

STATE OF NEW YORK

8016

2025-2026 Regular Sessions

IN ASSEMBLY

April 22, 2025

Introduced by M. of A. LASHER, R. CARROLL, SCHIAVONI -- read once and referred to the Committee on Banks

AN ACT to amend the general business law, the financial services law, the state finance law and the executive law, in relation to enacting the "government response to insider fraud and trading act" relating to securities fraud whistleblower incentives and protections

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "government response to insider fraud and trading act" or the "GRIFT
3 act".

4 § 2. The general business law is amended by adding a new section 353-b
5 to read as follows:

6 § 353-b. Securities fraud whistleblower incentives and protections.
7 1. Definitions. (a) "Covered enforcement action" shall mean: (i) any one
8 or more enforcement actions brought by the attorney general under
9 section three hundred fifty-three of this article that results in mone-
10 etary sanctions exceeding one million dollars in the aggregate; or (ii)
11 any investigations, inquiries, settlements or any other action brought
12 or made by the attorney general in relation to a violation of this arti-
13 cle that results in monetary sanctions exceeding one million dollars in
14 the aggregate.

15 (b) "Monetary sanctions" shall mean:

16 (i) Any monies ordered to be paid, or that are otherwise paid or
17 forfeited as a result of a covered enforcement action or related action;
18 and (ii) any monies deposited into a disgorgement fund or public benefit
19 fund as a result of a covered enforcement action or related action.

20 (c) "Original information" shall mean information that:

21 (i) is derived from the independent knowledge or analysis of a whist-
22 leblower;

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

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1 (ii) is not known to the attorney general from any other source,
2 unless the whistleblower is the original source of the information; and
3 (iii) is not exclusively derived from an allegation made in a judicial
4 or administrative hearing, in a governmental report, hearing, audit or
5 investigation or from the news media, unless the whistleblower is a
6 source of the information. For purposes of this subparagraph: (A) an
7 allegation is not made in a governmental report or investigation because
8 it was disclosed or provided pursuant to article six of the public offi-
9 cers law, or under any other federal, state or local law, rule or
10 program enabling the public to request, receive or view documents or
11 information in the possession of public officials or public agencies;
12 and (B) an allegation is not made in the news media merely because
13 information of allegations or transactions have been posted on the
14 internet or on a computer network.

15 (d) "Related action" shall mean any judicial or administrative action
16 brought by a state or local agency or entity based upon the original
17 information provided by a whistleblower to the attorney general pursuant
18 to this section that results in monetary sanctions exceeding one million
19 dollars in the aggregate.

20 (e) "Whistleblower" shall mean any individual or entity who provides
21 or two or more individuals or entities acting jointly who provide infor-
22 mation to the attorney general relating to a violation of this article.

23 2. Whistleblower awards. (a) One or more whistleblowers who voluntar-
24 ily provide original information to the attorney general that was the
25 basis for a successful covered enforcement action, or a related action,
26 shall, in accordance with the provisions of this section, be entitled to
27 receive between ten and thirty percent of the monetary sanctions that
28 result from such action. Any payment to a person pursuant to this para-
29 graph shall be made from the monetary sanctions of the covered enforce-
30 ment action or related action.

31 (b) A whistleblower who provides the attorney general with information
32 related to information previously reported to the attorney general by a
33 whistleblower who is eligible for an award under this section shall not
34 be entitled to an award, unless the information provided by the second
35 whistleblower materially adds to the information reported to the attor-
36 ney general by the first whistleblower.

37 (c) The determination of the amount of an award made within the range
38 established by this section shall be solely in the discretion of the
39 attorney general. In determining the amount of an award made within the
40 range established by this section, the attorney general shall take into
41 consideration the following factors:

42 (i) the significance of the information provided by the whistleblower
43 to the success of the covered enforcement action or related action;

44 (ii) the degree of assistance provided by the whistleblower and any
45 legal representative of the whistleblower in the covered enforcement
46 action or related action;

47 (iii) the interest of the state in deterring violations of this arti-
48 cle and promoting the reporting by whistleblowers of information relat-
49 ing to such violations; and

50 (iv) such additional relevant factors as the attorney general may
51 establish by rule or regulation.

