degree as defined in section 130.40 of the penal law, criminal sexual act in the second degree as defined in section 130.45 of the penal law, criminal sexual act in the first degree as defined in section 130.50 of the penal law, sexual abuse in the first degree as defined in section 130.65 of the penal law, unlawful imprisonment in the first degree as defined in section 135.10 of the penal law, kidnapping in the second degree as defined in section 135.20 of the penal law, kidnapping in the first degree as defined in section 135.25 of the penal law, labor trafficking as defined in section 135.35 of the penal law, aggravated labor trafficking as defined in section 135.37 of the penal law, custodial interference in the first degree as defined in section 135.50 of the penal law, coercion in the first degree as defined in section 135.65 of the penal law, criminal trespass in the first degree as defined in section 140.17 of the penal law, burglary in the third degree as defined in section 140.20 of the penal law, burglary in the second degree as defined in section 140.25 of the penal law, burglary in the first degree as defined in section 140.30 of the penal law, criminal mischief in the third degree as defined in section 145.05 of the penal law, criminal mischief in the second degree as defined in section 145.10 of the penal law, criminal mischief in the first degree as defined in section 145.12 of the penal law, criminal tampering in the first degree as defined in section 145.20 of the penal law, arson in the fourth degree as defined in section 150.05 of the

penal law, arson in the third degree as defined in section 150.10 of the penal law, arson in the second degree as defined in section 150.15 of the penal law, arson in the first degree as defined in section 150.20 of the penal law, grand larceny in the fourth degree as defined in section 155.30 of the penal law, grand larceny in the third degree as defined in section 155.35 of the penal law, grand larceny in the second degree as defined in section 155.40 of the penal law, grand larceny in the first degree as defined in section 155.42 of the penal law, health care fraud in the fourth degree as defined in section 177.10 of the penal law, health care fraud in the third degree as defined in section 177.15 of the penal law, health care fraud in the second degree as defined in section 177.20 of the penal law, health care fraud in the first degree as defined in section 177.25 of the penal law, robbery in the third degree as defined in section 160.05 of the penal law, robbery in the second degree as defined in section 160.10 of the penal law, robbery in the first degree as defined in section 160.15 of the penal law, unlawful use of secret scientific material as defined in section 165.07 of the penal law, criminal possession of stolen property in the fourth degree as defined in section 165.45 of the penal law, criminal possession of stolen property in the third degree as defined in section 165.50 of the penal law, criminal possession of stolen property in the second degree as defined by section 165.52 of the penal law, criminal possession of stolen property in the first degree as defined by section 165.54 of the penal law, trademark counterfeiting in the second degree as defined in section 165.72 of the penal law, trademark counterfeiting in the first degree as defined in section 165.73 of the penal law, forgery in the second degree as defined in section 170.10 of the penal law, forgery in the first degree as defined in section 170.15 of the penal law, criminal possession of a forged instrument in the second degree as defined in section 170.25 of the penal law, criminal possession of a forged instrument in the first degree as defined in section 170.30 of the penal law, criminal possession of forgery devices as defined in section 170.40 of the penal law, falsifying business records in the first degree as defined in section 175.10 of the penal law, tampering with public records in the first degree as defined in section 175.25 of the penal law, offering a false instrument for filing in the first degree as defined in section 175.35 of the penal law, issuing a false certificate as defined in section 175.40 of the penal law, criminal diversion of prescription medications and prescriptions in the second degree as defined in section 178.20 of the penal law, criminal diversion of prescription medications and prescriptions in the first degree as defined in section 178.25 of the penal law, residential mortgage fraud in the fourth degree as defined in section 187.10 of the penal law, residential mortgage fraud in the third degree as defined in section 187.15 of the penal law, residential mortgage fraud in the second degree as defined in section 187.20 of the penal law, residential mortgage fraud in the first degree as defined in section 187.25 of the penal law, escape in the second degree as defined in section 205.10 of the penal law, escape in the first degree as defined in section 205.15 of the penal law, absconding from temporary release in the first degree as defined in section 205.17 of the penal law, promoting prison contraband in the first degree as defined in section 205.25 of the penal law, hindering prosecution in the second degree as defined in section 205.60 of the penal law, hindering prosecution in the first degree as defined in section 205.65 of the penal law, sex trafficking as defined in section 230.34 of the penal law, criminal possession of a weapon in the

third degree as defined in subdivisions two, three and five of section 265.02 of the penal law, criminal possession of a weapon in the second degree as defined in section 265.03 of the penal law, criminal possession of a weapon in the first degree as defined in section 265.04 of the penal law, manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances defined as felonies in subdivisions one, two, and three of section 265.10 of the penal law, sections 265.11, 265.12 and 265.13 of the penal law, or prohibited use of weapons as defined in subdivision two of section 265.35 of the penal law, relating to firearms and other dangerous weapons, or failure to disclose the origin of a recording in the first degree as defined in section 275.40 of the penal law;

§ 10. Subdivision 1 of section 673 of the county law, as added by chapter 545 of the laws of 1965, is amended to read as follows:

1. A coroner or medical examiner has jurisdiction and authority to investigate the death of every person dying within his county, or whose body is found within the county, which is or appears to be:

(a) A violent death, whether by criminal violence, suicide or casualty;

(b) A death caused by unlawful act or criminal neglect;

(c) A death occurring in a suspicious, unusual or unexplained manner;

(d) [~~A death caused by suspected criminal abortion;~~

~~(e)~~] A death while unattended by a physician, so far as can be discovered, or where no physician able to certify the cause of death as provided in the public health law and in form as prescribed by the commissioner of health can be found;

[~~(f)~~] (e) A death of a person confined in a public institution other than a hospital, infirmary or nursing home.

§ 11. Section 4 of the judiciary law, as amended by chapter 264 of the laws of 2003, is amended to read as follows:

§ 4. Sittings of courts to be public. The sittings of every court within this state shall be public, and every citizen may freely attend the same, except that in all proceedings and trials in cases for divorce, seduction, [~~abortion,~~] rape, assault with intent to commit rape, criminal sexual act, bastardy or filiation, the court may, in its discretion, exclude therefrom all persons who are not directly interested therein, excepting jurors, witnesses, and officers of the court.

§ 12. This act shall take effect immediately.

PART C

Section 1. The public health law is amended by adding a new section 2509 to read as follows:

§ 2509. Maternal mortality review board. 1. There is hereby established in the department the maternal mortality review board for the purpose of reviewing maternal deaths, defined as cessation of respiration and circulation for a woman within a year from the end of pregnancy, to assess the cause of death and factors leading to death and preventability for each maternal death reviewed and to develop strategies for reducing the risk of maternal mortality, and to assess and review maternal morbidity. The members of the board shall be composed of multidisciplinary experts in the field of maternal mortality. The board shall be composed of at least fifteen members, all of whom shall be appointed by the commissioner. The commissioner may delegate the authority to conduct maternal mortality reviews.

2. The board shall:

(a) Make recommendations to the commissioner regarding the preventability of each maternal death case by reviewing relevant information for each case in the state and consulting with experts as needed to evaluate the information for each death. Such information shall not be subject to article six of the public officers law.

(b) Keep confidential any information collected under this section and this information shall be used solely for the purposes of improvement of the quality of medical care of women to prevent maternal mortality. Access to such information shall be limited to board members as well as those authorized by the department. Such information shall not be admissible as evidence in any action of any kind in any court or before any other tribunal, board, agency or person.

(c) Develop recommendations to the commissioner for areas of focus, including issues of severe maternal morbidity and racial disparities in maternal outcomes.

3. The terms of the board members shall be three years from the start of their appointment. The commissioner may choose to reappoint board members to additional three year terms.

4. A majority of the appointed membership of the board, no less than three, shall constitute a quorum.

5. When any member of the board fails to attend three consecutive regular meetings, unless such absence is for good cause, that membership may be deemed vacant for purposes of the appointment of a successor.

6. Meetings of the board shall be held at least twice a year but may be held more frequently as deemed necessary, subject to request of the department.

7. Members of the board shall be indemnified pursuant to section seventeen of the public officers law.

8. The commissioner may request and shall receive upon request from any department, division, board, bureau, commission, local health departments or other agency of the state or political subdivision thereof or any public authority, as well as hospitals established pursuant to article twenty-eight of this chapter, birthing facilities, medical examiners, coroners, and any coroner physicians and any other facility providing services associated with maternal mortality, such information, including, but not limited to, death records, medical records, autopsy reports, toxicology reports, hospital discharge records, birth records and any other information that will help the department under this section to properly carry out its functions, powers and duties.

§ 2. This act shall take effect immediately.

PART D

Section 1. Section 6523 of the education law, as amended by chapter 364 of the laws of 1991, is amended to read as follows:

§ 6523. State board for medicine. A state board for medicine shall be appointed by the board of regents on recommendation of the commissioner for the purpose of assisting the board of regents and the department on matters of professional licensing in accordance with section sixty-five hundred eight of this title. The board shall be composed of not less than twenty physicians licensed in this state for at least five years, two of whom shall be doctors of osteopathy. At least one of the physician appointees to the state board for medicine shall be an expert on reducing health disparities among demographic subgroups, and one shall be an expert on women's health. The board shall also consist of not less than two physician's assistants licensed to practice in this state. The

participation of physician's assistant members shall be limited to matters relating to article one hundred thirty-one-B of this chapter. An executive secretary to the board shall be appointed by the board of regents on recommendation of the commissioner and shall be either a physician licensed in this state or a non-physician, deemed qualified by the commissioner and board of regents.

