STATE OF NEW YORK

1005

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. KAMINSKY -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

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:

Section 1. The general business law is amended by adding a new section 390-d to read as follows:

§ 390-d. Face coverings and masks. 1. Notwithstanding any other federal, state or local law, rule or regulation to the contrary, any firm, business, corporation, association, entity or not-for-profit corporation may require any employee, vendor or customer entering a place of business owned by such firm, business, corporation, association, entity or not-for-profit corporation to cover their mouth and nose with a mask or face covering during the novel coronavirus, COVID-19 state disaster emergency declared by the governor on March seventh, two thousand twenty; provided, however, that such requirements shall only apply to children over the age of two and to persons who are able to medically tolerate wearing a mask or face covering.

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

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

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

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4. Any firm, business, corporation, association, entity or not-for-profit corporation requiring the wearing of a mask or face covering shall place a sign or poster at the entrance of the premises where the wearing of a mask or face covering is required. Such sign or poster shall be in plain sight and in conspicuous lettering.

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