52 (d) No award shall be made to any whistleblower if the attorney gener-
53 al shall determine that the whistleblower:

54 (i) is, or was at the time the whistleblower acquired the original
55 information submitted to the attorney general, a member, officer or

1 employee of a federal, state or local law enforcement agency that regu-
2 lates securities or that prosecutes securities violations;

3 (ii) was convicted of a criminal violation related to the covered
4 enforcement action for which the whistleblower otherwise could receive
5 an award under this section;

6 (iii) materially failed to submit information to the attorney general
7 in such form as the attorney general may require;

8 (iv) is, or was at the time the whistleblower acquired the original
9 information submitted to the attorney general, an officer or employee of
10 a self-regulatory organization that regulates securities and who has a
11 duty by virtue of such position to investigate or report a securities
12 violation; provided that this subparagraph shall not apply if the whist-
13 blower reported the original information to such self-regulatory
14 organization and the attorney general determines that the organization
15 did not take adequate measures within sixty days to investigate or sanc-
16 tion conduct that would be a violation of this article; or

17 (v) (A) knowingly and willfully makes false, fictitious or fraudulent
18 statements or representations to the attorney general when submitting
19 information under this section, or (B) uses any false writing or docu-
20 ment knowing the writing or document contains any false, fictitious or
21 fraudulent statement or entry when submitting information under this
22 section.

23 (e) (i) Any determination made under this subdivision, including
24 whether, to whom, or in what amount to make awards, shall be in the
25 discretion of the attorney general; provided that such amount shall
26 conform to the range established by paragraph (a) of this subdivision,
27 and shall take into account the factors listed in paragraph (c) of this
28 subdivision.

29 (ii) Any such determination may be challenged in accordance with arti-
30 cle seventy-eight of the civil practice law and rules, provided that any
31 such challenge shall be brought within forty-five days of the date of
32 any such determination.

33 (f) No contract with the department of law or any other agency shall
34 be necessary for any whistleblower to receive an award under this
35 section.

36 (g)(i) Any whistleblower who makes a claim for an award under this
37 section may be represented by counsel.

38 (ii) Any whistleblower who anonymously makes a claim for an award
39 under this section shall be represented by counsel if the whistleblower
40 anonymously submits the information upon which the claim is based. Prior
41 to the payment of an award, a whistleblower shall disclose the identity
42 of the whistleblower and provide such other information as the attorney
43 general may require, directly or through counsel for the whistleblower.

44 (h)(i) The attorney general shall not disclose any information which
45 could reasonably be expected to reveal the identity of a whistleblower,
46 unless and until such information is required to be disclosed to a party
47 in connection with an action or proceeding brought by the attorney
48 general, a lawfully issued subpoena by a federal or state law enforce-
49 ment authority, or otherwise by a court order. Such information shall be
50 deemed information exempted from disclosure under article six of the
51 public officers law.

52 (ii) Notwithstanding the preceding subparagraph, without the loss of
53 its status as confidential in the hands of the attorney general, all
54 information referred to in this subdivision may, when determined by the
55 attorney general to be necessary to accomplish the purposes of this
56 article, be made available to the appropriate regulatory and law

1 enforcement authorities of this state, another state, the federal
2 government, foreign governments, or self-regulatory organizations. Each
3 regulatory or law enforcement authority to which the attorney general
4 makes available the information referred to in the preceding subpara-
5 graph shall agree to maintain such information in accordance with such
6 assurances of confidentiality as the attorney general deems appropriate.

7 3. Retaliation. (a)(i) It shall be unlawful for any current or
8 prospective employer, contractor or agent to discharge, demote, suspend,
9 threaten or harass, directly or indirectly, or in any other manner
10 discriminate against any person in hiring or in the terms and conditions
11 of employment or contracting because of any lawful act done by such
12 person: (A) in providing information to the attorney general pursuant to
13 this section; (B) in initiating, testifying in or assisting in any
14 investigation or covered enforcement action under this article, or any
15 related action; or (C) in reporting any violation of this article to
16 another government entity, to a direct supervisor or to a compliance
17 officer of such employer, contractor or agent.