§ 2. This act shall take effect immediately.

PART E

Section 1. Subdivision 17 of section 265.00 of the penal law is amended by adding a new paragraph (c) to read as follows:

(c) any of the following offenses, where the defendant and the person against whom the offense was committed were members of the same family or household as defined in subdivision one of section 530.11 of the criminal procedure law: assault in the third degree; menacing in the third degree; menacing in the second degree; reckless endangerment in the second degree; criminal obstruction of breathing or blood circulation; unlawful imprisonment in the second degree; coercion in the second degree; criminal mischief in the fourth degree; criminal tampering in the third degree; criminal contempt in the second degree; harassment in the first degree; aggravated harassment in the second degree; criminal trespass in the third degree; criminal trespass in the second degree; reckless endangerment of property; arson in the fifth degree; endangering the welfare of an incompetent or physically disabled person in the second degree; unlawful publication of sexual images; attempt to commit any of the above-listed offenses.

§ 2. The criminal procedure law is amended by adding a new section 370.20 to read as follows:

§ 370.20 Procedure for determining whether certain misdemeanor crimes are serious offenses under the penal law.

1. When a defendant has been charged with assault in the third degree, menacing in the third degree, menacing in the second degree, reckless endangerment in the second degree, criminal obstruction of breathing or blood circulation, unlawful imprisonment in the second degree, coercion in the second degree, criminal mischief in the fourth degree, criminal tampering in the third degree, criminal contempt in the second degree, harassment in the first degree, aggravated harassment in the second degree, criminal trespass in the third degree, criminal trespass in the second degree, reckless endangerment of property, arson in the fifth degree, endangering the welfare of an incompetent or physically disabled person in the second degree, unlawful publication of sexual images, or attempt to commit any of the above-listed offenses, the people may, at arraignment or no later than forty-five days after arraignment, for the purpose of notification to the division of criminal justice services pursuant to section 380.98 of this part, serve on the defendant and file with the court a notice alleging that the defendant and the person alleged to be the victim of such crime were members of the same family or household as defined in subdivision one of section 530.11 of this chapter.

2. Such notice shall include the name of the person alleged to be the victim of such crime and shall specify the nature of the alleged relationship as set forth in subdivision one of section 530.11 of this chapter. Upon conviction of such offense, the court shall advise the defendant that he or she is entitled to a hearing solely on the allegation contained in the notice and, if necessary, an adjournment of the

sentencing proceeding in order to prepare for such hearing, and that if such allegation is sustained, that determination and conviction will be reported to the division of criminal justice services.

3. After having been advised by the court as provided in subdivision two of this section, the defendant may stipulate or admit, orally on the record or in writing, that he or she is related or situated to the victim of such crime in the manner described in subdivision one of this section. In such case, such relationship shall be deemed established for purposes of section 380.98 of this part. If the defendant denies that he or she is related or situated to the victim of the crime as alleged in the notice served by the people, or stands mute with respect to such allegation, then the people shall bear the burden to prove beyond a reasonable doubt that the defendant is related or situated to the victim in the manner alleged in the notice. The court may consider reliable hearsay evidence submitted by either party provided that it is relevant to the determination of the allegation. Facts previously proven at trial or elicited at the time of entry of a plea of guilty shall be deemed established beyond a reasonable doubt and shall not be relitigated. At the conclusion of the hearing, or upon such a stipulation or admission, as applicable, the court shall make a specific written determination with respect to such allegation.

§ 3. The criminal procedure law is amended by adding a new section 380.98 to read as follows:

§ 380.98 Notification to division of criminal justice services of certain misdemeanor convictions.

Upon judgment of conviction of assault in the third degree, menacing in the third degree, menacing in the second degree, reckless endangerment in the second degree, criminal obstruction of breathing or blood circulation, unlawful imprisonment in the second degree, coercion in the second degree, criminal mischief in the fourth degree, criminal tampering in the third degree, criminal contempt in the second degree, harassment in the first degree, or aggravated harassment in the second degree, criminal trespass in the third degree, criminal trespass in the second degree, reckless endangerment of property, arson in the fifth degree, endangering the welfare of an incompetent or physically disabled person in the second degree, unlawful publication of sexual images, or attempt to commit any of the above-listed offenses, when the defendant and victim have been determined, pursuant to section 370.20 of this part, to be members of the same family or household as defined in subdivision one of section 530.11 of this chapter, the clerk of the court shall include notification and a copy of the written determination in a report of such conviction to the division of criminal justice services to enable the division to report such determination to the Federal Bureau of Investigation and assist the bureau in identifying persons prohibited from purchasing and possessing a firearm or other weapon due to conviction of an offense specified in paragraph c of subdivision seventeen of section 265.00 of the penal law.

§ 4. Section 530.14 of the criminal procedure law is REPEALED and a new section 530.14 is added to read as follows:

§ 530.14 Suspension and revocation of a license to carry, possess, repair or dispose of a firearm or firearms pursuant to section 400.00 of the penal law and ineligibility for such a license; order to surrender weapons.

1. Whenever a temporary order of protection is issued pursuant to subdivision one of section 530.12 or subdivision one of section 530.13 of this article the court shall suspend any firearms license possessed

by the defendant, order the defendant ineligible for such a license and order the immediate surrender pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law, of all pistols, revolvers, rifles, shotguns and any other firearms owned or possessed by the defendant.

2. Whenever an order of protection is issued pursuant to subdivision five of section 530.12 or subdivision four of section 530.13 of this article the court shall revoke, suspend or continue to suspend any firearms license possessed by the defendant, order the defendant ineligible for such a license and order the immediate surrender pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law, of all pistols, revolvers, rifles, shotguns and any other firearms owned or possessed by the defendant.

3. Whenever a defendant has been found pursuant to subdivision eleven of section 530.12 or subdivision eight of section 530.13 of this article to have willfully failed to obey an order of protection issued by a court of competent jurisdiction in this state or another state, territorial or tribal jurisdiction, in addition to any other remedies available pursuant to subdivision eleven of section 530.12 or subdivision eight of section 530.13 of this article, the court shall revoke, suspend or continue to suspend any firearms license possessed by the defendant, order the defendant ineligible for such a license and order the immediate surrender pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law, of all pistols, revolvers, rifles, shotguns and any other firearms owned or possessed by the defendant.

4. Suspension. Any suspension order issued pursuant to this section shall remain in effect for the duration of the temporary order of protection or order of protection, unless modified or vacated by the court.

5. Surrender. (a) Where an order to surrender one or more pistols, revolvers, rifles, shotguns or other firearms has been issued, the temporary order of protection or order of protection shall specify the place where such weapons shall be surrendered, shall specify a date and time by which the surrender shall be completed and, to the extent possible, shall describe such weapons to be surrendered, and shall direct the authority receiving such surrendered weapons to immediately notify the court of such surrender.

(b) The prompt surrender of one or more pistols, revolvers, rifles, shotguns or other firearms pursuant to a court order issued pursuant to this section shall be considered a voluntary surrender for purposes of subparagraph (f) of paragraph one of subdivision a of section 265.20 of the penal law. The disposition of any such weapons shall be in accordance with the provisions of subdivision six of section 400.05 of the penal law.

(c) The provisions of this section shall not be deemed to limit, restrict or otherwise impair the authority of the court to order and direct the surrender of any or all pistols, revolvers, rifles, shotguns or other firearms owned or possessed by a defendant pursuant to section 530.12 or 530.13 of this article.

6. Notice. (a) Where an order requiring surrender, revocation, suspension or ineligibility has been issued pursuant to this section, any temporary order of protection or order of protection issued shall state that such firearm license has been suspended or revoked or that the defendant is ineligible for such license, as the case may be, and

that the defendant is prohibited from possessing any pistol, revolver, rifle, shotgun or other firearm.

(b) The court revoking or suspending the license, ordering the defendant ineligible for such a license, or ordering the surrender of any pistol, revolver, rifle, shotgun or other firearm shall immediately notify the duly constituted police authorities of the locality concerning such action and, in the case of orders of protection and temporary orders of protection issued pursuant to section 530.12 of this article, shall immediately notify the statewide registry of orders of protection.

(c) The court revoking or suspending the license or ordering the defendant ineligible for such a license shall give written notice thereof without unnecessary delay to the division of state police at its office in the city of Albany.

(d) Where an order of revocation, suspension, ineligibility or surrender is modified or vacated, the court shall immediately notify the statewide registry of orders of protection and the duly constituted police authorities of the locality concerning such action and shall give written notice thereof without unnecessary delay to the division of state police at its office in the city of Albany.

7. Hearing. The defendant shall have the right to a hearing before the court regarding any revocation, suspension, ineligibility or surrender order issued pursuant to this section, provided that nothing in this subdivision shall preclude the court from issuing any such order prior to a hearing. Where the court has issued such an order prior to a hearing, it shall commence such hearing within fourteen days of the date such order was issued.

8. Nothing in this section shall delay or otherwise interfere with the issuance of a temporary order of protection or the timely arraignment of a defendant in custody.

