

# STATE OF NEW YORK

5890

2025-2026 Regular Sessions

## IN ASSEMBLY

February 24, 2025

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

AN ACT to amend the state finance law, the general municipal law, the  
public authorities law and the highway law, in relation to awarding  
contracts for the purchase of rock salt or sodium chloride mined or  
hand harvested in Canada

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

1 Section 1. Section 162-a of the state finance law, as amended by chap-  
2 ter 72 of the laws of 2023, is amended to read as follows:

3 § 162-a. The New York state buy North American salt act. 1. Use of  
4 North American materials. (a) Notwithstanding any other provision of  
5 law, when soliciting a contract for the purchase of rock salt or sodium  
6 chloride, any department or agency of the state may award such contract  
7 to the responsible and reliable bidder offering to supply rock salt or  
8 sodium chloride that is mined or hand harvested in the United States or  
9 Canada, and which offer is within ten percent of the lowest price or  
10 best value offer, rather than to the lowest responsible and reliable  
11 bidder.

12 (b) If it has been determined by a court or federal or state agency  
13 that any person intentionally:

14 (i) affixed a label bearing a "Made in America" inscription, or any  
15 inscription with the same meaning, to any rock salt, or sodium chloride  
16 product used in projects to which this section applies, sold in or  
17 shipped to the United States that was not mined or hand harvested in the  
18 United States~~[, or]~~.

19 (ii) affixed a label bearing a "Made in Canada" inscription, or any  
20 inscription with the same meaning, to any rock salt, or sodium chloride  
21 product used in projects to which this section applies, sold in or  
22 shipped to the United States that was not mined or hand harvested in  
23 Canada.

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

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1 (iii) represented that any rock salt, or sodium chloride product  
2 procured in a contract to which this section applies that was not  
3 produced in the United States or Canada, was produced in the United  
4 States or Canada, respectively; then that person shall be ineligible to  
5 receive any contract or subcontract with this state pursuant to the  
6 debarment or suspension provisions provided under section one hundred  
7 thirty-nine-a of this chapter.

8 (c) This section shall be applied in a manner consistent with the  
9 state's obligations under any applicable international agreements  
10 pertaining to government procurement.

11 2. Definitions. For the purposes of this section, the following words  
12 shall have the following meanings unless specified otherwise:

13 (a) "Public agency" means a governmental entity as that term is  
14 defined in section one hundred thirty-nine-j of this chapter[+].

15 (b) "Mined or hand harvested in the United States" means: extracted or  
16 collected from land or ponds within the boundary of the United States,  
17 from the initial separation from the earth through the addition of any  
18 additives necessary for commercial sale[+].

19 (c) "United States" means the United States of America and includes  
20 all territory, continental or insular, subject to the jurisdiction of  
21 the United States.

22 (d) "Mined or hand harvested in Canada" means: extracted or collected  
23 from land or ponds within the boundary of Canada, from the initial sepa-  
24 ration from the earth through the addition of any additives necessary  
25 for commercial sale.

26 (e) "Canada" means Canada and includes all territory, continental or  
27 insular, subject to the jurisdiction of Canada.

28 § 2. Section 104-d of the general municipal law, as amended by chapter  
29 72 of the laws of 2023, is amended to read as follows:

30 § 104-d. The New York state buy North American salt act. 1. Use of  
31 North American materials. (a) Notwithstanding any other provision of  
32 law, when soliciting a contract for the purchase of rock salt or sodium  
33 chloride, any department or agency of a political subdivision may award  
34 such contract to the responsible and reliable bidder offering to supply  
35 rock salt or sodium chloride that is mined or hand harvested in the  
36 United States or Canada, and which offer is within ten percent of the  
37 lowest price or best value offer, rather than to the lowest responsible  
38 and reliable bidder.

39 (b) If it has been determined by a court or federal or state agency  
40 that any person intentionally:

41 (i) affixed a label bearing a "Made in America" inscription, or any  
42 inscription with the same meaning, to any rock salt, or sodium chloride  
43 product used in projects to which this section applies, sold in or  
44 shipped to the United States that was not mined or hand harvested in the  
45 United States[~~+~~].

46 (ii) affixed a label bearing a "Made in Canada" inscription, or any  
47 inscription with the same meaning, to any rock salt, or sodium chloride  
48 product used in projects to which this section applies, sold in or  
49 shipped to the United States that was not mined or hand harvested in  
50 Canada.

51 (iii) represented that any rock salt, or sodium chloride product  
52 procured in a contract to which this section applies that was not  
53 produced in the United States or Canada, was produced in the United  
54 States or Canada, respectively; then that person shall be ineligible to  
55 receive any contract or subcontract with this state pursuant to the

1 debarment or suspension provisions provided under section one hundred  
2 thirty-nine-a of the state finance law.

3 (c) This section shall be applied in a manner consistent with the  
4 state's obligations under any applicable international agreements  
5 pertaining to government procurement.

6 2. Definitions. For the purposes of this section, the following words  
7 shall have the following meanings unless specified otherwise:

8 (a) "Public agency" means a governmental entity as that term is  
9 defined in section one hundred thirty-nine-j of the state finance  
10 law[+].

11 (b) "Mined or hand harvested in the United States" means: extracted or  
12 collected from land or ponds within the boundary of the United States,  
13 from the initial separation from the earth through the addition of any  
14 additives necessary for commercial sale[+].

15 (c) "United States" means the United States of America and includes  
16 all territory, continental or insular, subject to the jurisdiction of  
17 the United States.

