# STATE OF NEW YORK

10008--B

# IN ASSEMBLY

January 21, 2026

A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend part U1 of chapter 62 of the laws of 2003, amending the vehicle and traffic law and other laws relating to increasing certain motor vehicle transaction fees, in relation to the effectiveness thereof; and to amend part B of chapter 84 of the laws of 2002, amending the state finance law relating to the costs of the department of motor vehicles, in relation to the effectiveness thereof (Part A); to amend chapter 751 of the laws of 2005, amending the insurance law and the vehicle and traffic law relating to establishing the accident prevention course internet technology pilot program, in relation to the effectiveness thereof (Part B); intentionally omitted (Part C); intentionally omitted (Part D); to amend the vehicle and traffic law, in relation to allowing for-hire autonomous vehicles outside of New York City; to amend part FF of chapter 55 of the laws of 2017, relating to motor vehicles equipped with autonomous vehicle technology, in relation to the effectiveness thereof (Part E); intentionally omitted (Part F); intentionally omitted (Part G); to amend part PP of chapter 54 of the laws of 2016, amending the public authorities law and the general municipal law relating to the New York transit authority and the metropolitan transportation authority, in relation to extending provisions of law relating to certain tax increment financing provisions (Part H); intentionally omitted (Part I); to amend the agriculture and markets law, in relation to dairy promotion and marketing of agricultural products in New York state; and to repeal sections 16-x, 16-y and 16-z of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, in relation thereto (Part J); to amend the tax law, in relation to extending the refundability of the investment tax credit for farmers (Part K); intentionally omitted (Part L); intentionally omitted (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); to

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

LBD12673-05-6

amend chapter 584 of the laws of 2011, amending the public authorities law relating to the powers and duties of the dormitory authority of the state of New York relative to the establishment of subsidiaries for certain purposes, in relation to the effectiveness thereof (Part T); intentionally omitted (Part U); to amend the New York state urban development corporation act, in relation to extending the authority of the New York state urban development corporation to administer the empire state economic development fund (Part V); to amend chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, in relation to extending loan powers (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); intentionally omitted (Part Z); to amend the general business law, in relation to requiring the registration of data brokers, establishing a data deletion mechanism for consumers, and providing related regulatory provisions (Part AA); intentionally omitted (Part BB); intentionally omitted (Part CC); intentionally omitted (Part DD); intentionally omitted (Part EE); intentionally omitted (Part FF); intentionally omitted (Part GG); to amend the insurance law, in relation to the annual consumer guide of health insurers (Subpart A); to amend the insurance law and the public health law, in relation to ongoing treatment by an out-of-network provider during pregnancy (Subpart B); to amend the insurance law, in relation to accessible formulary drug lists (Subpart C); and to amend the insurance law and the public health law, in relation to utilization reviews for treatment for a chronic health condition (Subpart D) (Part HH); intentionally omitted (Part II); intentionally omitted (Part JJ); intentionally omitted (Part KK); to amend chapter 495 of the laws of 2004, amending the insurance law and the public health law relating to the New York state health insurance continuation assistance demonstration project, in relation to the effectiveness thereof (Part LL); intentionally omitted (Part MM); intentionally omitted (Part NN); to amend the public service law, in relation to utility intervenor reimbursement (Part OO); to amend part T of chapter 57 of the laws of 2017 amending the environmental conservation law, the public health law, the public authorities law, the state finance law and the soil and water conservation districts law relating to the implementation of the "clean water infrastructure act of 2017", in relation to providing state financial assistance payments to rural municipalities in support of water quality infrastructure projects (Part PP); to amend the public service law and the public authorities law, in relation to establishing the excelsior power program (Part QQ); to amend the public service law, in relation to establishing the state office of the utility consumer advocate; and to repeal subdivision 4 of section 94-a of the executive law, in relation to the utility intervention unit (Part RR); in relation to establishing a fare-free bus pilot program within the city of New York (Part SS); establishing the blue ribbon commission on residential affordability through energy savings; and providing for the repeal of certain provisions upon expiration thereof (Subpart A); and relating to profits resulting from the participation of electric generating facilities in the federally designated bulk system operator's short-term electric commodity markets (Subpart B)(Part TT); and to amend the insurance law, in relation to including outpatient care provided by creative arts therapists in certain insurance policies (Part UU)

