STATE OF NEW YORK

5616

2021-2022 Regular Sessions

IN ASSEMBLY

February 22, 2021

Introduced by M. of A. JACOBSON -- read once and referred to the Committee on Labor

AN ACT to amend the public health law, in relation to requiring employees and independent contractors to notify employers and contractors upon receiving a positive result of a test for COVID-19 and providing penalties for violations

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

Section 1. The public health law is amended by adding a new section 2183 to read as follows:

§ 2183. Employer notification upon receipt of positive test. 1. Every employee of a public or private employer in this state who receives a positive result for a COVID-19 test shall notify the owner, supervisor or manager of his or her employer of such positive test result within three hours of receiving the test result; provided, however, that if the employer's place of business is closed, such notification shall be given by the employee to the employer no later than 10:00 a.m. on the next day that the employer's place of business is open or three hours after the employer's business opens if the business opens after 10:00 a.m.

2. Every independent contractor who receives a positive result for a COVID-19 test shall notify the owner, supervisor or manager of the contractor for whom the independent contractor provides services of such positive test result within three hours of receiving the test result; provided, however, that if the contractor's place of business is closed, such notification shall be given by the independent contractor to the contractor no later than 10:00 a.m. on the next day that the contractor's place of business is open or three hours after the contractor's business opens if the business opens after 10:00 a.m.

3. Subject to the provisions of subdivision four of this section, a person who fails to give notification as required by this section shall be guilty of a misdemeanor and/or shall be subject to a civil fine of

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

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one thousand dollars for each day or part thereof that notification is not given. All fines collected pursuant to this subdivision shall be collected by the department and shall be deposited by the commissioner and credited to the disease management account established by the comptroller in the special revenue-other fund.

4. The provisions of this section shall not apply to any person who receives a positive result for a COVID-19 test but who is incapable of providing the notification required by this section.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law. Effective immediately the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.