18 (ii) Any person who is discharged, demoted, suspended, threatened or
19 harassed or in any other manner discriminated against in the terms and
20 conditions of employment, or otherwise harmed or penalized by an employ-
21 er, or a prospective employer, because of lawful acts done by such
22 person or associated others in furtherance of any covered enforcement
23 action or related action or other efforts to stop one or more violations
24 of this article, including but not limited to reporting such violations
25 to any government entity, to a direct supervisor or to a compliance
26 officer of such employer or prospective employer, shall be entitled to
27 all relief necessary to make such person whole. Such relief shall
28 include but not be limited to:

29 (A) an injunction to restrain continued discrimination;
30 (B) hiring, contracting or reinstatement to the position such person
31 would have had but for the discrimination or to an equivalent position;
32 (C) reinstatement of full fringe benefits and seniority rights;
33 (D) payment of two times back pay, plus interest; and
34 (E) compensation for any special damages sustained as a result of the
35 discrimination, including litigation costs and reasonable attorneys'
36 fees.

37 (b) For purposes of this subdivision, a "lawful" act shall include,
38 but not be limited to, obtaining or transmitting to the attorney general
39 or private counsel employed to investigate or potentially file with the
40 attorney general information relating to a violation of this article,
41 even though such act may violate a contract, severance agreement,
42 employment term, or duty owed to the employer or contractor.

43 (c) Any person seeking relief pursuant to subparagraph (ii) of para-
44 graph (a) of this subdivision may bring an action in the appropriate
45 supreme court for the relief provided in this subdivision. A civil
46 action under this subdivision shall be commenced no later than ten years
47 after the date on which the violation of this article is committed.

48 4. No waiver or preemption. (a) This section shall not: (i) preempt,
49 limit or restrict the authority or discretion of the attorney general to
50 investigate or enforce violations of this article; (ii) limit any powers
51 granted elsewhere in this chapter and other laws to the attorney gener-
52 al, state agencies or local governments to investigate or enforce possi-
53 ble violations of this article; (iii) authorize a private right of
54 action involving fraudulent practices in connection with the securities;
55 (iv) prevent or prohibit a person from voluntarily disclosing any infor-
56 mation concerning a violation of this article to any law enforcement

1 agency or self-regulatory organization; or (v) preempt, limit, restrict
2 or otherwise affect the rights and rewards provided to qui tam plain-
3 tiffs under article thirteen of the state finance law.

4 (b) The rights and remedies provided for in this section may not be
5 waived by any agreement, policy form, or condition of employment. No
6 salary or wages earned by the whistleblower during such whistleblower's
7 employment, nor any consideration provided the whistleblower in
8 connection with such whistleblower's severance from such employment,
9 related to original information or the covered enforcement action or
10 related action may be recouped by any right of action brought by the
11 employer.

12 (c) Nothing in this section shall be deemed to diminish the rights,
13 privileges, or remedies of any whistleblower under any federal or state
14 law, or under any collective bargaining agreement.

15 5. Regulations. The attorney general is authorized to adopt such rules
16 and regulations as are necessary to effectuate the purposes of this
17 section; provided that the attorney general shall consult with the
18 superintendent of the department of financial services prior to propos-
19 ing such rules or regulations.

20 § 3. Subsection (a) of section 104 of the financial services law is
21 amended by adding five new paragraphs 6, 7, 8, 9 and 10 to read as
22 follows:

23 (6) "Covered judicial or administrative action" shall mean: (A) any
24 one or more judicial or administrative actions brought by the department
25 under the insurance law, the banking law or this chapter that results in
26 monetary sanctions exceeding one million dollars in the aggregate; and
27 (B) any investigations, inquiries, settlements or any other actions
28 brought or made within the sole discretion of the superintendent, by the
29 department under the insurance law, the banking law or this chapter that
30 result in monetary sanctions exceeding one million dollars in the aggre-
31 gate.