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

Section 1. This act enacts into law major components of legislation necessary to implement the state transportation, economic development and environmental conservation budget for the 2026-2027 state fiscal year. Each component is wholly contained within a Part identified as Parts A through UU. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Section 13 of part U1 of chapter 62 of the laws of 2003, amending the vehicle and traffic law and other laws relating to increasing certain motor vehicle transaction fees, as amended by section 1 of part G of chapter 58 of the laws of 2024, is amended to read as follows:

§ 13. This act shall take effect immediately; provided however that sections one through seven of this act, the amendments to subdivision 2 of section 205 of the tax law made by section eight of this act, and section nine of this act shall expire and be deemed repealed on April 1, [~~2026~~] **2028**; provided further, however, that the provisions of section eleven of this act shall take effect April 1, 2004 and shall expire and be deemed repealed on April 1, [~~2026~~] **2028**.

§ 2. Section 2 of part B of chapter 84 of the laws of 2002, amending the state finance law relating to the costs of the department of motor vehicles, as amended by section 2 of part G of chapter 58 of the laws of 2024, is amended to read as follows:

§ 2. This act shall take effect April 1, 2002; provided, however, if this act shall become a law after such date it shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2002; provided further, however, that this act shall expire and be deemed repealed on April 1, [~~2026~~] **2028**.

§ 3. This act shall take effect immediately.

PART B

Section 1. Section 5 of chapter 751 of the laws of 2005, amending the insurance law and the vehicle and traffic law relating to establishing the accident prevention course internet technology pilot program, as amended by section 1 of part F of chapter 58 of the laws of 2024, is amended to read as follows:

§ 5. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall expire and be deemed repealed April 1, [~~2026~~] **2028**; provided that any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date.

§ 2. This act shall take effect immediately.

PART C

Intentionally Omitted

PART D

Intentionally Omitted

PART E

Section 1. Section 3 of part FF of chapter 55 of the laws of 2017, relating to motor vehicles equipped with autonomous vehicle technology, as amended by section 1 of part J of chapter 58 of the laws of 2024, is amended to read as follows:

§ 3. This act shall take effect April 1, 2017; provided, however, that section one of this act shall expire and be deemed repealed April 1, [~~2026~~] **2028**.

§ 2. This act shall take effect immediately.

PART F

Intentionally Omitted

PART G

Intentionally Omitted

PART H

Section 1. Section 3 of part PP of chapter 54 of the laws of 2016 amending the public authorities law and the general municipal law relating to the New York transit authority and the metropolitan transportation authority, as amended by section 1 of part I of chapter 58 of the laws of 2025, is amended to read as follows:

§ 3. This act shall take effect immediately; provided that the amendments to subdivision 1 of section 119-r of the general municipal law made by section two of this act shall expire and be deemed repealed April 1, [~~2026~~] **2027**, and provided further that such repeal shall not affect the validity or duration of any contract entered into before that date pursuant to paragraph f of such subdivision.

§ 2. This act shall take effect immediately.

PART I

Intentionally Omitted

PART J

Section 1. Article 21-AA of the agriculture and markets law is amended by adding a new section 258-aa to read as follows:

**§ 258-aa. Dairy promotion act. 1. Declaration of policy. It is hereby declared that the dairy industry is a paramount agricultural industry of this state, and is an industry affecting the health and welfare of the**

inhabitants of the state; that the continued existence of the dairy industry and the continued production of milk on the farms of this state is of vast economic importance to the state and to the health and welfare of the inhabitants thereof; that it is essential, in order to assure such continued production of milk and its handling and distribution, that prices to producers be such as to return reasonable costs of production, and at the same time assure an adequate supply of milk and dairy products to consumers at reasonable prices; and to these ends it is essential that consumers and others be adequately informed as to the dietary needs and advantages of milk and dairy products and as to the economies resulting from the use of milk and dairy products, and to command for milk and dairy products, consumer attention and demand consistent with their importance and value. It is further declared that continued decline in the consumption of fluid milk and some other dairy products will jeopardize the production of adequate supplies of milk and dairy products because of increasing surpluses necessarily returning less to producers; and that continued adequate supplies of milk and dairy products is a matter of vital concern as affecting the health and general welfare of the people of this state. It is therefore declared to be the legislative intent and policy of the state:

(a) To enable milk producers and others in the dairy industry, with the aid of the state, to more effectively promote the consumption of milk and dairy products;

(b) To provide methods and means for the development of new and improved dairy products, and to promote their use; and

(c) To this end, eliminate the possible impairment of the purchasing power of the milk producers of this state and to assure an adequate supply of milk for consumers at reasonable prices.

2. Definitions. As used in this section the following terms shall have the following meanings:

(a) "Dairy products" means milk and products derived therefrom, and products of which milk or a portion thereof is a significant part.

(b) "Producer" means any person in this state who is engaged in the production of milk or who causes milk to be produced for any market in this or any other state.

(c) "Advisory board" means the persons appointed by the commissioner from nominations from producers as herein defined to assist the commissioner in administering a dairy promotion order.

(d) "Milk dealer" means any person who purchases or handles or receives or sells milk, including individuals, partnerships, corporations, cooperative associations, and unincorporated cooperative associations.

(e) "Dairy promotion order" means an order issued by the commissioner, pursuant to the provisions of this section.

(f) "Cooperative" means an association or federation or cooperative of milk producers organized under the laws of New York state, or any other state, having agreements with their producer members to market, bargain for or sell the milk of such producers, and is actually performing one or more of these services in the marketing of the milk produced by their members, through the cooperative or through a federation of milk cooperatives in which the cooperative has membership.

3. Powers and duties of the commissioner. (a) The commissioner shall administer and enforce the provisions of this section and shall have and may exercise any or all the administrative powers conferred upon the head of a department. In order to effectuate the declared policy of this

section the commissioner may, after due notice and hearing, make and issue a dairy promotion order, or orders.

(b) Such order or orders shall be issued and amended or terminated in accordance with the following procedures:

(i) Before any such order may become effective it shall be approved by fifty-one per centum of the producers of milk voting in the referendum for the area to be regulated by such order. Such referendum shall not constitute valid approval unless fifty-one per centum of all milk producers for the area to be regulated vote in the referendum.

(ii) Producers may vote by individual ballot or through their cooperatives in accordance with the following procedures:

(1) Cooperatives may submit written approval of such order within a period of one hundred twenty days after the commissioner has announced a referendum on a proposed order, for such producers who are listed and certified to the commissioner as members of such cooperative, provided, however, that any cooperative before submitting such written approval shall give at least sixty days prior written notice to each producer who is its member, of the intention of the cooperative to approve such proposed order, and further provide that if such cooperative does not intend to approve such proposed order, it shall likewise give written notice of at least sixty days to each such producer who is its member, of its intention not to approve of such proposed order.

(2) Any producer may obtain a ballot from the commissioner so that they may register their own approval or disapproval of the proposed order.

(3) A producer who is a member of a cooperative which has notified such producer of its intent to approve or not to approve of a proposed order, and who obtains a ballot and with such ballot expresses the producer's approval or disapproval of the proposed order, shall notify the commissioner as to the name of the cooperative of which the producer is a member, and the commissioner shall remove such producer's name from the list certified by such cooperative.

(4) In order to ensure that all milk producers are informed regarding a proposed order, the commissioner shall notify all milk producers that an order is being considered, and that each producer may register the producer's approval or disapproval with the commissioner either directly or through the producer's cooperative.

(5) The commissioner may appoint a referendum advisory committee to assist and advise the commissioner in the conduct of the referendum. Such committee shall review referendum procedures and the tabulation of results and shall advise the commissioner of its findings. The final certification of the referendum results shall be made by the commissioner. The committee shall consist of not less than three members, none of whom shall be persons directly affected by the promotion order being voted upon. Two members shall be representatives of general farm organizations which are not directly affected by the order being voted upon. The members of the committee shall not receive a salary but shall be entitled to actual and reasonable expenses incurred in the performance of their duties.