18 (d) "Mined or hand harvested in Canada" means: extracted or collected  
19 from land or ponds within the boundary of Canada, from the initial sepa-  
20 ration from the earth through the addition of any additives necessary  
21 for commercial sale.

22 (e) "Canada" means Canada and includes all territory, continental or  
23 insular, subject to the jurisdiction of Canada.

24 § 3. Section 2877-a of the public authorities law, as amended by chap-  
25 ter 72 of the laws of 2023, is amended to read as follows:

26 § 2877-a. The New York state buy North American salt act. 1. Use of  
27 North American materials. (a) Notwithstanding any other provision of  
28 law, when soliciting a contract for the purchase of rock salt or sodium  
29 chloride, any public authority may award such contract to the responsi-  
30 ble and reliable bidder offering to supply rock salt or sodium chloride  
31 that is mined or hand harvested in the United States or Canada, and  
32 which offer is within ten percent of the lowest price or best value  
33 offer, rather than to the lowest responsible and reliable bidder.

34 (b) If it has been determined by a court or federal or state agency  
35 that any person intentionally:

36 (i) affixed a label bearing a "Made in America" inscription, or any  
37 inscription with the same meaning, to any rock salt, or sodium chloride  
38 product used in projects to which this section applies, sold in or  
39 shipped to the United States that was not mined or hand harvested in the  
40 United States[~~+~~].

41 (ii) affixed a label bearing a "Made in Canada" inscription, or any  
42 inscription with the same meaning, to any rock salt, or sodium chloride  
43 product used in projects to which this section applies, sold in or  
44 shipped to the United States that was not mined or hand harvested in  
45 Canada.

46 (iii) represented that any rock salt, or sodium chloride product  
47 procured in a contract to which this section applies that was not  
48 produced in the United States or Canada, was produced in the United  
49 States or Canada, respectively; then that person shall be ineligible to  
50 receive any contract or subcontract with this state pursuant to the  
51 debarment or suspension provisions provided under section one hundred  
52 thirty-nine-a of the state finance law.

53 (c) This section shall be applied in a manner consistent with the  
54 state's obligations under any applicable international agreements  
55 pertaining to government procurement.

1 2. Definitions. For the purposes of this section, the following words  
2 shall have the following meanings unless specified otherwise:

3 (a) "Public authority" means a state, local or interstate authority as  
4 those terms are defined in section two of this chapter[+].

5 (b) "Mined or hand harvested in the United States" means: extracted or  
6 collected from land or ponds within the boundary of the United States,  
7 from the initial separation from the earth through the addition of any  
8 additives necessary for commercial sale[+].

9 (c) "United States" means the United States of America and includes  
10 all territory, continental or insular, subject to the jurisdiction of  
11 the United States.

12 (d) "Mined or hand harvested in Canada" means: extracted or collected  
13 from land or ponds within the boundary of Canada, from the initial sepa-  
14 ration from the earth through the addition of any additives necessary  
15 for commercial sale.

16 (e) "Canada" means Canada and includes all territory, continental or  
17 insular, subject to the jurisdiction of Canada.

18 § 4. Section 12-a of the highway law, as amended by chapter 72 of the  
19 laws of 2023, is amended to read as follows:

20 § 12-a. The New York state buy North American salt act. 1. Use of  
21 North American materials. (a) Notwithstanding any other provision of  
22 law, when soliciting a contract for the purchase of rock salt or sodium  
23 chloride, the commissioner of transportation may award such contract to  
24 the responsible and reliable bidder offering to supply rock salt or  
25 sodium chloride that is mined or hand harvested in the United States or  
26 Canada, and which offer is within ten percent of the lowest price or  
27 best value offer, rather than to the lowest responsible and reliable  
28 bidder.

29 (b) If it has been determined by a court or federal or state agency  
30 that any person intentionally:

31 (i) affixed a label bearing a "Made in America" inscription, or any  
32 inscription with the same meaning, to any rock salt, or sodium chloride  
33 product used in projects to which this section applies, sold in or  
34 shipped to the United States that was not mined or hand harvested in the  
35 United States[~~+~~].

36 (ii) affixed a label bearing a "Made in Canada" inscription, or any  
37 inscription with the same meaning, to any rock salt, or sodium chloride  
38 product used in projects to which this section applies, sold in or  
39 shipped to the United States that was not mined or hand harvested in  
40 Canada.

41 (iii) represented that any rock salt, or sodium chloride product  
42 procured in a contract to which this section applies that was not  
43 produced in the United States or Canada, was produced in the United  
44 States or Canada, respectively; then that person shall be ineligible to  
45 receive any contract or subcontract with this state pursuant to the  
46 debarment or suspension provisions provided under section one hundred  
47 thirty-nine-a of the state finance law.

48 (c) This section shall be applied in a manner consistent with the  
49 state's obligations under any applicable international agreements  
50 pertaining to government procurement.

51 2. Definitions. For the purposes of this section, the following words  
52 shall have the following meanings unless specified otherwise:

53 (a) "Mined or hand harvested in the United States" means: extracted or  
54 collected from land or ponds within the boundary of the United States,  
55 from the initial separation from the earth through the addition of any  
56 additives necessary for commercial sale[+].

1 (b) "United States" means the United States of America and includes  
2 all territory, continental or insular, subject to the jurisdiction of  
3 the United States.

4 (c) "Mined or hand harvested in Canada" means: extracted or collected  
5 from land or ponds within the boundary of Canada, from the initial sepa-  
6 ration from the earth through the addition of any additives necessary  
7 for commercial sale.

8 (d) "Canada" means Canada and includes all territory, continental or  
9 insular, subject to the jurisdiction of Canada.

10 § 5. This act shall take effect immediately.