§ 5. Section 842-a of the family court act is REPEALED and a new section 842-a is added to read as follows:

§ 842-a. Suspension and revocation of a license to carry, possess, repair or dispose of a firearm or firearms pursuant to section 400.00 of the penal law and ineligibility for such a license; order to surrender weapons. 1. Whenever a temporary order of protection is issued pursuant to section eight hundred twenty-eight of this article, or pursuant to article four, five, six, seven or ten of this act the court shall suspend any firearms license possessed by the respondent, order the respondent ineligible for such a license and order the immediate surrender pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law, of all pistols, revolvers, rifles, shotguns and any other firearms owned or possessed by the respondent.

2. Whenever an order of protection is issued pursuant to section eight hundred forty-one of this part, or pursuant to article four, five, six, seven or ten of this act the court shall revoke, suspend or continue to suspend any firearms license possessed by the respondent, order the respondent ineligible for such a license and order the immediate surrender pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law, of all pistols, revolvers, rifles, shotguns and any other firearms owned or possessed by the respondent.

3. Whenever a respondent has been found pursuant to section eight hundred forty-six-a of this part to have willfully failed to obey an order of protection or temporary order of protection issued pursuant to this act or the domestic relations law, or by this court or by a court

of competent jurisdiction in this state or another state, territorial or tribal jurisdiction, in addition to any other remedies available pursuant to section eight hundred forty-six-a of this part, the court shall revoke, suspend or continue to suspend any firearms license possessed by the respondent, order the respondent ineligible for such a license and order the immediate surrender pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law, of all pistols, revolvers, rifles, shotguns and any other firearms owned or possessed by the respondent.

4. Suspension. Any suspension order issued pursuant to this section shall remain in effect for the duration of the temporary order of protection or order of protection, unless modified or vacated by the court.

5. Surrender. (a) Where an order to surrender one or more pistols, revolvers, rifles, shotguns or other firearms has been issued, the temporary order of protection or order of protection shall specify the place where such weapons shall be surrendered, shall specify a date and time by which the surrender shall be completed and, to the extent possible, shall describe such weapons to be surrendered, and shall direct the authority receiving such surrendered weapons to immediately notify the court of such surrender.

(b) The prompt surrender of one or more pistols, revolvers, rifles, shotguns or other firearms pursuant to a court order issued pursuant to this section shall be considered a voluntary surrender for purposes of subparagraph (f) of paragraph one of subdivision a of section 265.20 of the penal law. The disposition of any such weapons shall be in accordance with the provisions of subdivision six of section 400.05 of the penal law.

(c) The provisions of this section shall not be deemed to limit, restrict or otherwise impair the authority of the court to order and direct the surrender of any or all pistols, revolvers, rifles, shotguns or other firearms owned or possessed by a respondent pursuant to this act.

6. Notice. (a) Where an order requiring surrender, revocation, suspension or ineligibility has been issued pursuant to this section, any temporary order of protection or order of protection issued shall state that such firearm license has been suspended or revoked or that the respondent is ineligible for such license, as the case may be, and that the respondent is prohibited from possessing any pistol, revolver, rifle, shotgun or other firearm.

(b) The court revoking or suspending the license, ordering the respondent ineligible for such a license, or ordering the surrender of any pistol, revolver, rifle, shotgun or other firearm shall immediately notify the statewide registry of orders of protection and the duly constituted police authorities of the locality of such action.

(c) The court revoking or suspending the license or ordering the respondent ineligible for such a license shall give written notice thereof without unnecessary delay to the division of state police at its office in the city of Albany.

(d) Where an order of revocation, suspension, ineligibility or surrender is modified or vacated, the court shall immediately notify the statewide registry of orders of protection and the duly constituted police authorities of the locality concerning such action and shall give written notice thereof without unnecessary delay to the division of state police at its office in the city of Albany.

7. Hearing. The respondent shall have the right to a hearing before the court regarding any revocation, suspension, ineligibility or surrender order issued pursuant to this section, provided that nothing in this subdivision shall preclude the court from issuing any such order prior to a hearing. Where the court has issued such an order prior to a hearing, it shall commence such hearing within fourteen days of the date such order was issued.

8. Nothing in this section shall delay or otherwise interfere with the issuance of a temporary order of protection.

§ 6. Subdivision 4 of section 265.01 of the penal law, as amended by chapter 1 of the laws of 2013, is amended to read as follows:

(4) He or she possesses a rifle, shotgun, antique firearm, black powder rifle, black powder shotgun, or any muzzle-loading firearm, and has been convicted of a felony or serious offense or is the subject of an outstanding warrant of arrest issued upon the alleged commission of a felony or serious offense; or

§ 7. Paragraph (c) of subdivision 1 of section 400.00 of the penal law, as amended by chapter 1 of the laws of 2013, is amended to read as follows:

(c) who has not been convicted anywhere of a felony or a serious offense or who is not the subject of an outstanding warrant of arrest issued upon the alleged commission of a felony or serious offense;

§ 8. This act shall take effect on the thirtieth day after it shall have become a law.

PART F

Section 1. The penal law is amended by adding three new sections 250.62, 250.63 and 250.64 to read as follows:

§ 250.62 Sexual extortion in the third degree.

A person is guilty of sexual extortion in the third degree when he or she, with the intent to satisfy, in whole or substantial part his or her own sexual gratification, compels or induces another person to expose his or her sexual or intimate parts or engage in sexual conduct by instilling a fear in him or her that, if the demand is not complied with, the actor will perform an act intended to harm another person with respect to his or her health, safety, business, career, financial condition, reputation or personal relationships.

Sexual extortion in the third degree is a class E felony.

§ 250.63 Sexual extortion in the second degree.

A person is guilty of sexual extortion in the second degree when he or she with intent to satisfy, in whole or substantial part his or her own sexual gratification, compels or induces another person less than seventeen years old to expose his or her sexual or intimate parts or engage in sexual conduct by instilling a fear in him or her that, if the demand is not complied with, the actor will perform an act intended to harm another person with respect to his other health, safety, business, career, financial condition, reputation or personal relationships.

Sexual extortion in the second degree is a class D felony.

§ 250.64 Sexual extortion in the first degree.

A person is guilty of sexual extortion in the first degree when he or she, with the intent to satisfy, in whole or substantial part his or her own sexual gratification, compels or induces another person less than fifteen years old to expose his or her sexual or intimate parts or engage in sexual conduct by instilling a fear in him or her that, if the demand is not complied with, the actor will perform an act intended to

harm another person with respect to his or her health, safety, business, career, financial condition, reputation or personal relationships.

Sexual extortion in the first degree is a class C felony.

§ 2. The opening paragraph of subdivision 1 of section 812 of the family court act, as amended by chapter 526 of the laws of 2013, is amended to read as follows:

The family court and the criminal courts shall have concurrent jurisdiction over any proceeding concerning acts which would constitute disorderly conduct, harassment in the first degree, harassment in the second degree, aggravated harassment in the second degree, sexual misconduct, forcible touching, sexual abuse in the third degree, sexual abuse in the second degree as set forth in subdivision one of section 130.60 of the penal law, stalking in the first degree, stalking in the second degree, stalking in the third degree, stalking in the fourth degree, criminal mischief, menacing in the second degree, menacing in the third degree, reckless endangerment, criminal obstruction of breathing or blood circulation, strangulation in the second degree, strangulation in the first degree, assault in the second degree, assault in the third degree, an attempted assault, identity theft in the first degree, identity theft in the second degree, identity theft in the third degree, grand larceny in the fourth degree, grand larceny in the third degree or coercion in the second degree as set forth in subdivisions one, two and three of section 135.60 of the penal law**, unlawful publication of sexual images as set forth in section 250.61 of the penal law, sexual extortion in the third degree as set forth in section 250.62 of the penal law, sexual extortion in the second degree as set forth in section 250.63 of the penal law, or sexual extortion in the first degree as set forth is section 250.64 of the penal law** between spouses or former spouses, or between parent and child or between members of the same family or household except that if the respondent would not be criminally responsible by reason of age pursuant to section 30.00 of the penal law, then the family court shall have exclusive jurisdiction over such proceeding. Notwithstanding a complainant's election to proceed in family court, the criminal court shall not be divested of jurisdiction to hear a family offense proceeding pursuant to this section. In any proceeding pursuant to this article, a court shall not deny an order of protection, or dismiss a petition, solely on the basis that the acts or events alleged are not relatively contemporaneous with the date of the petition, the conclusion of the fact-finding or the conclusion of the dispositional hearing. For purposes of this article, "disorderly conduct" includes disorderly conduct not in a public place. For purposes of this article, "members of the same family or household" shall mean the following:

§ 3. Paragraph (a) of subdivision 1 of section 821 of the family court act, as amended by chapter 526 of the laws of 2013, is amended to read as follows:

(a) An allegation that the respondent assaulted or attempted to assault his or her spouse, or former spouse, parent, child or other member of the same family or household or engaged in disorderly conduct, harassment, sexual misconduct, forcible touching, sexual abuse in the third degree, sexual abuse in the second degree as set forth in subdivision one of section 130.60 of the penal law, stalking, criminal mischief, menacing, reckless endangerment, criminal obstruction of breathing or blood circulation, strangulation, identity theft in the first degree, identity theft in the second degree, identity theft in the third degree, grand larceny in the fourth degree, grand larceny in the third degree or coercion in the second degree as set forth in subdivi-

sions one, two and three of section 135.60 of the penal law, **unlawful publication of sexual images as set forth in section 250.61 of the penal law, sexual extortion in the third degree as set forth in section 250.62 of the penal law, sexual extortion in the second degree as set forth in section 250.63 of the penal law, or sexual extortion in the first degree as set forth in section 250.64 of the penal law** toward any such person;