32 (7) "Monetary sanctions" shall mean:

33 (A) any monies ordered to be paid, or that are otherwise paid or
34 forfeited as a result of a covered judicial or administrative action or
35 any settlement of such action, or related action; and

36 (B) any monies deposited into a disgorgement fund or public benefit
37 fund as a result of a covered judicial or administrative action or any
38 settlement of such action, or related action.

39 (8) "Original information" shall mean information that:

40 (A) is derived from the independent knowledge or analysis of a whist-
41 leblower;

42 (B) is not known to the department from any other source, unless the
43 whistleblower is the original source of the information; and

44 (C) is not exclusively derived from an allegation made in a judicial
45 or administrative hearing, in a governmental report, hearing, audit or
46 investigation or from the news media, unless the whistleblower is a
47 source of the information. For purposes of this subparagraph: (i) an
48 allegation is not made in a governmental report or investigation because
49 it was disclosed or provided pursuant to article six of the public offi-
50 cers law, or under any other federal, state or local law, rule or
51 program enabling the public to request, receive or view documents or
52 information in the possession of public officials or public agencies;
53 and (ii) an allegation is not made in the news media merely because
54 information of allegations or transactions have been posted on the
55 internet or on a computer network.

1 (9) "Related action" shall mean any judicial or administrative action
2 brought by another state or local agency or entity based upon original
3 information provided by a whistleblower to the department that results
4 in monetary sanctions exceeding one million dollars in the aggregate.

5 (10) "Whistleblower" shall mean any individual or entity who provides
6 or two or more individuals acting jointly who provide information relat-
7 ing to a violation of the banking law, the insurance law, this chapter
8 or rules and regulations promulgated thereunder to the department.

9 § 4. The financial services law is amended by adding two new sections
10 410 and 411 to read as follows:

11 § 410. Financial services whistleblower awards. (a) (1) In any
12 covered judicial or administrative action, or related action, one or
13 more whistleblowers who voluntarily provide original information to the
14 department that was the basis for the successful judicial or administra-
15 tive action, or a related action, shall, in accordance with the
16 provisions of this section, be entitled to receive between ten and thir-
17 ty percent of the monetary sanctions that result from such action. Any
18 payment to a person pursuant to this paragraph shall be made from the
19 monetary sanctions of the covered judicial or administrative action, or
20 related action.

21 (2) A whistleblower who provides the department with information
22 related to information previously reported to the department by a whist-
23 leblower who is eligible for an award under this section shall not be
24 entitled to an award, unless the information provided by the second
25 whistleblower materially adds to the information reported to the depart-
26 ment by the first whistleblower.

27 (3) Any amount paid under paragraph one of this subsection shall be
28 first applied in accordance with the provisions of such paragraph before
29 being applied, if applicable, in accordance with subparagraph (B) of
30 paragraph one of subsection (a) of section four hundred eight of this
31 article.

32 (b)(1) The determination of the amount of an award made within the
33 range established by this section shall be solely in the discretion of
34 the superintendent.

35 (2) In determining the amount of an award made within the range estab-
36 lished by this section, the superintendent shall take into consideration
37 the following factors:

38 (A) the significance of the information provided by the whistleblower
39 to the success of the covered judicial or administrative action;

40 (B) the degree of assistance provided by the whistleblower and any
41 legal representative of the whistleblower in a covered judicial or
42 administrative action;

43 (C) the interest of the department in deterring violations of the
44 banking law, the insurance law or this chapter and promoting the report-
45 ing by whistleblowers of information relating to such violations; and

46 (D) such additional relevant factors as the superintendent may estab-
47 lish by rule or regulation.

