STATE OF NEW YORK

9998

IN SENATE

April 21, 2026

Introduced by Sen. JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to exempting unpaid student interns from coverage under workers' compensation

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

Section 1. Group 18 of subdivision 1 of section 3 of the workers' compensation law, as amended by chapter 260 of the laws of 1972, is amended to read as follows:

Group 18. All other employments, except persons engaged in a teaching or nonmanual capacity in or for a religious, charitable or educational institution, notwithstanding the definition of employment in subdivision five of section two, not hereinbefore enumerated, carried on by any person, firm or corporation in which there are engaged or employed one or more employees regularly, in the same business or in or about the same establishment either upon the premises or at the plant or away from the plant of the employer, under any contract of hire, express or implied, oral or written, except farm laborers and domestics other than those within the coverage of this chapter pursuant to groups fourteen-b and twelve respectively of this subdivision, unless the employer has elected to bring such employees under the law by securing compensation in accordance with the terms of section fifty of this chapter and persons engaged in voluntary service not under contract of hire. A duly ordained, commissioned or licensed minister, priest or rabbi, a sexton, a christian science reader, or a member of a religious order, shall not be deemed to be employed or engaged in employment under the terms of this section. Recipients of charitable aid from a religious or charitable institution who perform work in or for the institution which is incidental to or in return for the aid conferred, and not under any express contract of hire, shall not be deemed to be employed or engaged in employment under the terms of this section. All persons who are members of a supervised amateur athletic activity operated on a non-profit basis shall not be deemed to be employed or engaged in employment under the terms of this section, provided that said members are not also

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

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otherwise engaged or employed by any person, firm or corporation participating in said athletic activity. The terms "religious, charitable or educational institution" mean a corporation, unincorporated association, community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, no part of the net earnings of which inure to the benefit of any private shareholder or individual**. Unpaid student interns shall not be deemed to be employed or engaged in employment under the terms of this section. The term "student intern" means an individual that is enrolled in an educational program at a public or non-public secondary school, charter school, or board of cooperative educational services that participates in an unpaid internship, externship, or other similar program that is primarily for educational and/or training purposes**.

§ 2. This act shall take effect immediately.