

STATE OF NEW YORK

1209

2023-2024 Regular Sessions

IN ASSEMBLY

January 13, 2023

Introduced by M. of A. McDONALD, FAHY, WOERNER, OTIS, STERN, LUPARDO,
TAYLOR, DICKENS, MILLER, BUTTENSCHON, GUNTHER, McDONOUGH, TAGUE --
read once and referred to the Committee on Governmental Operations

AN ACT to amend the state finance law and the public authorities law, in
relation to the purchase of personal protective equipment and medical
supplies produced or manufactured in the state of New York

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

1 Section 1. Subdivisions 1 and 3 of section 148 of the state finance
2 law, as added by section 2 of part BB of chapter 55 of the laws of 2021,
3 are amended to read as follows:

4 1. Notwithstanding any other provisions of law, all contracts over
5 fifty thousand dollars in value made and awarded by any department or
6 agency of the state for the purchase of personal protective equipment or
7 medical supplies shall require that the personal protective equipment or
8 medical supply items be produced or made in whole or substantial part in
9 the [~~United States~~] state of New York; and shall utilize, to the extent
10 practicable, preferred sources in accordance with section one hundred
11 sixty-two of the state finance law, for at least thirty percent of such
12 personal protective equipment or medical supply items.

13 3. The provisions of this section shall not apply if the head of the
14 department or agency purchasing the personal protective equipment or
15 medical supplies, in his or her sole discretion, determines that such
16 provisions would not be in the public interest; that obtaining such
17 personal protective equipment or medical supplies produced or made in
18 the state of New York or in the United States would increase the cost of
19 the contract by an unreasonable amount; that such personal protective
20 equipment or medical supplies cannot be produced or made in the state of
21 New York or in the United States in sufficient and reasonably available
22 quantities and of satisfactory quality or design to meet the depart-
23 ment's or agency's requirements; or that purchasing personal protective

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

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1 equipment or medical supplies manufactured outside of the state of New
2 York or outside of the United States is necessary to avoid a delay in
3 the delivery of critical services that could compromise the public
4 welfare. In the event a New York state source or a preferred source is
5 not able to supply personal protective equipment or medical supply
6 items, any other personal protective equipment or medical supply items
7 produced or made in whole or substantial part in the United States may
8 be utilized to satisfy the requirements of this subdivision.

9 § 2. Subdivisions 1 and 3 of section 2878-c of the public authorities
10 law, as added by section 3 of part BB of chapter 55 of the laws of 2021,
11 are amended to read as follows:

12 1. Notwithstanding any other provisions of law, all contracts over
13 fifty thousand dollars in value made and awarded by any state authority
14 for the purchase of personal protective equipment or medical supplies
15 shall require that the personal protective equipment or medical supply
16 items be produced or made in whole or substantial part in the [~~United~~
17 ~~States~~] state of New York; and shall utilize, to the extent practicable,
18 preferred sources in accordance with section one hundred sixty-two of
19 the state finance law, for at least thirty percent of such personal
20 protective equipment or medical supply items.

21 3. The provisions of this section shall not apply if the head of the
22 state authority purchasing the personal protective equipment or medical
23 supplies, in his or her sole discretion, determines that such provisions
24 would not be in the public interest; that obtaining such personal
25 protective equipment or medical supplies in the state of New York or
26 outside of the United States would increase the cost of the contract by
27 an unreasonable amount; that such personal protective equipment or
28 medical supplies cannot be produced or made in the state of New York or
29 in the United States in sufficient and reasonably available quantities
30 and of satisfactory quality or design to meet the state authority's
31 requirements; or that purchasing personal protective equipment or
32 medical supplies manufactured outside of the state of New York or
33 outside of the United States is necessary to avoid a delay in the deliv-
34 ery of critical services that could compromise the public welfare. In
35 the event a New York state source or a preferred source is not able to
36 supply personal protective equipment or medical supply items, any other
37 personal protective equipment or medical supply items produced or made
38 in whole or substantial part in the United States may be utilized to
39 satisfy the requirements of this subdivision.

40 § 3. This act shall take effect on the sixtieth day after it shall
41 have become a law and shall apply to any state contracting opportunities
42 advertised on or after such date and shall exclude contracts for which
43 an invitation for bid, request for proposal, or similar solicitation has
44 been issued prior to this proposal becoming effective.