

# STATE OF NEW YORK

7331--A

2023-2024 Regular Sessions

## IN ASSEMBLY

May 17, 2023

Introduced by M. of A. OTIS -- read once and referred to the Committee on Governmental Employees -- reference changed to the Committee on Science and Technology -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the state technology law, in relation to requiring governmental entities to implement multifactor authentication for local and remote network access

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

1 Section 1. Section 202 of the state technology law is amended by  
2 adding two new subdivisions 9 and 10 to read as follows:

3 9. "Governmental entity" shall mean any state or local department,  
4 board, bureau, division, commission, committee, school district, public  
5 authority, public benefit corporation, council or office, including all  
6 entities defined pursuant to section two of the public authorities law.  
7 Such term shall include the state university of New York and the city  
8 university of New York. Further, such term shall include any county,  
9 city, town or village but shall not include the judiciary or state and  
10 local legislatures.

11 10. "Multifactor authentication" shall mean using two or more differ-  
12 ent types of identification credentials to achieve authentication. The  
13 types of identification credentials shall include:

14 (a) knowledge-based credentials, which is a knowledge-based authenti-  
15 cation that requires the user to provide information that they know such  
16 as passwords or PINs;

17 (b) possession-based credentials, which is authentication that  
18 requires individuals to have something specific in their possession,  
19 such as security tokens, key fobs, SIM cards or smartphone applications;  
20 and

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

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1 (c) inherence-based credentials, which is authentication that requires  
2 user-specific biological traits to confirm identity for login, such as  
3 fingerprints or facial recognition.

4 § 2. The state technology law is amended by adding three new sections  
5 210, 211, and 212 to read as follows:

6 § 210. Multifactor authentication. 1. Multifactor authentication  
7 requirement. Every governmental entity shall, whenever possible and  
8 feasible, consider implementing multifactor authentication for local and  
9 remote network access to any email accounts, cloud storage accounts, web  
10 applications, networks, databases, or servers, maintained by such entity  
11 or on behalf of such entity, for the employees and officers of such  
12 entity or for any other individuals providing services to or on behalf  
13 of such entity.

14 2. Technical standard. The office shall promulgate rules to establish  
15 standard technical requirements for governmental entities for complying  
16 with subdivision one of this section. Such rules shall include regu-  
17 lations addressing inherence-based credentials including proper storage  
18 of traits relating to user-specific biological traits. Such rules shall  
19 additionally include provisions regarding compliance for individuals  
20 with disabilities or special needs. For the purposes of this subdivi-  
21 sion, the office may use and refer to the guidelines provided by the  
22 National Institute of Standards and Technology, the Federal Risk and  
23 Authorization Management Program (FedRAMP), the Federal Information  
24 Security Management Act of 2002 (FISMA) and the Defense Federal Acquisi-  
25 tion Regulation Supplement (DFARS).

26 3. Waivers. The office, upon application by a governmental entity, may  
27 completely or partially waive the requirements of this section for such  
28 governmental entity. Such waiver shall be valid for no longer than two  
29 years and shall be reapproved after expiration. The office shall promul-  
30 gate rules to establish the application process and criteria for such  
31 waivers.

32 § 211. Privacy requirements. This section shall apply to the use of  
33 multifactor authentication at governmental entities and to any vendors  
34 and/or third-party contractors administering the multifactor authentica-  
35 tion on behalf of the governmental entity.

36 1. No governmental entity shall require the use of an inherence-based  
37 credential to access local and/or remote network access.

38 2. No governmental entity that facilitates the use of inherence-based  
39 credentials to access local and remote network access shall sell or  
40 monetize such data.

41 3. No governmental entity that facilitates the use of inherence-based  
42 credentials to access local and remote network access shall share such  
43 data with law enforcement without a warrant.

44 4. Any governmental entity and any applicable third-party contractors  
45 that facilitate the use of inherence-based credentials shall agree to  
46 comply with the standards established by the office and all statutory  
47 privacy standards.

48 § 212. Public website encryption. Every website maintained by or on  
49 behalf of a governmental entity shall encrypt all exchanges and trans-  
50 fers between a web server, maintained by or on behalf of a governmental  
51 entity, and a web browser of hypertext or of electronic information, and  
52 require web browsers to request such encrypted exchange or transfer at  
53 all times for such websites, provided that such encryption shall not be  
54 required if such exchanges or transfers are conducted in a manner that  
55 provides at least an equivalent level of confidentiality, data integrity  
56 and authentication.

1 § 3. This act shall take effect one year after it shall have become a  
2 law. Effective immediately, the addition, amendment, and/or repeal of  
3 any rule or regulation necessary for the implementation of this act on  
4 its effective date are authorized to be made and completed on or before  
5 such effective date.