

STATE OF NEW YORK

10663

IN ASSEMBLY

March 20, 2026

Introduced by M. of A. WRIGHT -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to providing for the establishment of a nexus with the state of New York relating to unlawful discriminatory practices

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

1 Section 1. Section 300 of the executive law, as amended by chapter 160
2 of the laws of 2019, is amended to read as follows:

3 § 300. Construction. 1. The provisions of this article shall be
4 construed liberally for the accomplishment of the remedial purposes
5 thereof, regardless of whether federal civil rights laws, including
6 those laws with provisions worded comparably to the provisions of this
7 article, have been so construed. Exceptions to and exemptions from the
8 provisions of this article shall be construed narrowly in order to maxi-
9 mize deterrence of discriminatory conduct. Nothing contained in this
10 article shall be deemed to repeal any of the provisions of the civil
11 rights law or any other law of this state relating to discrimination;
12 but, as to acts declared unlawful by section two hundred ninety-six of
13 this article, the procedure herein provided shall, while pending, be
14 exclusive; and the final determination therein shall exclude any other
15 state civil action based on the same grievance of the individual
16 concerned. If such individual institutes any action based on such griev-
17 ance without resorting to the procedure provided in this article, [~~he or~~
18 ~~she~~] such individual may not subsequently resort to the procedure here-
19 in.

20 2. With regard to the portions of this article regulating the conduct
21 of employers, licensing agents, labor organizations and employees and
22 agents thereof, there shall be no requirement that an unlawful discrimi-
23 natory practice have an impact in the state of New York to be subject to
24 the provisions of this article; provided, however, that the unlawful
25 discriminatory practice shall have a sufficient nexus with the state of
26 New York. Any unlawful discriminatory practice involving a decision,
27 action or failure to act, or promulgation or maintenance of a policy

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

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1 that has a sufficient nexus with the state of New York shall be actiona-
2 ble under the relevant provisions of this article.

3 3. For purposes of this section, "conduct" includes any allegedly
4 unlawful discriminatory practice involving a decision, action or failure
5 to act, or promulgation or maintenance of a policy.

6 4. Conduct under this article shall be deemed to have a sufficient
7 nexus with the state of New York where:

8 a. the person aggrieved is a resident individual in the state of New
9 York during some portion of the time during which the alleged unlawful
10 discriminatory practice occurred, regardless of where the conduct
11 occurred;

12 b. the conduct in question is related to employment or an independent
13 contractor relationship located in the state of New York, regardless of
14 whether the person aggrieved is a resident individual in the state of
15 New York, and also regardless of where the conduct in question occurred;
16 or

17 c. the conduct occurred, in whole or in part, in the state of New
18 York, regardless of where the person aggrieved experienced its impact.

19 5. For the purposes of paragraph b of subdivision four of this
20 section, employment or an independent contractor relationship located in
21 whole or in part in the state of New York shall include circumstances
22 where the job or contract involves:

23 a. Employment-related periodic physical presence in an office or other
24 facility in the state of New York, even where such employment-related
25 periodic physical presence is infrequent;

26 b. Services to be performed regularly in the state of New York; or

27 c. The existence of a reporting relationship between the person
28 aggrieved and an employee or agent of the employer where such employee
29 or agent of the employer is subject to employment-related periodic phys-
30 ical presence in an office or other facility in the state of New York,
31 even where such employment-related periodic physical presence is infre-
32 quent.

33 6. Conduct under this article may be deemed to have a sufficient nexus
34 with the state of New York where a factfinder is persuaded by other
35 facts and circumstances presented by the person aggrieved that such a
36 nexus exists.

37 7. It is an affirmative defense against a finding of a sufficient
38 nexus with the state of New York based on paragraph a of subdivision
39 four of this section where the respondent or defendant demonstrates that
40 the respondent or defendant:

41 a. was not authorized to do business in the state of New York;

42 b. did not in fact do business in the state of New York; and

43 c. was not a resident of the state of New York.

44 8. It is an affirmative defense against a finding of a sufficient
45 nexus with the state of New York based on paragraph c of subdivision
46 five of this section where the respondent or defendant demonstrates that
47 the participation of a decision or policy maker in the state of New York
48 with respect to the decision or policy at issue was transient and inci-
49 dental to the decision made or policy created or maintained.

50 § 2. This act shall take effect immediately.