

# 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.