§ 4. The opening paragraph of subdivision 1 of section 530.11 of the criminal procedure law, as amended by chapter 526 of the laws of 2013, is amended to read as follows:

The family court and the criminal courts shall have concurrent jurisdiction over any proceeding concerning acts which would constitute disorderly conduct, harassment in the first degree, harassment in the second degree, aggravated harassment in the second degree, sexual misconduct, forcible touching, sexual abuse in the third degree, sexual abuse in the second degree as set forth in subdivision one of section 130.60 of the penal law, stalking in the first degree, stalking in the second degree, stalking in the third degree, stalking in the fourth degree, criminal mischief, menacing in the second degree, menacing in the third degree, reckless endangerment, strangulation in the first degree, strangulation in the second degree, criminal obstruction of breathing or blood circulation, assault in the second degree, assault in the third degree, an attempted assault, identity theft in the first degree, identity theft in the second degree, identity theft in the third degree, grand larceny in the fourth degree, grand larceny in the third degree or coercion in the second degree as set forth in subdivisions one, two and three of section 135.60 of the penal law**, unlawful publication of sexual images as set forth in section 250.61 of the penal law, sexual extortion in the third degree as as set forth in section 250.62 of the penal law, sexual extortion in the second degree as set forth in section 250.63 of the penal law, or sexual extortion in the first degree as set forth in section 250.64 of the penal law** between spouses or former spouses, or between parent and child or between members of the same family or household except that if the respondent would not be criminally responsible by reason of age pursuant to section 30.00 of the penal law, then the family court shall have exclusive jurisdiction over such proceeding. Notwithstanding a complainant's election to proceed in family court, the criminal court shall not be divested of jurisdiction to hear a family offense proceeding pursuant to this section. For purposes of this section, "disorderly conduct" includes disorderly conduct not in a public place. For purposes of this section, "members of the same family or household" with respect to a proceeding in the criminal courts shall mean the following:

§ 5. The penal law is amended by adding a new section 250.61 to read as follows:

§ 250.61 Unlawful publication of sexual images.

A person is guilty of unlawful publication of sexual images when he or she, with the intent to harm or cause serious emotional distress to another: (a) publishes, broadcasts, or in any other way disseminates images of the sexual or other intimate parts of a person personally known to them; or (b) compels another to engage in conduct by means of instilling fear that if the demand to engage in such conduct is not complied with, he or she will publish, broadcast, or in any other way disseminate images of the sexual or other intimate parts of another person personally known to them, and the depicted person suffers serious emotional distress as a result of the publication, broadcast or dissem-

ination, or the compulsion thereof, and the publication or broadcast was done without consent of the person.

Unlawful publication of a sexual image is a class A misdemeanor.

§ 6. Subparagraph (i) of paragraph (a) of subdivision 2 of section 168-a of the correction law, as amended by chapter 368 of the laws of 2015, is amended to read as follows:

2. "Sex offense" means: (a) (i) a conviction of or a conviction for an attempt to commit any of the provisions of sections 120.70, 130.20, 130.25, 130.30, 130.40, 130.45, 130.60, 230.34, 250.50, **250.61, 250.62, 250.63, 250.64,** 255.25, 255.26 and 255.27 or article two hundred sixty-three of the penal law, or section 135.05, 135.10, 135.20 or 135.25 of such law relating to kidnapping offenses, provided the victim of such kidnapping or related offense is less than seventeen years old and the offender is not the parent of the victim, or section 230.04, where the person patronized is in fact less than seventeen years of age, 230.05, 230.06, 230.11, 230.12, 230.13, subdivision two of section 230.30, section 230.32, 230.33, or 230.34 of the penal law, or section 230.25 of the penal law where the person prostituted is in fact less than seventeen years old, or

§ 7. This act shall take effect immediately, provided however that sections two, three, and four of this act shall take effect on the first of November next succeeding the date on which it shall have become a law.

PART G

Section 1. Subdivision 4 of section 2805-i of the public health law is REPEALED.

§ 2. Subdivision 2 of section 2805-i of the public health law, as amended by chapter 504 of the laws of 1994, is amended to read as follows:

2. The sexual offense evidence shall be collected and kept in a locked separate and secure area for not less than [~~thirty days~~] **the longer of five years or the date the alleged sexual offense victim reaches the age of nineteen,** unless: (a) such evidence is not privileged and the police request its surrender before that time, which request shall be complied with; or (b) such evidence is privileged and (i) the alleged sexual offense victim nevertheless gives permission to turn such privileged evidence over to the police before that time, or (ii) the alleged sexual offense victim signs a statement directing the hospital to not collect and keep such privileged evidence, which direction shall be complied with. The sexual offense evidence shall include, but not be limited to, slides, cotton swabs, clothing and other items. Where appropriate such items must be refrigerated and the clothes and swabs must be dried, stored in paper bags and labeled. Each item of evidence shall be marked and logged with a code number corresponding to the patient's medical record. [~~The~~] **Within thirty days of collection of evidence, the** alleged sexual offense victim shall be notified that after [~~thirty days~~] **the longer of five years or the date the alleged sexual offense victim reaches the age of nineteen**, the refrigerated evidence will be discarded in compliance with state and local health codes and the alleged sexual offense victim's clothes will be returned to the alleged sexual offense victim upon request. **The hospital shall ensure that diligent efforts are made to contact the alleged sexual offense victim and repeat such notification more than thirty days prior to the evidence being discarded in accordance with this section. Hospitals may enter into contracts with**

other entities that will ensure appropriate storage of sexual offense evidence pursuant to this subdivision.

§ 3. This act shall take effect immediately.

PART H

Section 1. Section 292 of the executive law is amended by adding a new subdivision 35 to read as follows:

35. The term "educational institution" shall mean:

(a) any education corporation or association which holds itself out to the public to be non-secretarian and exempt from taxation pursuant to the provisions of article four of the real property tax law; or

(b) any public school, including any school district, board of cooperative education services, public college or public university.

§ 2. Subdivision 4 of section 296 of the executive law, as amended by chapter 106 of the laws of 2003, is amended to read as follows:

4. It shall be an unlawful discriminatory practice for an [~~education corporation or association which holds itself out to the public to be non-sectarian and exempt from taxation pursuant to the provisions of article four of the real property tax law~~] educational institution to deny the use of its facilities to any person otherwise qualified, or to permit the harassment of any student or applicant, by reason of his race, color, religion, disability, national origin, sexual orientation, military status, sex, age or marital status, except that any such institution which establishes or maintains a policy of educating persons of one sex exclusively may admit students of only one sex.

§ 3. This act shall take effect immediately.

PART I

Section 1. This Part enacts into law major components of legislation which are necessary to combat sexual harassment in the workplace. Each component is wholly contained within a Subpart identified as Subparts A through F. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes a reference to a section "of this act," when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section three of this Part sets forth the general effective date of the Part.

SUBPART A

Section 1. The state finance law is amended by adding a new section 148 to read as follows:

§ 148. Reporting of sexual harassment violations by state contractors. 1. Definitions. As used in this section, the following terms shall have the following meanings unless otherwise specified:

a. "State agency" means (1) (a) any state department, or (b) any division, board, commission or bureau of any state department, or (c) the state university of New York and the city university of New York, including all their constituent units except community colleges and the independent institutions operating statutory or contract colleges on behalf of the state, or (d) a board or commission, a majority of whose

members are appointed by the governor; and (2) a "state authority", as defined in subdivision one of section two of the public authorities law.

b. "Owner" means an owner of a business entity, which includes but is not limited to a shareholder of a corporation that is not publicly traded, a partner in a partnership or limited liability partnership, a member of a limited liability company, a general partner or limited partner of a limited partnership.

c. "Manager" means a director or executive officer of a business entity, which includes but is not limited to a director of a corporation and a manager of a limited liability company.

d. "Sexual harassment violation" means a claim of sexual harassment that has been determined to be substantiated in accordance with applicable law or the internal policies of the contractor.

e. "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature if such conduct is made either explicitly or implicitly a term or condition of employment, or submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment, or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment.

f. "Contract" means the same as "procurement contract" as defined in subdivision g of section one hundred thirty-nine-k of the state finance law.

2. A clause shall be inserted in all contracts hereafter made or awarded by the state, or by any state agency, requiring a contractor to whom any contract shall be let, granted or awarded, as required by law, to certify to the office of general services not later than June thirtieth of each year during the term of the contract information relating to the issue of sexual harassment, which shall include, among other things, the following: (i) the number of sexual harassment violations and/or determinations asserted against or committed by any owner, manager, or employee of the contractor in the previous calendar year; (ii) the number of settlement agreements containing nondisclosure provisions that have been executed by the contractor in the previous calendar year where such settlement agreement resolves any sexual harassment claim asserted against or committed by any owner, manager, or employee of the contractor; and (iii) a description of training provided to employees relating to sexual harassment prevention in the workplace. The above-referenced clause shall also require the contractor to submit such certification using a form of certification provided by the office of general services.

