STATE OF NEW YORK

3725

2021-2022 Regular Sessions

IN SENATE

January 30, 2021

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:

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

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

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

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

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

(d) the owners or employers of the workplace were not otherwise grossly negligent.

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

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

§ 3. This act shall take effect immediately.

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

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