

# STATE OF NEW YORK

5687

2025-2026 Regular Sessions

## IN ASSEMBLY

February 20, 2025

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

AN ACT to amend the executive law, in relation to the definition of small business for minority group members and women with respect to state contracts

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

1 Section 1. Subdivision 20 of section 310 of the executive law, as  
2 amended by chapter 44 of the laws of 2024, is amended to read as  
3 follows:

4 20. "Small business" as used in this section, unless otherwise indi-  
5 cated, shall mean a business which has a significant business presence  
6 in the state, is independently owned and operated, not dominant in its  
7 field and employs, based on its industry, a certain number of persons as  
8 determined by the director, but not to exceed [~~three~~ **five**] hundred,  
9 except during a declared state disaster emergency as defined pursuant to  
10 section twenty-eight of this chapter, not to exceed [~~three~~ **five**] hundred  
11 employees who work thirty or more hours per week over the period of  
12 fifty-two weeks for a total of one thousand five hundred sixty hours  
13 worked, taking into consideration factors which include, but are not  
14 limited to, federal small business administration standards pursuant to  
15 13 CFR part 121 and any amendments thereto. The director may issue regu-  
16 lations on the construction of the terms in this definition. For  
17 purposes of this subdivision, an employee may break from employment for  
18 up to thirteen weeks without the fifty-two week lookback period reset-  
19 ting.

20 § 2. This act shall take effect immediately; provided however, the  
21 amendments to article 15-A of the executive law made by section one of  
22 this act shall not affect the repeal of such article and shall be deemed  
23 repealed therewith.

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

LBD06220-02-5