(6) The commissioner may, and upon written petition of not less than ten per centum of the producers in the area, either as individuals or through cooperative representation shall, call a hearing to amend or terminate such order, and any such amendment or termination shall be effective only upon approval of fifty-one per centum of the producers of milk for the area regulated participating in a referendum vote as provided pursuant to this paragraph.

(c) The commissioner shall administer and enforce any such dairy promotion order while it is in effect, for the purpose of:

(i) Encouraging the consumption of milk and dairy products by acquainting consumers and others with the advantages and economy of using more of such products.

(ii) Protecting the health and welfare of consumers by assuring an adequate supply of milk and dairy products.

(iii) Providing for research programs designed to develop new and improved dairy products.

(iv) Providing for research programs designed to acquaint consumers and the public generally with the effects of the use of milk and dairy products on the health of such consumers.

(d) Carrying out, in other ways, the declared policy and intent of this section.

4. Provisions of dairy promotion orders. Any dairy promotion order or orders may contain, among others, any or all of the following:

(a) Provision for levying an assessment against all producers subject to the regulation for the purpose of carrying out the provisions of such order and to pay the cost of administering and enforcing such order. In order to collect any such assessments, provision shall be made for each milk dealer who receives milk from producers to deduct the amount of assessment from moneys otherwise due to producers for the milk so delivered. The rate of such assessment shall not exceed two per cent per hundredweight of the gross value of the producer's milk, and there may be credited against any such assessment the amounts per hundredweight otherwise paid by any producer covered by the order by voluntary contribution or otherwise pursuant to any other federal or state milk market order for any similar research promotion or program. Notwithstanding the provisions of paragraph (b) of subdivision three of this section, the commissioner, upon written petition of no less than twenty-five per cent of producers in the area, either as individuals or through cooperative representation, may call a hearing for the sole purpose of establishing a new rate of assessment hereunder and may submit a proposed change in the rate of assessment to the producers for acceptance or rejection without otherwise affecting the order. The producers in the area may vote on the proposed rate either as individuals or through cooperative representation. Notwithstanding the foregoing provisions of this paragraph and of paragraph (b) of subdivision three of this section, or the provisions of any order promulgated pursuant to this section, the rate of assessment, for any period during which a dairy products promotion and research order established pursuant to the federal dairy and tobacco adjustment act of 1983 is in effect, shall not be less than an amount equal to the maximum credit which producers participating in this state's dairy products promotion or nutrition education programs may receive pursuant to subdivision (g) of section 113 of such federal act.

(b) Provision for payments to organizations engaged in campaigns by advertisements or otherwise, including participation in similar regional or national plans or campaigns to promote the increased consumption of milk and dairy products, to acquaint the public with the dietary advantages of milk and dairy products and with the economy of their inclusion in the diet and to command, for milk and dairy products, consumer attention consistent with their importance and value.

(c) Provision for payments to institutions or organizations engaged in research leading to the development of new or improved dairy products or

research with respect to the value of milk and dairy products in the human diet.

(d) Provision for requiring records to be kept and reports to be filed by milk dealers with respect to milk received from producers and with respect to assessments on the milk of such producers.

(e) Provision for the auditing of the records of such milk dealers for the purpose of verifying payment of producer assessments.

(f) Provision for an advisory board as hereinafter indicated.

(g) Such other provisions as may be necessary to effectuate the declared policies of this section.

5. Matters to be considered. In carrying out the provisions of this section and particularly in determining whether or not a dairy promotion order shall be issued, the commissioner shall take into consideration, among others, facts available to them with respect to the following:

(a) The total production of milk in the area and the proportion of such milk being utilized in fluid form and in other products;

(b) The prices being received for milk by producers in the area;

(c) The level of consumption per capita for fluid milk and of other dairy products;

(d) The purchasing power of consumers; and

(e) Other products which compete with milk and dairy products and prices of such products.

