STATE OF NEW YORK

801

2023-2024 Regular Sessions

IN ASSEMBLY

January 11, 2023

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Governmental 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:

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

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

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

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

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

4. For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses directly or indirectly, any limitation, specification or discrimination as to weight, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification.

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

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5. For any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement, because of the weight of any person, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof; provided, however, that it shall not be an unlawful discriminatory practice to adhere to any weight restrictions where any deviation may pose a threat to the individual, other patrons, or the general public.

§ 2. This act shall take effect immediately.