

# STATE OF NEW YORK

3987

2019-2020 Regular Sessions

## IN ASSEMBLY

January 31, 2019

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

AN ACT to amend the state finance law, in relation to products manufactured under conditions that fail to comply with minimum OSHA standards

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

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

3 9. Products manufactured in compliance with minimum Occupational Safe-  
4 ty and Health Act (OSHA) standards.

5 a. As used in this subdivision, "minimum OSHA standards" shall mean  
6 those standards issued pursuant to the Occupational Safety and Health  
7 Act of 1970, as amended.

8 b. The commissioner of general services shall have the power and it  
9 shall be his or her duty to prepare a list of all products that are  
10 manufactured under conditions that fail to observe: (i) standards  
11 promulgated under OSHA; or (ii) standards that are at least as effective  
12 as the standards promulgated under OSHA, which relate to the same issues  
13 thereunder, where such a manufacturing operation occurs in a jurisdic-  
14 tion not otherwise required to comply with such standards, including any  
15 operation which takes place in any other country, nation or province.  
16 The commissioner of general services shall prepare a companion list of  
17 the manufacturers of such products. The commissioner of general services  
18 shall add or delete from said lists any product or manufacturer upon  
19 good cause shown. The commissioner of general services shall cause such  
20 lists to be published on the website of the office of general services.

21 c. A state agency shall not enter into any contract for procurement of  
22 a (i) product contained on the list prepared by the commissioner of  
23 general services pursuant to paragraph b of this subdivision; or (ii)  
24 product manufacturer by a manufacturer contained on the list prepared by  
25 the commissioner of general services pursuant to paragraph b of this

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

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1 subdivision. The provisions of this paragraph may be waived by the head  
2 of the state agency if the head of the state agency determines in writ-  
3 ing that it is in the best interests of the state to do so. The head of  
4 the state agency shall deliver each such waiver to the commissioner of  
5 general services.

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