

# STATE OF NEW YORK

8462

## IN SENATE

March 3, 2022

Introduced by Sen. KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the executive law, in relation to prohibiting discrimination against a person based upon weight

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

1 Section 1. The executive law is amended by adding a new section 296-e  
2 to read as follows:

3 § 296-e. Unlawful discriminatory practices relating to the weight of  
4 an individual. It shall be an unlawful discriminatory practice:

5 1. For an employer or licensing agency, because of an individual's  
6 weight, to refuse to hire or employ or to bar or to discharge from  
7 employment such individual or to discriminate against such individual in  
8 compensation or in terms, conditions or privileges of employment.

9 2. For an employment agency to discriminate against any individual  
10 because of weight in receiving, classifying, disposing or otherwise  
11 acting upon applications for its services or in referring an applicant  
12 or applicants to an employer or employers.

13 3. For a labor organization, because of the weight of any individual,  
14 to exclude or to expel from its membership such individual or to  
15 discriminate in any way against any of its members or against any  
16 employer or any individual employed by an employer.

17 4. For any employer or employment agency to print or circulate or  
18 cause to be printed or circulated any statement, advertisement or publi-  
19 cation, or to use any form of application for employment or to make any  
20 inquiry in connection with prospective employment, which expresses  
21 directly or indirectly, any limitation, specification or discrimination  
22 as to weight, or any intent to make any such limitation, specification  
23 or discrimination, unless based upon a bona fide occupational qualifica-  
24 tion.

25 5. For any person, being the owner, lessee, proprietor, manager,  
26 superintendent, agent or employee of any place of public accommodation,  
27 resort or amusement, because of the weight of any person, directly or

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

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1 indirectly, to refuse, withhold from or deny to such person any of the  
2 accommodations, advantages, facilities or privileges thereof; provided,  
3 however, that it shall not be an unlawful discriminatory practice to  
4 adhere to any weight restrictions where any deviation may pose a threat  
5 to the individual, other patrons, or the general public.

6 § 2. This act shall take effect immediately.