

# STATE OF NEW YORK

7494

2025-2026 Regular Sessions

## IN SENATE

April 17, 2025

Introduced by Sen. GIANARIS -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

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

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

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

2. Whistleblower awards. (a) One or more whistleblowers who voluntarily provide original information to the attorney general that was the basis for a successful covered enforcement action, or a related action, shall, in accordance with the provisions of this section, be entitled to receive between ten and thirty percent of the monetary sanctions that result from such action. Any payment to a person pursuant to this paragraph shall be made from the monetary sanctions of the covered enforcement action or related action.

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

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

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

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

(iii) the interest of the state in deterring violations of this article and promoting the reporting by whistleblowers of information relating to such violations; and

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

(d) No award shall be made to any whistleblower if the attorney general shall determine that the whistleblower:

(i) is, or was at the time the whistleblower acquired the original 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 leblower 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.

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

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

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

§ 410. Financial services whistleblower awards. (a) (1) In any covered judicial or administrative action, or related action, one or more whistleblowers who voluntarily provide original information to the department that was the basis for the successful judicial or administrative action, or a related action, shall, in accordance with the provisions of this section, be entitled to receive between ten and thirty percent of the monetary sanctions that result from such action. Any payment to a person pursuant to this paragraph shall be made from the monetary sanctions of the covered judicial or administrative action, or related action.

(2) A whistleblower who provides the department with information related to information previously reported to the department by a whistleblower who is eligible for an award under this section shall not be entitled to an award, unless the information provided by the second whistleblower materially adds to the information reported to the department by the first whistleblower.

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

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

(2) In determining the amount of an award made within the range established by this section, the superintendent shall take into consideration the following factors:

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

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

(C) the interest of the department in deterring violations of the banking law, the insurance law or this chapter and promoting the reporting by whistleblowers of information relating to such violations; and

(D) such additional relevant factors as the superintendent may establish by rule or regulation.

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

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

(2) is, or was at the time the whistleblower acquired the original information submitted to the department, an officer or employee of a 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.

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

(f) The superintendent is hereby authorized and empowered to promulgate such rules and regulations as the superintendent shall deem appropriate for the enforcement of this section; provided that the superintendent shall consult with the attorney general prior to proposing such rules or regulations.

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

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

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

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

§ 7. This act shall take effect on the ninetieth day after it shall have become a law.