6. Interstate orders for compacts. The commissioner is authorized to confer and cooperate with the legally constituted authorities of other states and of the United States with respect to the issuance and operation of joint and concurrent dairy promotion orders or other activities tending to carry out the declared intent of this section. The commissioner may join with such other authorities in conducting joint investigations, holding joint hearings, and issuing joint or concurrent order or orders complementary to those of the federal government and shall have the authority to employ or designate a joint agent or joint agencies to carry out and enforce such joint, concurrent, or supplementary orders.

7. Prior assessments. Prior to the effective date of any dairy promotion order as provided in this section, the commissioner may require that cooperatives which have petitioned for such an order and who have approved of the issuance of such an order, to deposit with the commissioner such amounts as the commissioner may deem necessary to defray the expense of administering and enforcing such order until such time as the assessments as herein before provided are adequate for that purpose. Such funds shall be received, deposited, and disbursed by the commissioner in the same manner as other funds received pursuant to this section and the commissioner shall reimburse those who paid these prior assessments from other funds received pursuant to this section.

8. Status of funds. Any moneys collected under any market order issued pursuant to this section shall not be deemed to be state funds and shall be deposited in a bank or other depository in this state, approved by the commissioner and the state comptroller, allocated to each dairy promotion order under which they were collected, and shall be disbursed by the commissioner only for the necessary expenses incurred by the commissioner with respect to each separate order, all in accordance with the rules and regulations of the commissioner. All such expenses shall be audited by the state comptroller at least annually and within thirty days after the completion thereof the state comptroller shall give a copy thereof to the commissioner. Any moneys remaining in such fund allocable to a particular order, after the termination of such order and

not required by the commissioner to defray the expenses of operating such order, may in the discretion of the commissioner be refunded on a pro-rata basis to all persons from whom assessments therefor were collected; provided, however, that if the commissioner finds that the amounts so refundable are so small as to make impracticable the computation and refunding of such moneys, the commissioner may use such moneys to defray the expenses incurred by them in the promulgation, issuance, administration or enforcement of any other similar dairy promotion order or in the absence of any other such dairy promotion order, the commissioner may pay such moneys to any organization or institution as provided in paragraph (b) or (c) of subdivision four of this section.

9. Budget. The commissioner shall prepare a budget for the administration and operating costs and expenses including advertising and sales promotion when required in any dairy promotion order executed hereunder and to provide for the collection of such necessary fees or assessments to defray costs and expenses, in no case to exceed two percent per hundredweight of the gross value of milk marketed by producers in the area covered by the order.

10. Advisory board. (a) Any dairy promotion order issued pursuant to this section shall provide for the establishment of an advisory board to advise and assist the commissioner in the administration of such order. This board shall consist of not less than five members and shall be appointed by the commissioner from nominations submitted by producers marketing milk in the area to which the order applies. Nominating procedure, qualification, representation, and size of the advisory board shall be prescribed in the order for which such board was appointed.

(b) No member of an advisory board shall receive a salary but shall be entitled to reimbursement of the member's actual and reasonable expenses incurred while performing such member's duties as authorized herein.

(c) The duties and responsibilities of the advisory board shall be prescribed by the commissioner, and the commissioner may specifically delegate to the advisory board, by inclusion in the dairy promotion order, all or any of the following duties and responsibilities:

(i) The recommendation to the commissioner of administrative rules and regulations relating to the order.

(ii) Recommending to the commissioner such amendments to the order as seems advisable.

(iii) The preparation and submission to the commissioner of an estimated budget required for the proper operation of the order.

(iv) Recommending to the commissioner methods for assessing producers and methods for collecting the necessary funds.

(v) Assisting the commissioner in the collection and assembly of information and data necessary for the proper administration of the order.

(vi) The performance of such other duties in connection with the order as the commissioner shall designate.

11. Rules and regulations enforcement. (a) The commissioner may, with the advice and assistance of the advisory board, make and issue such rules and regulations as may be necessary to effectuate the provisions and intent of this section and to enforce the provisions of any dairy promotion order, all of which shall have the force and effect of law.