3. The office of general services shall prepare an annual report which identifies the aggregate number of sexual harassment violations, the aggregate number of settlement agreements containing nondisclosure provisions, and the aggregate number of businesses providing sexual harassment training in the workplace reported to the office of general services during the preceding year. The report shall be provided to the governor, the speaker of the assembly and the temporary president of the senate on or before November first of each year commencing with the November first in the year immediately following the effective date of the legislation.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.

SUBPART B

Section 1. The general business law is amended by adding a new section 398-f to read as follows:

§ 398-f. Certain contract clauses; prohibited. 1. Definitions. As used in this section:

a. The term "employer" shall have the same meaning as provided in subdivision five of section two hundred ninety-two of the executive law.

b. The term "sexual harassment" shall include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

2. Prohibition. On or after the effective date of this section, no employer shall force an employee or prospective employee to enter into a written contract if such contract would restrict or limit such employee's ability to bring or adjudicate claims relating to unlawful discriminatory practices based on sexual harassment in any forum.

3. Where there is a conflict between any collective bargaining agreement and this section, such agreement shall be controlling.

§ 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.

SUBPART C

Section 1. The executive law is amended by adding a new section 656 to read as follows:

§ 656. Individual liability for sexual harassment. a. For the purposes of this section, "sexual harassment" shall include unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

b. The office of employee relations shall review any proposed agreed judgment, stipulation, decree, agreement to settle, assurance of discontinuance or other agreement to resolve any internal complaint, complaint to the U.S. equal employment opportunity commission or New York division of human rights, or other complaint that has not been filed in state or federal court, if the act or omission from which such complaint arose involved sexual harassment. The office of employee relations shall not approve such agreement to the extent such agreement includes a proposal for the state to indemnify and save harmless an employee for the employee's individual liability with respect to the complaint.

§ 2. Section 17 of the public officers law is amended by adding a new subdivision 12 to read as follows:

12. (a) For the purposes of this section, "sexual harassment" shall include unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when: (i) submission to

such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(b) Notwithstanding any provision of this article or law, the state shall not indemnify and save harmless an employee in the amount of any judgment obtained against such employee in any state or federal court, or in the amount of any settlement of a claim, and shall not pay such judgment or settlement if the act or omission from which such judgment or settlement arose involved sexual harassment.

§ 3. Paragraph (d) of subdivision 4 of section 18 of the public officers law is relettered paragraph (e) and a new paragraph (d) is added to read as follows:

(d)(i) For the purposes of this section, "sexual harassment" shall include unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when: (A) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (B) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (C) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(ii) No public entity shall indemnify or save harmless an employee with respect to the amount of any judgment obtained against such employee in any state or federal court, or in the amount of any settlement of a claim, or pay such judgment or settlement if the act or omission from which such judgment or settlement arose involved sexual harassment.

§ 4. This act shall take effect immediately.

SUBPART D

Section 1. Section 63 of the executive law is amended by adding a new subdivision 17 to read as follows:

17. (a) For the purposes of this section, sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(b) Notwithstanding any other law to the contrary, for any claim or cause of action, whether filed or unfiled, actual or potential, and whether arising under common law, equity, or any provision of law, the factual foundation for which involves sexual harassment, in resolving, by agreed judgment, stipulation, decree, agreement to settle, assurance of discontinuance or otherwise, a state agency or a state official or employee acting in their official capacity shall not have the authority to include or agree to include in such resolution any term or condition that would prevent the disclosure of any or all factual information related to the action unless the condition of confidentiality is the complainant's preference. Any such condition must be provided to the complainant, who shall have twenty-one days to consider the condition.

If after twenty-one days, such condition is the complainant's preference, such preference shall be memorialized in an agreement signed by the complainant.

§ 2. The general municipal law is amended by adding a new section 70-b to read as follows:

§ 70-b. Confidential settlements. a. For the purposes of this section, sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

b. Notwithstanding any other law to the contrary, for any claim or cause of action, whether filed or unfiled, actual or potential, and whether arising under common law, equity, or any provision of law, the factual foundation for which involves sexual harassment, in resolving, by agreed judgment, stipulation, decree, agreement to settle, assurance of discontinuance or otherwise, a municipal corporation, official or employee acting in their official capacity shall not have the authority to include or agree to include in such resolution any term or condition that would prevent the disclosure of any or all factual information related to the action unless the condition of confidentiality is the complainant's preference. Any such condition must be provided to the complainant, who shall have twenty-one days to consider the condition. If after twenty-one days, such condition is the complainant's preference, such preference shall be memorialized in an agreement signed by the complainant.

§ 3. This act shall take effect immediately.

SUBPART E

Section 1. Subdivision 3 of section 74 of the public officers law is amended by adding a new paragraph j to read as follows:

j. No officer or employee of a state agency, member of the legislature or legislative employee shall commit an act of sexual harassment while serving in his or her official capacity. For the purposes of this section, "sexual harassment" shall include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual or such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

§ 2. Subdivision 4 of section 74 of the public officers law, as amended by chapter 14 of the laws of 2007, is amended to read as follows:

4. a. Violations. In addition to any penalty contained in any other provision of law any such officer, member or employee who shall knowingly and intentionally violate any of the provisions of this section may be fined, suspended or removed from office or employment in the manner provided by law. Any such individual who knowingly and intentionally

violates the provisions of paragraph b, c, d or i of subdivision three of this section shall be subject to a civil penalty in an amount not to exceed ten thousand dollars and the value of any gift, compensation or benefit received as a result of such violation. Any such individual who knowingly and intentionally violates the provisions of paragraph a, e or g of subdivision three of this section shall be subject to a civil penalty in an amount not to exceed the value of any gift, compensation or benefit received as a result of such violation.

b. Sexual harassment violations. In addition to any penalty contained in any other provision of law any such officer, member or employee who shall violate the provisions of paragraph j of subdivision three of this section shall be subject to a civil penalty of up to ten thousand dollars, and may be subject to proceedings for suspension or removal from office or employment by the attorney general or in the manner otherwise provided by law or collective bargaining agreement.

§ 3. Subdivision 9 of section 94 of the executive law is amended by adding a new paragraph (o) to read as follows:

(o) Establish a unit to receive and investigate complaints of sexual harassment that constitute violations of paragraph j of subdivision three of section seventy-four of the public officers law. Such unit shall maintain a phone number to receive complaints, and post such number and instructions for filing a complaint of sexual harassment on the commission's publicly accessible website.

§ 4. Subdivision 13 of section 94 of the executive law is amended by adding a new paragraph (d) to read as follows:

(d) For an alleged or possible violation of paragraph j of subdivision three of section seventy-four of the public officers law, filing a complaint shall not constitute an election of remedies. An individual shall not be required to exhaust other available administrative remedies to file a complaint. Neither the filing of a complaint of the conclusion of any investigation by the commission shall restrict a complainant's right to bring a separate action administratively or in a court of law. Notice to any complainant shall be provided upon the closure of any investigation. However, the individual shall notify the commission of any separate administrative action or action in the court of law relating to the same complaint. The commission may stay the matter before it pending the determination/conclusion of the separate action.

§ 5. This act shall take effect immediately.

SUBPART F

Section 1. The executive law is amended by adding a new section 655 to read as follows:

§ 655. Sexual harassment prevention policy. a. Notwithstanding any other provision of law to the contrary, the office of employee relations shall develop a sexual harassment prevention policy, applicable to each agency, office or department, which shall include investigation procedures and a standard complaint form. The sexual harassment prevention policy shall include, but not be limited to, the following elements:

(i) Definitions. For the purposes of this section, the following terms shall have the following meanings:

(A) "sexual harassment" shall include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is

used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(B) "employee" shall include any agency, office or department employee, contractor, or employee of any contractor or other individual in the workplace of any agency, office or department.

(ii) Instructions to file a complaint. (A) Complaints may be filed by an employee to any supervisor, managerial employee, personnel administrator, or affirmative action administrator. Any supervisory or managerial employee who observes or otherwise becomes aware of conduct of a sexually harassing nature, must report such conduct as set forth in the complaint procedure so that it can be investigated. If the office of employment relations otherwise becomes aware of conduct of a sexually harassing nature, it shall ensure an investigation is opened immediately.

(B) A standard complaint form. A standard complaint form shall be available to every employee on the agency, office, or department's intranet. If an employee makes an oral complaint, the person receiving such complaint shall encourage the employee to fill out a standard complaint form. If the employee does not fill out the complaint form, the person shall fill out such form based on the oral reporting.

(iii) Investigation procedure. (A) The office of employee relations shall designate an individual to investigate complaints of sexual harassment for each agency, office, and department. Upon receipt of a complaint of sexual harassment, a supervisor, managerial employee, personnel administrator, or affirmative action administrator shall immediately report such complaint to the designated individual, who shall open an investigation. The designated individual shall ensure that he or she does not have a conflict of interest in the allegations in the complaint, and if there is any suspected conflict of interest, the individual shall immediately notify the office of employee relations, which shall designate a new individual to conduct the investigation.

(B) An investigation into a complaint of sexual harassment shall take no more than ninety days from the filing of the complaint. If additional time is needed to complete an investigation due to its complexity, a request for an extension may be submitted to the office of employee relations.

(C) Any complaint of sexual harassment will be kept confidential, including the identity of the complainant, witnesses and the identity of the alleged harasser to the extent practicable during the course of the investigations.

