

# STATE OF NEW YORK

8463

## IN SENATE

June 3, 2020

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law and the workers' compensation law, in relation to liability of businesses for damages associated with a pandemic

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

1 Section 1. Section 200 of the labor law is amended by adding a new  
2 subdivision 5 to read as follows:

3 5. In the event of a pandemic, as declared by the World Health Organ-  
4 ization, all places to which this chapter applies shall, within fourteen  
5 days of the first confirmed case in New York state, develop a business  
6 safety plan to continue operations, which shall contain a plan to  
7 provide reasonable and adequate protection from the pandemic disease for  
8 all persons employed therein or lawfully frequenting such places. In the  
9 event that a person employed therein or who lawfully frequents such a  
10 place contracts the pandemic disease, the owners or employers of any  
11 place to which this chapter applies shall not be liable for damages  
12 associated with contracting the pandemic disease if all of the following  
13 conditions are met:

14 (a) the place possessed a completed business safety plan;

15 (b) the place complied with its business safety plan;

16 (c) the business safety plan reasonably protected persons employed  
17 therein and persons who frequent the place; and

18 (d) the owners or employers of the workplace were not otherwise gross-  
19 ly negligent.

20 § 2. Subdivision 15 of section 2 of the workers' compensation law, as  
21 added by chapter 659 of the laws of 1984, is amended to read as follows:

22 15. "Occupational disease" means a disease resulting from the nature  
23 of employment and contracted therein. Such term shall not include  
24 diseases contracted in a pandemic as declared by the World Health Organ-  
25 ization when the employer acted in accordance with the provisions of  
26 subdivision five of section two hundred of the labor law.

27 § 3. This act shall take effect immediately.

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

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