

STATE OF NEW YORK

4287

2023-2024 Regular Sessions

IN SENATE

February 7, 2023

Introduced by Sens. COONEY, CLEARE, HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts

AN ACT to amend the state finance law, in relation to participation in state contracts

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

1 Section 1. The state finance law is amended by adding a new section
2 139-m to read as follows:

3 § 139-m. Participation in contract prohibited; health insurance;
4 transgender status. 1. A clause shall be inserted in all specifications
5 or contracts hereafter made or awarded by the state or any public
6 department, agency or official thereof, for work or services performed
7 or to be performed, for goods sold or to be sold pursuant to which any
8 contractor, to whom any contract shall be let, granted or awarded,
9 agrees, as a material condition of the contract, that neither such
10 contractor nor any substantially owned or affiliated person, firm, part-
11 nership or corporation has participated or is participating or shall
12 participate in a health plan offered which does not cover services for
13 transgender, non-binary, and gender expansive people, including but not
14 limited to hormone replacement therapy, gender-affirming surgery, and
15 treatment typically associated with one particular gender.

16 2. Any such contract shall be rendered forfeit and void by the state
17 comptroller, if, subsequent to execution, such person, firm, partnership
18 or corporation has been participating in such health plan which fails to
19 provide services for transgender, non-binary, and gender expansive
20 people.

21 3. Nothing contained in this section shall operate to impair any
22 existing contract, except that any renewal, amendment or modification of
23 such contract occurring on or after the effective date of this section
24 shall be subject to the conditions specified in this section.

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

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1 4. The comptroller of the state shall have the power to issue rules
2 and regulations pursuant to this section.
3 § 2. This act shall take effect on the ninetieth day after it shall
4 have become a law and shall apply to all contracts entered into, renewed
5 or modified on and after the effective date of this act.