(b) The commissioner may institute such action at law or in equity as may appear necessary to enforce compliance with any provision of this section, or any rule or regulation, or dairy promotion order committed to the commissioner's administration, and in addition to any other remedy under article three of this chapter or otherwise, may apply for

relief by injunction if necessary to protect the public interest without being compelled to allege or prove that an adequate remedy at law does not exist. Such application shall be made to the supreme court in any district or county provided in the civil practice law or rules, or to the supreme court in the third judicial district.

§ 2. The agriculture and markets law is amended by adding a new article 25 to read as follows:

ARTICLE 25

MARKETING OF AGRICULTURAL PRODUCTS

Section 291. Legislative declaration.
292. Definitions.
293. Powers and duties of the commissioner.
294. Rules and regulations; enforcement.

§ 291. Legislative declaration. It is hereby declared that the marketing of agricultural commodities and aquatic products in this state, in excess of reasonable and normal market demands therefor; disorderly marketing of such commodities; improper preparation for market and lack of uniform grading and classification of agricultural commodities and aquatic products; unfair methods of competition in the marketing of such commodities and the inability of individual producers to develop new and larger markets for agricultural commodities and aquatic products, result in an unreasonable and unnecessary economic waste of the agricultural wealth of this state. Such conditions and the accompanying waste jeopardize the future continued production of adequate food supplies for the people of this and other states. These conditions vitally concern the health, safety, and general welfare of the people of this state. It is therefore declared the legislative purpose and the policy of this state:

1. To enable agricultural producers and aquatic producers of this state, with the aid of the state, more effectively to correlate the marketing of their agricultural commodities and aquatic products with market demands therefor.

2. To establish orderly, efficient, and equitable marketing of agricultural commodities and aquatic products.

3. To provide for uniform grading and proper preparation of agricultural commodities and aquatic products for market.

4. To provide methods and means for the development of new and larger markets for agricultural commodities and aquatic products produced in New York.

5. To eliminate or reduce the economic waste in the marketing of agricultural commodities and aquatic products.

6. To eliminate unjust impairment of the purchasing power of aquatic producers and the agricultural producers of this state.

7. To aid agricultural and aquatic producers in maintaining an income at an adequate and equitable level.

§ 292. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "Agricultural commodity" means any and all agricultural, horticultural, vineyard products, corn for grain, oats, soybeans, barley, wheat, poultry or poultry products, bees, maple sap and pure maple products produced therefrom, Christmas trees, livestock, including swine, and honey, sold in the state either in their natural state or as processed by the producer thereof but does not include milk, timber or timber products, other than Christmas trees, all hay, rye and legumes except for soybeans.

2. "Aquaculture" means the culture, cultivation and harvest of aquatic plants and animals.

3. "Aquatic products" means any food or fiber products obtained through the practice of aquaculture, including mariculture; or by harvest from the sea when such products are cultured or landed in New York state. Such products include but are not limited to fish, shellfish, seaweed, or other water-based plant life.

4. "Producer" means any person engaged within this state in the business of producing, or causing to be produced for any market, any agricultural commodity or aquatic product.

5. "Handler" means any person engaged in the operation of packing, grading, selling, offering for sale, or marketing any marketable agricultural commodities or aquatic products, who as owner, agent or otherwise ships or causes an agricultural commodity to be shipped.

6. "Processor" means any person engaged within this state in processing, or in the operation of receiving, grading, packing, canning, freezing, dehydrating, fermenting, distilling, extracting, preserving, grinding, crushing, or in any other way preserving or changing the form of an agricultural product or aquatic product for the purpose of marketing such commodity but shall not include a person engaged in manufacturing from an agricultural commodity or aquatic product another and different product.

7. "Distributor" means any person engaged within this state, in selling, offering for sale, marketing or distributing an agricultural commodity or aquatic product which they have purchased or acquired from a producer or other person or which they are marketing on behalf of a producer or other person, whether as owner, agent, employee, broker or otherwise, but shall not include a retailer, except such retailer who purchases or acquires from, or handles on behalf of any producer or other person, an agricultural commodity or aquatic product subject to regulation by the marketing agreement or order covering such commodity.

