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:

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

3. The legislature hereby finds and declares that the state has the responsibility to act to assure that every individual within this state is afforded an equal opportunity to enjoy a full and productive life and that the failure to provide such equal opportunity, whether because of discrimination, prejudice, intolerance or inadequate education, training, housing or health care not only threatens the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state and threatens the peace, order, health, safety and general welfare of the state and its inhabitants. A division in the executive department is hereby created to encourage programs designed to insure that every individual shall have an equal opportunity to participate fully in the economic, cultural and intellectual life of the state; to encourage and promote the development and execution by all persons within the state of such state programs; to eliminate and prevent discrimination in employment, in places of public accommodation, resort or amusement, in educational institutions, in public services, **in government procurement,** in housing accommodations, in commercial space and in credit transactions and to take other actions against discrimination as herein provided; and the division established hereunder is hereby given general jurisdiction and power for such purposes.

§ 2. Section 296 of the executive law is amended by adding a new 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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23. It shall be an unlawful discriminatory practice for any agency or bureau of the state and any political subdivision thereof to deny a government contracting or procurement opportunity to any person, because of the actual or perceived race, creed, color, national origin, sexual orientation, military status, sex, age, disability, marital status, or familial status of such person, or of such person's business associates or partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, suppliers or customers. Nothing in this subdivision shall prohibit the state or any political subdivision thereof from establishing policies to increase participation by a group traditionally underrepresented in government contracting or procurement.

§ 3. This act shall take effect immediately.