

STATE OF NEW YORK

4696

2021-2022 Regular Sessions

IN ASSEMBLY

February 4, 2021

Introduced by M. of A. STERN -- read once and referred to the Committee on Small Business

AN ACT to amend the executive law and the public health law, in relation to enacting the small business fairness act

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

1 Section 1. This act shall be known and may be cited as the "small
2 business fairness act".

3 § 2. Section 29-a of the executive law is amended by adding a new
4 subdivision 5 to read as follows:

5 5. Notwithstanding any other provision of this section and any other
6 special, general or local law to the contrary, a person operating a
7 business that has been ordered to cease or limit operations pursuant to
8 an executive order issued under this section due to a declared state
9 disaster emergency may continue or resume operations if:

10 (a) the products sold or services offered by the business are also
11 available at a business that has not been required to cease or limit
12 operations by the executive order and the open business is operating at
13 a physical location in the area affected by the order; and

14 (b) the business that was required to limit or cease operations
15 complies with any safety precautions that the order requires of busi-
16 nesses that are permitted to continue operations.

17 § 3. The public health law is amended by adding a new section 12-e to
18 read as follows:

19 § 12-e. Health emergency order; limitations. 1. Notwithstanding the
20 provisions of any other general, special or local law to the contrary, a
21 person operating a business that has been ordered to cease or limit
22 operations by a state or local public health official due to a declared
23 emergency, an epidemic, a threatened epidemic, or the unusual prevalence
24 of a dangerous communicable disease, may continue or resume operations
25 if:

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

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1 (a) the products sold or services offered by the business are also
2 available at a business that has not been required to cease or limit
3 operations by the order and the open business is operating at a physical
4 location in the area affected by the order; and

5 (b) the business that was required to limit or cease operations
6 complies with any safety precautions that the order requires of busi-
7 nesses that are permitted to continue operations.

8 2. As used in this section the term "order" includes a notice, stand-
9 ard, rule, or regulation issued by the department or a local public
10 health agency.

11 § 4. This act shall take effect immediately; provided, however, that
12 the amendments to section 29-a of the executive law made by section two
13 of this act shall survive the expiration and reversion of such section
14 as provided in section 4 of chapter 23 of the laws of 2020.