(D) Any appropriate remedial steps may be taken to prevent intimidation, retaliation, or coercion of the complainant by the alleged harasser. Such steps may include, but not be limited to, preventing the alleged harasser from contacting the complainant or from discussing the substance of the complaint with the complainant, or removing the alleged harasser from the workplace.

(E) Such procedures shall also include, at a minimum:

(1) the development of a preliminary investigation plan, which shall include at a minimum:

(I) an examination of: the circumstances surrounding the allegations; the employment history of the parties; the place, date, location, time, and duration of the incident in question; and prior relevant incidents or allegations, whether reported or unreported;

(II) identification of the complainant, alleged harasser, and any relevant witnesses;

(III) identification and communication of any legal hold request on any relevant documents, emails or phone records to legal counsel; and

(IV) a determination of any necessary site visits;

(2) an interview of the complainant, where necessary;

(3) an interview of the alleged harasser, where necessary, which shall conform to the requirements of any applicable collective bargaining agreement or law; and

(4) any other relevant information relating to the allegations.

(iv) Completion of the investigation. (A) After the completion of an investigation, the individual who conducted the investigation shall draft a report, using a standard format developed by the office of employee relations. Such report shall contain, at minimum, a summary of relevant documents; a list of all individuals interviewed and a summary of their statements; a timeline of events; a summary of prior relevant incidents; and an analysis of the allegations and evidence.

(B) The report shall be submitted to the counsel at the agency, office, or department for review and recommendation. No more than thirty days after the completion of such investigation, a legal determination shall be issued. If there is a determination that the complaint or a component of such complaint is substantiated, appropriate administrative action shall be taken, which shall conform to any applicable collective bargaining agreement or law.

b. Such policy shall also include, but not be limited to the following:

(i) Contain a statement that sexual harassment is unlawful pursuant to state and federal civil rights laws, and shall be prohibited conduct in all state agencies, offices, and departments;

(ii) Contain a statement that retaliation against a complainant, witness or any other individual participating in the investigation process is unlawful and will not be tolerated;

(iii) Contain a statement that employees also have the right to file a complaint with the U.S. Equal Employment Opportunity Commission, and the New York division of human rights;

(iv) Contain a statement that employees of state entities also have a right to file a complaint with the joint commission on public ethics, which shall include the contact information for employees to use to file such a complaint;

(v) Copies of the sexual harassment policy, as well as directions for filing a complaint, shall be distributed to all employees of state agencies, offices, departments, including the executive department upon commencing employment and annually thereafter; and

(vi) Provisions for appropriate annual interactive training for all employees of state agencies, offices, and departments, including the executive department.

c. Nothing in this section shall grant any additional legal rights to any employee and nothing herein abrogates compliance with any law, rule, or regulation that grants rights to an employee. Where there is a conflict between any collective bargaining agreement and this section, such agreement shall be controlling.

§ 2. Article 5 of the legislative law is amended by adding a new section 81 to read as follows:

§ 81. Sexual harassment prevention policy. 1. Notwithstanding any other provision of law to the contrary, the legislative ethics commission shall develop a sexual harassment prevention policy, applicable to

the legislature and all legislative employees, which shall include investigation procedures and a standard complaint form. The sexual harassment prevention policy shall include, but not be limited to, the following elements:

(a) Definitions. The following terms shall have the following meanings:

(i) "sexual harassment" shall include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (A) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (B) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (C) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(ii) "employee" shall include any legislative employee, contractor, or employee of any contractor or other individual in the workplace of the legislature.

(b) Instructions to file a complaint. (i) Complaints may be filed by an employee to any supervisor, managerial employee, personnel administrator, or affirmative action administrator. Any supervisory or managerial employee who observes or otherwise becomes aware of conduct of a sexually harassing nature, must report such conduct as set forth in the complaint procedure so that it can be investigated. If the legislative ethics commission otherwise becomes aware of conduct of a sexually harassing nature, it shall ensure an investigation is opened immediately.

(ii) A standard complaint form. A standard complaint form shall be available to every employee of the legislature. If an employee makes an oral complaint, the person receiving such complaint shall encourage the employee to fill out a standard complaint form. If the employee does not fill out the complaint form, the person shall fill out such form based on the oral reporting.

(c) Investigation procedure. (i) The legislative ethics commission shall designate an individual to investigate complaints of sexual harassment. Upon receipt of a complaint of sexual harassment, a supervisor, managerial employee, personnel administrator, or affirmative action administrator shall immediately report such complaint to the designated individual, who shall open an investigation. The designated individual shall ensure that he or she does not have a conflict of interest in the allegations in the complaint, and if there is any conflict of interest, the individual shall immediately notify the legislative ethics commission, which shall designate a new individual to conduct the investigation.

(ii) An investigation into a complaint of sexual harassment shall take no more than ninety days from the filing of the complaint. If additional time is needed to complete an investigation due to its complexity, a request for an extension may be submitted to the legislative ethics commission.

(iii) Any complaint of sexual harassment will be kept confidential, including the identity of complainant, witnesses and the identity of the alleged harasser to the extent practicable during the course of the investigations.

(iv) Any appropriate remedial steps may be taken to prevent intimidation, retaliation, or coercion of the complainant by the alleged harasser. Such steps may include, but not be limited to, preventing the

alleged harasser from contacting the complainant or from discussing the substance of the complaint with the complainant.

(v) Such procedures shall also include, at a minimum:

(A) the development of a preliminary investigation plan, which shall include at a minimum:

(1) an examination of: the circumstances surrounding the allegations; the employment history of the parties; the place, date, location, time, and duration of the incident in question; and prior relevant incidents or allegations, whether reported or unreported;

(2) identification of the complainant, alleged harasser, and any relevant witnesses;

(3) identification and communication of any legal hold request on any relevant documents, emails or phone records to legal counsel; and

(4) a determination of any necessary site visits;

(B) an interview of the complainant, where necessary;

(C) an interview of the alleged harasser, where necessary, which shall conform to the requirements of any applicable collective bargaining agreement or law; and

(D) any other relevant information relating to the allegations.

(d) Completion of the investigation. (i) After the completion of an investigation, the individual who conducted the investigation shall draft a report, using a standard format developed by the legislative ethics commission. Such report shall contain, at a minimum, a summary of relevant documents; a list of all individuals interviewed and a summary of their statements; a timeline of events; a summary of prior relevant incidents; and an analysis of the allegations and evidence.

(ii) The report shall be submitted to an individual designated by the legislative ethics commission to review the report and make a legal recommendation. No more than thirty days after the completion of such investigation, a legal determination shall be issued. If there is a determination that the complaint or a component of such complaint is substantiated, appropriate administrative action shall be taken, which shall conform to any applicable collective bargaining agreement or law.

2. Such policy shall also include, but not be limited to the following:

(a) Contain a statement that sexual harassment is unlawful pursuant to state and federal civil rights laws, and shall be prohibited conduct in the legislature;

(b) Contain a statement that retaliation against a complainant, witness or any other individual participating in the investigation process is unlawful and will not be tolerated;

(c) Contain a statement that employees also have the right to file a complaint with the U.S. Equal Employment Opportunity Commission, and the New York division of human rights;

(d) Contain a statement that employees of state entities also have a right to file a complaint with the joint commission on public ethics, which shall include the contact information for employees to use to file such a complaint;

(e) Copies of the sexual harassment policy, as well as directions for filing a complaint, shall be distributed to all employees of the legislature upon commencing employment and annually thereafter; and

(f) Provisions for appropriate annual interactive training for all employees of the legislature.

3. Nothing in this section shall grant any additional legal rights to any employee and nothing in this section abrogates compliance with any law, rule, or regulation that grants rights to an employee. Where there

is a conflict between any collective bargaining agreement and this section, such agreement shall be controlling.

§ 3. The judiciary law is amended by adding a new section 219-d to read as follows:

§ 219-d. Sexual harassment prevention policy. 1. Notwithstanding any other provision of law to the contrary, the office of court administration shall develop a sexual harassment prevention policy, applicable to the judiciary and all judiciary employees, which shall include investigation procedures and a standard complaint form. The sexual harassment prevention policy shall include, but not be limited to, the following elements:

(a) Definitions. For the purposes of this section, the following terms shall have the following meanings:

(i) "sexual harassment" shall include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (A) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (B) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (C) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(ii) "employee" shall include any employee, contractor, or employee of any contractor or other individual in the work place of the judiciary.

(b) Instructions to file a complaint. (i) Complaints may be filed by an employee to any supervisor, managerial employee, personnel administrator, or affirmative action administrator. Any supervisory or managerial employee who observes or otherwise becomes aware of conduct of a sexually harassing nature, must report such conduct as set forth in the complaint procedure so that it can be investigated. If the office of court administration otherwise becomes aware of conduct of a sexually harassing nature, it shall ensure an investigation is opened immediately.

(ii) A standard complaint form. A standard complaint form shall be available to every employee in the judiciary. If an employee makes an oral complaint, the person receiving such complaint shall encourage the employee to fill out a standard complaint form. If the employee does not fill out the complaint form, the person shall fill out such form based on the oral reporting.

