

STATE OF NEW YORK

3639

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

Introduced by M. of A. L. ROSENTHAL, SIMON -- read once and referred to the Committee on Economic Development

AN ACT to amend the general business law, in relation to authorizing certain entities to require the wearing of face coverings and face masks; 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-d to read as follows:

3 § 390-d. Face coverings and masks. 1. Notwithstanding any other feder-
4 al, state or local law, rule or regulation to the contrary, any firm,
5 business, corporation, association, entity or not-for-profit corporation
6 may require any employee, vendor or customer entering a place of busi-
7 ness owned by such firm, business, corporation, association, entity or
8 not-for-profit corporation to cover their mouth and nose with a mask or
9 face covering during the novel coronavirus, COVID-19 state disaster
10 emergency declared by the governor on March seventh, two thousand twen-
11 ty; provided, however, that such requirements shall only apply to chil-
12 dren over the age of two and to persons who are able to medically toler-
13 ate wearing a mask or face covering.

14 2. Any firm, business, corporation, association, entity or not-for-
15 profit corporation may prohibit the entrance of persons to their facili-
16 ty, or ask a person to leave the premises of their facility, if such
17 person refuses to cover their mouth and nose with a mask or face cover-
18 ing unless such person is under the age of two or unable to medically
19 tolerate wearing a mask or face covering.

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

22 4. Any firm, business, corporation, association, entity or not-for-
23 profit corporation requiring the wearing of a mask or face covering

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

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1 shall place a sign or poster at the entrance of the premises where the
2 wearing of a mask or face covering is required. Such sign or poster
3 shall be in plain sight and in conspicuous lettering.

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