48 (c) No award shall be made to any whistleblower if the superintendent
49 shall determine that the whistleblower:

50 (1) is, or was at the time the whistleblower acquired the original
51 information submitted to the department, a member, officer or employee
52 of a federal, state or local law enforcement agency that regulates bank-
53 ing, insurance or financial services products; or

54 (2) is, or was at the time the whistleblower acquired the original
55 information submitted to the department, an officer or employee of a
56 self-regulatory organization that regulates banking, insurance or finan-

1 cial services products and who has a duty by virtue of such position to
2 investigate or report a legal violation involving banking, insurance, or
3 financial services products; provided that this subparagraph shall not
4 apply if the whistleblower properly reported the original information to
5 such self-regulatory organization and the superintendent determines that
6 the organization did not take adequate measures within sixty days to
7 investigate conduct that would be a violation of this article; or

8 (3) was convicted of a criminal violation related to the covered judi-
9 cial or administrative action for which the whistleblower otherwise
10 could receive an award under this section; or

11 (4) materially failed to submit information to the department in such
12 form as the department may require; or

13 (5)(A) knowingly and willfully makes false, fictitious or fraudulent
14 statements or representations to the department when submitting informa-
15 tion under this section, or (B) uses any false writing or document know-
16 ing the writing or document contained false, fictitious or fraudulent
17 statements or entries when submitting information under this section.

18 (d) (1) Any whistleblower who makes a claim for an award under this
19 section may be represented by counsel.

20 (2) Any whistleblower who anonymously makes a claim for an award under
21 this section shall be represented by counsel if the whistleblower anony-
22 mously submits the information upon which the claim is based. Prior to
23 the payment of an award, a whistleblower shall disclose the identity of
24 the whistleblower and provide such other information as the department
25 may require, directly or through counsel for the whistleblower.

26 (e) No contract with the department shall be necessary for any whist-
27 leblower to receive an award under this section, unless otherwise
28 required by the department by rule or regulation.

29 (f) Any determination made under this section shall be solely in the
30 discretion of the superintendent; provided that such award shall be in
31 the ranges established by paragraph one of subsection (a) of this
32 section, and the superintendent shall take into account the factors
33 listed in paragraph two of subsection (b) of this section in determining
34 the amount of the award. Any such determination may be challenged in
35 accordance with article seventy-eight of the civil practice law and
36 rules, provided that any such challenge shall be brought within forty-
37 five days of the date of any such determination under challenge.

38 § 411. Retaliation protections. (a) No current or prospective employ-
39 er, contractor or agent may discharge, demote, suspend, threaten or
40 harass, directly or indirectly, or in any other manner discriminate
41 against any person in hiring or in the terms and conditions of employ-
42 ment because of any lawful act done by such person:

43 (1) in providing information to the department in accordance with this
44 section;

45 (2) in initiating, testifying in or assisting in any investigation or
46 judicial or administrative action of the department or related action;
47 or

48 (3) in reporting any violation of the insurance law, the banking law
49 or this chapter to another government entity, to a direct supervisor or
50 to a compliance officer of such employer, contractor or agent.

51 (b)(1) Any person who is discharged, demoted, suspended, threatened or
52 harassed or in any other manner discriminated against in the terms and
53 conditions of employment, or otherwise harmed or penalized by an employ-
54 er, or a prospective employer, because of lawful acts done by such
55 person or associated others in furtherance of any covered judicial or
56 administrative action or related action or other efforts to stop one or

1 more violations of the insurance law, the banking law or this chapter,
2 including but not limited to reporting such violations to any government
3 entity, to a direct supervisor or to a compliance officer of such
4 employer or prospective employer, shall be entitled to all relief neces-
5 sary to make such person whole. Such relief shall include but not be
6 limited to:

7 (A) an injunction to restrain continued discrimination;

8 (B) hiring, contracting or reinstatement to the position such person
9 would have had but for the discrimination or to an equivalent position;

10 (C) reinstatement of full fringe benefits and seniority rights;

11 (D) payment of two times back pay, plus interest; and

12 (E) compensation for any special damages sustained as a result of the
13 discrimination, including litigation costs and reasonable attorneys'
14 fees.