(c) Investigation procedure. (i) The office of court administration shall designate an individual to investigate complaints of sexual harassment. Upon receipt of a complaint of sexual harassment, a supervisor, managerial employee, personnel administrator, or affirmative action administrator shall immediately report such complaint to the designated individual, who shall open an investigation. The designated individual shall ensure that he or she does not have a conflict of interest in the allegations in the complaint, and if there is any conflict of interest, the individual shall immediately notify the office of court administration, which shall designate a new individual to conduct the investigation.

(ii) An investigation into a complaint of sexual harassment shall take no more than ninety days from the filing of the complaint. If additional time is needed to complete an investigation due to its complexity, a request for an extension may be submitted to the office of court administration.

(iii) Any complaint of sexual harassment will be kept confidential, including the identity of the complainant, witnesses and the identity of the alleged harasser to the extent practicable during the course of the investigations.

(iv) Any appropriate remedial steps may be taken to prevent intimidation, retaliation, or coercion of the complainant by the alleged harasser. Such steps may include, but not be limited to, preventing the alleged harasser from contacting the complainant or from discussing the substance of the complaint with the complainant.

(v) Such procedures shall also include, at a minimum:

(A) the development of a preliminary investigation plan, which shall include at a minimum:

(1) an examination of: the circumstances surrounding the allegations; the employment history of the parties; the place, date, location, time, and duration of the incident in question; and prior relevant incidents or allegations, whether reported or unreported;

(2) identification of the complainant, alleged harasser, and any relevant witnesses;

(3) identification and communication of any legal hold request on any relevant documents, emails or phone records to legal counsel; and

(4) a determination of any necessary site visits;

(B) an interview of the complainant, where necessary;

(C) an interview of the alleged harasser, where necessary, which shall conform to the requirements of any applicable collective bargaining agreement or law; and

(D) any other relevant information relating to the allegations.

(d) Completion of the investigation. (i) After the completion of an investigation, the individual who conducted the investigation shall draft a report, using a standard format developed by the office of court administration. Such report shall contain, at a minimum, a summary of relevant documents; a list of all individuals interviewed and a summary of their statements; a timeline of events; a summary of prior relevant incidents; and an analysis of the allegations and evidence.

(ii) The report shall be submitted to an individual designated by the legislative ethics commission to review the report and make a legal recommendation. No more than thirty days after the completion of such investigation, a legal determination shall be issued. If there is a determination that the complaint or a component of such complaint is substantiated, appropriate administrative action shall be taken, which shall conform to any applicable collective bargaining agreement or law.

2. Such policy shall also include, but not be limited to the following:

(a) Contain a statement that sexual harassment is unlawful pursuant to state and federal civil rights laws, and shall be prohibited conduct in the judiciary;

(b) Contain a statement that retaliation against a complainant, witness or any other individual participating in the investigation process is unlawful and will not be tolerated;

(c) Contain a statement that employees also have the right to file a complaint with the U.S. Equal Employment Opportunity Commission, and the New York division of human rights;

(d) Contain a statement that employees of state entities also have a right to file a complaint with the joint commission on public ethics, which shall include the contact information for employees to use to file such a complaint;

(e) Copies of the sexual harassment policy, as well as directions for filing a complaint, shall be distributed to all employees of the legislature upon commencing employment and annually thereafter; and

(f) Provisions for appropriate annual interactive training for all employees of the judiciary.

3. Nothing in this section shall grant any additional legal rights to any employee and nothing in this section abrogates compliance with any law, rule, or regulation that grants rights to an employee. Where there is a conflict between any collective bargaining agreement and this section, such agreement shall be controlling.

§ 4. The general municipal law is amended by adding a new section 686 to read as follows:

§ 686. Sexual harassment prevention policy. 1. Notwithstanding any other provision of law to the contrary, every county, city, town, village, school district and other political subdivision shall require its legal counsel to develop a sexual harassment prevention policy, applicable to all employees of such political subdivision, which shall include investigation procedures and a standard complaint form. The sexual harassment prevention policy shall include, but not be limited to, the following elements:

(a) Definitions. For the purposes of this section, the following terms shall have the following meanings:

(i) "sexual harassment" shall include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (A) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (B) submission to or rejecting of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (C) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(ii) "employee" shall include any employee or contractor of the political subdivision or any employee, contractor, or employee of any contractor or other individual in the workplace of the political subdivision.

(b) Instructions to file a complaint. (i) Complaints may be filed by an employee with any supervisor, managerial employee, personnel administrator, or affirmative action administrator. Any supervisory or managerial employee who observes or otherwise becomes aware of conduct of a sexually harassing nature, must report such conduct as set forth in the complaint procedure so that it can be investigated. If the legal counsel of the political subdivision becomes aware of conduct of a sexually harassing nature, it shall ensure an investigation is opened immediately.

(ii) A standard complaint form. A standard complaint form shall be available to every employee in the political subdivision. If an employee makes an oral complaint, the person receiving such complaint shall encourage the employee to fill out a standard complaint form. If the employee does not fill out the complaint form, the person shall fill out such form based on the oral reporting.

(c) Investigation procedure. (i) The legal counsel shall designate an individual or office to investigate complaints of sexual harassment. Upon receipt of a complaint of sexual harassment, a supervisor, managerial employee, personnel administrator, or affirmative action administrator shall immediately report such complaint to the designated individual, who shall open an investigation. The designated individual shall

ensure that he or she does not have a conflict of interest in the allegations in the complaint, and if there is any conflict of interest, the individual shall immediately notify the legal counsel, which shall designate a new individual to conduct the investigation.

(ii) An investigation into a complaint of sexual harassment shall take no more than ninety days from the filing of the complaint. If additional time is needed to complete an investigation due to its complexity, a request for an extension may be submitted to the legal counsel.

(iii) Any complaint of sexual harassment will be kept confidential, including the identity of complainant, witnesses and the identity of the alleged harasser to the extent practicable during the course of the investigations.

(iv) Any appropriate remedial steps may be taken to prevent intimidation, retaliation, or coercion of the complainant by the alleged harasser. Such steps may include, but not be limited to, preventing the alleged harasser from contacting the complainant or from discussing the substance of the complaint with the complainant.

(v) Such procedures shall also include, at a minimum:

(1) the development of a preliminary investigation plan, which shall include at a minimum:

(I) an examination of: the circumstances surrounding the allegations; the employment history of the parties; the place, date, location, time, and duration of the incident in question; and prior relevant incidents or allegations, whether reported or unreported;

(II) identification of the complainant, alleged harasser, and any relevant witnesses;

(III) identification and communication of any legal hold request on any relevant documents, emails or phone records to legal counsel; and

(IV) a determination of any necessary site visits;

(2) an interview of the complainant, where necessary;

(3) an interview of the alleged harasser, where necessary, which shall conform to the requirements of any applicable collective bargaining agreement or law; and

(4) any other relevant information relating to the allegations.

(d) Completion of the investigation. (i) After the completion of an investigation, the individual who conducted the investigation shall draft a report, using a standard format developed by the legal counsel. Such report shall contain, at minimum, a summary of relevant documents; a list of all individuals interviewed and a summary of their statements; a timeline of events; a summary of prior relevant incidents; and an analysis of the allegations and evidence.

(ii) The report shall be submitted to an individual designated by the legal counsel to review the report and make a legal recommendation. No more than thirty days after the completion of such investigation, a legal determination shall be issued. If there is a determination that the complaint or a component of such complaint is substantiated, appropriate administrative action shall be taken, which shall conform to any applicable collective bargaining agreement or law.

2. Such policy shall also include, but not be limited to the following:

(a) Contain a statement that sexual harassment is unlawful pursuant to state and federal civil rights laws, and shall be prohibited conduct;

(b) Contain a statement that retaliation against a complainant, witness or any other individual participating in the investigation process is unlawful and will not be tolerated;

(c) Contain a statement that employees also have the right to file a complaint with the U.S. Equal Employment Opportunity Commission, and the New York division of human rights;

(d) Copies of the sexual harassment policy, as well as directions for filing a complaint, shall be distributed to all employees of the political subdivision upon commencing employment and annually thereafter; and

(e) Provisions for appropriate annual interactive training for all employees of the political subdivision.

3. Nothing in this section shall grant any additional legal rights to any employee and nothing in this section abrogates compliance with any law, rule, or regulation that grants rights to an employee. Where there is a conflict between any collective bargaining agreement and this section, such agreement shall be controlling.

§ 5. The public authorities law is amended by adding a new section 2854 to read as follows:

§ 2854. Sexual harassment prevention policy. 1. Notwithstanding any other provision of law to the contrary, every state and local authority shall require its legal counsel to develop a sexual harassment prevention policy, applicable to all employees of such authority, which shall include investigation procedures and a standard complaint form. The sexual harassment prevention policy shall include, but not be limited to, the following elements:

(a) Definitions. For the purposes of this section, the following terms shall have the following meanings:

(i) "sexual harassment" shall include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (A) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (B) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (C) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(ii) "employee" shall include any employee or contractor of the authority, or any employee, contractor, or employee of any contractor or other individual in the workplace of the authority.

(b) Instructions to file a complaint. (i) Complaints may be filed by an employee with any supervisor, managerial employee, personnel administrator, or affirmative action administrator. Any supervisory or managerial employee who observes or otherwise becomes aware of conduct of a sexually harassing nature, must report such conduct as set forth in the complaint procedure so that it can be investigated. If the legal counsel becomes aware of conduct of a sexually harassing nature, it shall ensure an investigation is opened immediately.

