

STATE OF NEW YORK

1024

2023-2024 Regular Sessions

IN ASSEMBLY

January 13, 2023

Introduced by M. of A. BICHOTTE HERMELYN -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to prohibiting discrimination in government procurement

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

1 Section 1. Subdivision 3 of section 290 of the executive law, as
2 amended by chapter 173 of the laws of 1974, is amended to read as
3 follows:

4 3. The legislature hereby finds and declares that the state has the
5 responsibility to act to assure that every individual within this state
6 is afforded an equal opportunity to enjoy a full and productive life and
7 that the failure to provide such equal opportunity, whether because of
8 discrimination, prejudice, intolerance or inadequate education, train-
9 ing, housing or health care not only threatens the rights and proper
10 privileges of its inhabitants but menaces the institutions and founda-
11 tion of a free democratic state and threatens the peace, order, health,
12 safety and general welfare of the state and its inhabitants. A division
13 in the executive department is hereby created to encourage programs
14 designed to insure that every individual shall have an equal opportunity
15 to participate fully in the economic, cultural and intellectual life of
16 the state; to encourage and promote the development and execution by all
17 persons within the state of such state programs; to eliminate and
18 prevent discrimination in employment, in places of public accommodation,
19 resort or amusement, in educational institutions, in public services, in
20 government procurement, in housing accommodations, in commercial space
21 and in credit transactions and to take other actions against discrimi-
22 nation as herein provided; and the division established hereunder is
23 hereby given general jurisdiction and power for such purposes.

24 § 2. Section 296 of the executive law is amended by adding a new
25 subdivision 23 to read as follows:

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

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1 23. It shall be an unlawful discriminatory practice for any agency or
2 bureau of the state and any political subdivision thereof to deny a
3 government contracting or procurement opportunity to any person, because
4 of the actual or perceived race, creed, color, national origin, sexual
5 orientation, military status, sex, age, disability, marital status, or
6 familial status of such person, or of such person's business associates
7 or partners, members, stockholders, directors, officers, managers,
8 superintendents, agents, employees, suppliers or customers. Nothing in
9 this subdivision shall prohibit the state or any political subdivision
10 thereof from establishing policies to increase participation by a group
11 traditionally underrepresented in government contracting or procurement.

12 § 3. This act shall take effect immediately.