15 (2) For purposes of this section, a "lawful" act shall include, but
16 not be limited to, obtaining or transmitting to the department or
17 private counsel employed to investigate or potentially file with the
18 department information relating to violations of the banking law, the
19 insurance law, or this chapter, even though such act may violate a
20 contract, severance agreement, employment term, or duty owed to the
21 employer or contractor.

22 (3) Any person seeking relief pursuant to this subsection may bring an
23 action in the appropriate supreme court for the relief provided in this
24 section. The limitations period of any such action shall be ten years.

25 (4) Nothing in this section shall be deemed to diminish the rights,
26 privileges, or remedies of any whistleblower under any federal or state
27 law, or under any collective bargaining agreement.

28 (c)(1) Neither the superintendent nor any officer or employee of the
29 department, shall disclose any information, including information
30 provided by a whistleblower to the department, which could reasonably be
31 expected to reveal the identity of a whistleblower, unless and until
32 such information is required to be disclosed to a party in connection
33 with an action or proceedings brought by the superintendent, a lawfully
34 issued subpoena by a federal or state law enforcement authority, or
35 otherwise by a court order. Such information shall be deemed information
36 exempted from disclosure under article six of the public officers law.

37 (2) Notwithstanding the preceding paragraph, without the loss of its
38 status as confidential in the hands of the superintendent, all informa-
39 tion referred to in paragraph one of this subsection may, in the
40 discretion of the superintendent, when determined by the superintendent
41 to be necessary to accomplish the purposes of this article, be made
42 available to the appropriate regulatory and law enforcement authorities
43 of this state, another state, the federal government, foreign govern-
44 ments, or self-regulatory organizations. Each regulatory or law enforce-
45 ment authority to which the superintendent makes available the informa-
46 tion referred to in the preceding paragraph shall agree to maintain such
47 information in accordance with such assurances of confidentiality as the
48 superintendent may determine to be appropriate.

49 (d)(1) Nothing in this section shall limit, or shall be construed to
50 limit the superintendent's authority under sections two hundred two and
51 three hundred one of this chapter, or that of other law enforcement
52 authorities.

53 (2) Nothing in this section shall limit, or shall be construed to
54 limit, the rights and rewards provided to qui tam plaintiffs under arti-
55 cle thirteen of the state finance law.

1 (e) The rights and remedies provided for in this section may not be
2 waived by any agreement, policy form, or condition of employment,
3 including by a pre-dispute arbitration agreement, which shall not be
4 valid or enforceable if it requires arbitration of a dispute arising
5 under this section. No salary or wages earned by the whistleblower
6 during such whistleblower's employment, nor any consideration provided
7 the whistleblower in connection with such whistleblower's severance from
8 such employment, related to original information or the covered judicial
9 or administrative action may be recouped by any right of action brought
10 by the employer.

11 (f) The superintendent is hereby authorized and empowered to promul-
12 gate such rules and regulations as the superintendent shall deem appro-
13 priate for the enforcement of this section; provided that the super-
14 intendent shall consult with the attorney general prior to proposing
15 such rules or regulations.

16 § 5. Paragraph (b) of subdivision 11 of section 4 of the state finance
17 law, as amended by chapter 171 of the laws of 2022, is amended to read
18 as follows:

19 (b) Paragraph (a) of this subdivision shall not apply to (1) moneys to
20 be distributed to the federal government, to a local government, or to
21 any holder of a bond or other debt instrument issued by the state, any
22 public authority, or any public benefit corporation; (2) moneys to be
23 distributed to a whistleblower pursuant to section three hundred fifty-
24 three-b of the general business law or section four hundred ten of the
25 financial services law, or to be distributed solely or exclusively as a
26 payment of damages or restitution to individuals or entities that were
27 specifically injured or harmed by the defendant's or settling party's
28 conduct and that are identified in, or can be identified by the terms
29 of, the relevant judgment, agreement to settle, assurance of discontin-
30 uance, or relevant instrument resolving the claim or cause of action;
31 (3) moneys recovered or obtained by a state agency or a state official
32 or employee acting in their official capacity where application of para-
33 graph (a) of this subdivision is prohibited by federal law, rule, or
34 regulation, or would result in the reduction or loss of federal funds or
35 eligibility for federal benefits pursuant to federal law, rule, or regu-
36 lation; (4) moneys recovered or obtained by or on behalf of a public
37 authority, a public benefit corporation, the department of taxation and
38 finance, the workers' compensation board, the New York state higher
39 education services corporation, the tobacco settlement financing corpo-
40 ration, a state or local retirement system, an employee health benefit
41 program administered by the New York state department of civil service,
42 the Title IV-D child support fund, the lottery prize fund, the abandoned
43 property fund, or an endowment of the state university of New York or
44 any unit thereof or any state agency, provided that all of the moneys
45 received or recovered are immediately transferred to the relevant public
46 authority, public benefit corporation, department, fund, program, or
47 endowment; (5) moneys to be refunded to an individual or entity as (i)
48 an overpayment of a tax, fine, penalty, fee, insurance premium, loan
49 payment, charge or surcharge; (ii) a return of seized assets, or (iii) a
50 payment made in error; (6) moneys to be used to prevent, abate, restore,
51 mitigate, or control any identifiable instance of prior or ongoing
52 water, land or air pollution; and (7) moneys deposited to the opioid
53 settlement fund established in section ninety-nine-nn of this chapter.

54 § 6. Paragraph (b) of subdivision 16 of section 63 of the executive
55 law, as amended by chapter 171 of the laws of 2022, is amended to read
56 as follows:

1 (b) Paragraph (a) of this subdivision shall not apply to any provision
2 in the resolution of a claim or cause of action providing (1) moneys to
3 be distributed to the federal government, to a local government, or to
4 any holder of a bond or other debt instrument issued by the state, any
5 public authority, or any public benefit corporation; (2) moneys to be
6 distributed to a whistleblower pursuant to section three hundred fifty-
7 three-b of the general business law, or to be distributed solely or
8 exclusively as a payment of damages or restitution to individuals or
9 entities that were specifically injured or harmed by the defendant's or
10 settling party's conduct and that are identified in, or can be identi-
11 fied by the terms of, the relevant judgment, stipulation, decree, agree-
12 ment to settle, assurance of discontinuance, or relevant instrument
13 resolving the claim or cause of action; (3) moneys recovered or obtained
14 by the attorney general where application of paragraph (a) of this
15 subdivision is prohibited by federal law, rule, or regulation, or would
16 result in the reduction or loss of federal funds or eligibility for
17 federal benefits pursuant to federal law, rule, or regulation; (4)
18 moneys recovered or obtained by or on behalf of a public authority, a
19 public benefit corporation, the department of taxation and finance, the
20 workers' compensation board, the New York state higher education
21 services corporation, the tobacco settlement financing corporation, a
22 state or local retirement system, an employee health benefit program
23 administered by the New York state department of civil service, the
24 Title IV-D child support fund, the lottery prize fund, the abandoned
25 property fund, or an endowment of the state university of New York or
26 any unit thereof or any state agency, provided that all of the moneys
27 received or recovered are immediately transferred to the relevant public
28 authority, public benefit corporation, department, fund, program, or
29 endowment; (5) moneys to be refunded to an individual or entity as (i)
30 an overpayment of a tax, fine, penalty, fee, insurance premium, loan
31 payment, charge or surcharge; (ii) a return of seized assets; or (iii) a
32 payment made in error; (6) moneys to be used to prevent, abate, restore,
33 mitigate or control any identifiable instance of prior or ongoing water,
34 land or air pollution; and/or (7) state moneys received as part of any
35 statewide opioid settlement agreements as defined in section 25.18 of
36 the mental hygiene law, to be spent on eligible expenditures as defined
37 in section 25.18 of the mental hygiene law.
38 § 7. This act shall take effect on the ninetieth day after it shall
39 have become a law.