STATE OF NEW YORK

1916

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. STERN -- read once and referred to the Committee on Small Business

AN ACT to amend the executive law and the public health law, in relation to enacting the small business fairness act

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

Section 1. This act shall be known and may be cited as the "small business fairness act".

§ 2. Section 29-a of the executive law is amended by adding a new subdivision 5 to read as follows:

5. Notwithstanding any other provision of this section and any other special, general or local law to the contrary, a person operating a business that has been ordered to cease or limit operations pursuant to an executive order issued under this section due to a declared state disaster emergency may continue or resume operations if:

(a) the products sold or services offered by the business are also available at a business that has not been required to cease or limit operations by the executive order and the open business is operating at a physical location in the area affected by the order; and

(b) the business that was required to limit or cease operations complies with any safety precautions that the order requires of businesses that are permitted to continue operations.

§ 3. The public health law is amended by adding a new section 12-e to read as follows:

§ 12-e. Health emergency order; limitations. 1. Notwithstanding the provisions of any other general, special or local law to the contrary, a person operating a business that has been ordered to cease or limit operations by a state or local public health official due to a declared emergency, an epidemic, a threatened epidemic, or the unusual prevalence of a dangerous communicable disease, may continue or resume operations if:

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

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(a) the products sold or services offered by the business are also available at a business that has not been required to cease or limit operations by the order and the open business is operating at a physical location in the area affected by the order; and

(b) the business that was required to limit or cease operations complies with any safety precautions that the order requires of businesses that are permitted to continue operations.

2. As used in this section the term "order" includes a notice, standard, rule, or regulation issued by the department or a local public health agency.

§ 4. This act shall take effect immediately.