

STATE OF NEW YORK

8253--A

IN SENATE

April 27, 2020

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to authorizing the screening for body temperatures during the novel coronavirus, COVID-19 state disaster emergency; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. The general business law is amended by adding a new section
2 390-cc to read as follows:

3 § 390-cc. Screening for body temperature. 1. Notwithstanding any
4 other federal, state or local law, rule or regulation to the contrary,
5 any firm, business, corporation, association, entity or not-for-profit
6 corporation may require the taking of body temperature of any employee,
7 vendor or customer entering a place of business owned by such firm,
8 corporation, association, entity or not-for-profit corporation during
9 the novel coronavirus, COVID-19 state disaster emergency declared by the
10 governor on March 7, 2020.

11 2. Such firm, business, corporation, association, entity or not-for-
12 profit corporation may screen for body temperature using non-invasive
13 methods. If the temperature of an employee, vendor or customer is 100.4
14 degrees Fahrenheit or higher, the standard devised by the Centers for
15 Disease Control and Prevention as a potential coronavirus marker, the
16 following situations shall apply:

17 (a) If an employee: the employee would be sent home immediately and
18 cannot return to work until 3 days after his or her body temperature has
19 fallen below 100.4 degrees Fahrenheit.

20 (b) If a vendor: the vendor shall vacate the premises immediately.

21 (c) If a customer: the customer shall be discreetly informed by a
22 trained member of the firm, business, corporation, association, entity
23 or not-for-profit corporation or building staff of the body temperature
24 and asked to leave the premises. An alternative for the customer shall

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

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1 be provided so that such customer still obtains the product or services
2 desired or required.

3 3. Nothing in this section shall be deemed to overrule article four of
4 the civil rights law.

5 4. If a firm, business, corporation, association, entity or not-for-
6 profit corporation requires the taking of body temperature of any
7 employee, vendor or customer, a sign or poster shall be placed at the
8 entrance of the premises in plain sight and in conspicuous lettering of
9 at least forty-eight bold face type explaining the procedures therefor.

10 § 2. This act shall take effect immediately, provided, however, that
11 section one of this act shall be subject to the expiration of the state
12 disaster emergency declared for the entire state by executive order
13 number 202 and any further amendments or modifications, and as may be
14 further extended pursuant to section 28 of the executive law, and shall
15 be deemed to expire and repealed therewith; provided, further, that the
16 commissioner of health shall notify the legislative bill drafting
17 commission upon the occurrence of the expiration of the state disaster
18 emergency declared for the entire state by executive order number 202
19 and any further amendments or modifications, and as may be further
20 extended pursuant to section 28 of the executive law, in order that the
21 commission may maintain an accurate and timely effective data base of
22 the official text of the laws of the state of New York in furtherance of
23 effectuating the provisions of section 44 of the legislative law and
24 section 70-b of the public officers law.