(ii) A standard complaint form. A standard complaint form shall be available to every employee of the authority. If an employee makes an oral complaint, the person receiving such complaint shall encourage the employee to fill out a standard complaint form. If the employee does not fill out the complaint form, the person shall fill out such form based on the oral reporting.

(c) Investigation procedure. (i) The legal counsel shall designate an individual to investigate complaints of sexual harassment for the authority. Upon receipt of a complaint of sexual harassment, a supervisor, managerial employee, personnel administrator, or affirmative action administrator shall immediately report such complaint to the designated

individual, who shall open an investigation. The designated individual shall ensure that he or she does not have a conflict of interest in the allegation in the complaint, and if there is any conflict of interest, the individual shall immediately notify the legal counsel, which shall designate a new individual to conduct the investigation.

(ii) An investigation into a complaint of sexual harassment shall take no more than ninety days from the filing of the complaint. If additional time is needed to complete an investigation due to its complexity, a request for an extension may be submitted to the authority.

(iii) Any complaint of sexual harassment will be kept confidential, including the identity of the complainant, witnesses and the identity of the alleged harasser to the extent practicable during the course of the investigations.

(iv) Any appropriate remedial steps may be taken to prevent intimidation, retaliation, or coercion of the complainant by the alleged harasser. Such steps may include, but not be limited to, preventing the alleged harasser from contacting the complainant or from discussing the substance of the complaint with the complainant.

(v) Such procedures shall also include, at a minimum:

(A) the development of a preliminary investigation plan, which shall include at a minimum:

(1) an examination of: the circumstances surrounding the allegations; the employment history of the parties; the place, date, location, time, and duration of the incident in question; and prior relevant incidents or allegations, whether reported or unreported;

(2) identification of the complainant, alleged harasser, and any relevant witnesses;

(3) identification and communication of any legal hold request on any relevant documents, emails or phone records to legal counsel; and

(4) a determination of any necessary site visits;

(B) an interview of the complainant, where necessary;

(C) an interview of the alleged harasser, where necessary, which shall conform to the requirements of any applicable collective bargaining agreement or law;

(D) any other relevant information relating to the allegations.

(d) Completion of the investigation. (i) After the completion of an investigation, the individual who conducted the investigation shall draft a report, using a standard format developed by the legal counsel. Such report shall contain, at minimum, a summary of relevant documents; a list of all individuals interviewed and a summary of their statements; a timeline of events; a summary of prior relevant incidents; and an analysis of the allegations and evidence.

(ii) The report shall be submitted to an individual designated to review the report and make a legal recommendation. No more than thirty days after the completion of such investigation, a legal determination shall be issued. If there is a determination that the complaint or a component of such complaint is substantiated, appropriate administrative action shall be taken, which shall conform to any applicable collective bargaining agreement or law.

2. Such policy shall also include, but not be limited to the following:

(a) Contain a statement that sexual harassment is unlawful pursuant to state and federal civil rights laws, and shall be prohibited conduct;

(b) Contain a statement that retaliation against a complainant, witness or any other individual participating in the investigation process is unlawful and will not be tolerated;

(c) Contain a statement that employees also have the right to file a complaint with the U.S. Equal Employment Opportunity Commission, and the New York division of human rights;

(d) Contain a statement that employees of state entities also have a right to file a complaint with the joint commission on public ethics, which shall include the contact information for employees to use to file such a complaint;

(e) Copies of the sexual harassment policy, as well as directions for filing a complaint, shall be distributed to all employees of the authority upon commencing employment and annually thereafter; and

(f) Provisions for appropriate annual interactive training for all employees of the authority.

3. Nothing in this section shall grant any additional legal rights to any employee and nothing in this section abrogates compliance with any law, rule, or regulation that grants rights to an employee. Where there is a conflict between any collective bargaining agreement and this section, such agreement shall be controlling.

§ 6. This act shall take effect one year after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or subpart of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or subject thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 3. This act shall take effect immediately; provided, however, that the applicable effective date of Subparts A through F of this act shall be as specifically set forth in the last section of such Subparts.

PART J

Section 1. Computer science education standards. 1. The governor shall convene a working group of educators, industry experts, institutions of higher education and employers to review, develop or adapt existing frameworks for model kindergarten through grade 12 computer science standards. In conducting such reviews, the governor shall seek the recommendations of teachers, school administrators, teacher educators and others with educational or technological expertise on improvements to the standards in order to ensure that students are prepared, in appropriate progression, for postsecondary education or employment.

2. On or before March 1, 2019, the working group shall deliver a report detailing the findings of the working group and model kindergarten through grade 12 computer science standards to the commissioner of education.

§ 2. This act shall take effect immediately.

PART K

Section 1. Section 305 of the education law is amended by adding a new subdivision 58 to read as follows:

58. The commissioner shall establish and develop a "Be Aware, Be Informed" awareness, prevention and education program within the department. Such program shall be defined by the commissioner in regulations after consultation with the department of health and be designed to educate students about healthy relationships. Such program shall include, but not be limited to:

(a) age-appropriate model curriculum, exemplar lesson plans, and best practice instructional resources for the Be Aware, Be Informed program. Such model curriculum, lesson plans and instructional resources shall be inclusive and respectful of all pupils regardless of race, ethnicity, gender, disability, sexual orientation, or gender identity and include but not be limited to:

(1) Model provisions developed by the commissioner after consultation with experts in the field, including the New York state coalition against domestic violence, or its successor, and the National Sexuality Education Standards;

(2) For students in grades kindergarten through fourth grade:

(i) identification and examination of ideas about healthy relationships and behaviors learned from home, family and the media;

(ii) self-esteem and self-worth;

(iii) friendship and empathy; and

(iv) age-appropriate medically accurate sexual health.

(3) For students in fifth grade through twelfth grade: (i) a definition of teen dating violence; (ii) recognition of warning signs established by a dating partner; (iii) characteristics of a healthy relationship; (iv) links between bullying and teen dating violence; (v) safe use of technology; (vi) a discussion of local community resources for those in a teen dating violence relationship; (viii) an overview of the school's policies and procedures on teen dating violence; (ix) an age-appropriate definition of affirmative consent consistent with that used in section sixty-four hundred forty-one of this chapter; and (x) age appropriate, medically accurate sexual health. Provided that for the purposes of Be Aware, Be Informed "age appropriate" shall mean topics, messages, and teaching methods suitable to particular age and developmental levels, based on cognitive, emotional, social and experience level of most students at that age level, and "medically accurate" shall mean information supported by peer reviewed, evidence-based research recognized as accurate by leading professional organizations and agencies with relevant experience such as the American Medical Association and the Centers for Disease Control and Prevention.

(b) public availability of all materials for the Be Aware, Be Informed program on a dedicated webpage on the department's internet website, and provided at no cost to every school district, board of cooperative educational services, charter school and nonpublic school upon request.

§ 2. This act shall take effect immediately.

PART L

Section 1. Title 6 of article 2 of the public health law, as added by chapter 342 of the laws of 2014, is amended by adding a new section 267 to read as follows:

§ 267. Feminine hygiene products in schools. All elementary and secondary public schools in the state serving students in any grade from grade six through grade twelve shall provide feminine hygiene products in the restrooms of such school building or buildings. Such products shall be provided at no charge to students.

§ 2. This act shall take effect July 1, 2018.

PART M

Section 1. Subdivision 15 of section 378 of the executive law is renumbered as subdivision 18.

§ 2. Subdivision 16 of section 378 of the executive law is renumbered subdivision 15 and two new subdivisions 16 and 17 are added to read as follows:

16. Standards requiring the installation and maintenance of at least one safe, sanitary, and convenient diaper changing station, deck, table, or similar amenity which shall be available for use by both male and female occupants and which shall comply with section 603.5 (Diaper Changing Tables) of the two thousand nine edition of the publication entitled ICC A117.1, Accessible and Usable Buildings and Facilities, published by the International Code Council, Inc., on each floor level containing a public toilet room in all newly constructed buildings in the state that have one or more areas classified as assembly group A occupancies or mercantile group M occupancies and in all existing buildings in the state that have one or more areas classified as assembly group A occupancies or mercantile group M occupancies and undergo a substantial renovation. The council shall prescribe the type of renovation to be deemed to be a substantial renovation for the purposes of this subdivision. The council may exempt historic buildings from the requirements of this subdivision.

17. Standards requiring that, in each building that has one or more areas classified as assembly group A occupancies or mercantile group M occupancies and in which at least one diaper changing station, deck, table, or similar amenity is installed, a sign shall be posted in a conspicuous place in each public toilet room indicating the location of the nearest diaper changing station, deck, table, or similar amenity that is available for use by the gender using such public toilet room. The requirements of this subdivision shall apply without regard to whether the diaper changing station, deck, table, or similar amenity was installed voluntarily or pursuant to subdivision sixteen of this section or any other applicable law, statute, rule, or regulation. No such sign shall be required in a public toilet room in which any diaper changing station, deck, table, or similar amenity is located.

§ 3. This act shall take effect January 1, 2019; provided, however, that effective immediately, the addition, amendment and/or repeal of any rules or regulations by the secretary of state and/or by the state fire prevention and building code council necessary for the implementation of section two of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 3. This act shall take effect immediately provided, however, that the applicable effective date of Parts A through M of this act shall be as specifically set forth in the last section of such Parts.