8. "Marketing agreement" means an agreement entered into, with the approval of the commissioner, by producers with distributors, processors and handlers regulating the preparation, sale and handling of agricultural commodities or aquatic products.

9. "Marketing order" means an order issued by the commissioner pursuant to this article, prescribing rules and regulations governing the marketing for processing, the distributing, the sale of, or the handling in any manner of any agricultural commodity or aquatic product sold in this state during any specified period or periods.

§ 293. Powers and duties of the commissioner. 1. In order to effectuate the declared policy of this article, the commissioner may, after due notice and opportunity for hearing, approve marketing agreements, which marketing agreements shall thereupon be binding upon the signatories thereto exclusively.

2. The commissioner may make and issue marketing orders, after due notice and opportunity for hearing, subject to:

(a) Approval of not less than sixty-six and two-thirds per centum of the producers participating in a referendum in the area affected, or

(b) Approval of not less than sixty-five per centum of the producers participating in a referendum vote, in the area affected, and having marketed not less than fifty-one per centum of the total quantity of the commodity which was marketed in the next preceding marketing season by all producers that voted in the referendum, or

(c) Approval of not less than fifty-one per centum of the producers participating in a referendum vote, in the area affected, and having marketed not less than sixty-five per centum of the total quantity of

the commodity which was marketed in the next preceding marketing season by all producers that voted in the referendum.

3. The commissioner may and upon written petition duly signed by twenty-five per centum of the producers in the area shall, amend or terminate such order after due notice and opportunity for hearing, but subject to the approval of not less than fifty per centum of such producers participating in a referendum vote.

4. The commissioner shall administer and enforce any marketing order, while it is in effect, to:

(a) Encourage and maintain stable prices received by producers for such agricultural commodity and aquatic product at a level which is consistent with the provisions and aims of this article.

(b) Prevent the unreasonable or unnecessary waste of land or water-based wealth.

(c) Protect the interests of consumers of such commodity, by exercising the powers of this article to such extent as is necessary to effectuate the purposes of this article.

(d) Prepare a budget for the administration and operating costs and expenses including advertising and sales promotion when required in any marketing agreement or order executed hereunder and to provide for the collection of such necessary fees to defray such costs and expenses, in no case to exceed five percent of the gross dollar volume of sales or dollar volume of purchases or amounts handled, to be collected from each person engaged in the production, processing, distributing or the handling of any marketable agricultural commodity and aquatic product produced or landed in this state and directly affected by any marketing order issued pursuant to this article for such commodity.

(e) Confer and cooperate with the legally constituted authorities of other states and the United States.

5. Any marketing agreement or order issued by the commissioner pursuant to this article may contain any or all of the following:

(a) Provisions for determining the existence and extent of the surplus of any agricultural commodity, or of any grade, size, or quality thereof, and providing for the regulation and disposition of such surplus.

(b) Provisions for limiting the total quantity of any agricultural product, or of any grade or grades, size or sizes, or quality or portions or combinations thereof, which may be marketed during any specified period or periods. Such total quantity of any such commodity so regulated shall not be less than the quantity which the commissioner shall find is reasonably necessary to supply the market demand of consumers for such commodity.

(c) Provisions regulating the period, or periods, during which any agricultural commodity, or any grade or grades, size or sizes or quality or portions or combinations of such commodity, may be marketed.

(d) Provisions for the establishment of uniform grading, standards, and inspection of any agricultural commodity delivered by producers or other persons to handlers, processors, distributors or others engaging in the handling thereof, and for the establishment of grading or standards of quality, condition, size, maturity or pack for any agricultural commodity, and the inspection and grading of such commodity in accordance with such grading or standards so established; and for provisions that no producer, handler, processor or distributor of any agricultural commodity for which grading or standards are so established may, except as otherwise provided in such marketing agreement or order, sell, offer for sale, process, distribute or otherwise handle any such commodity whether produced within or without this state, not meeting and complying

with such established grading or standards. For the purposes of this article, the federal-state inspection service shall perform all inspections made necessary by such provisions.

(e) Provisions for the establishment of research programs designed to benefit a specified commodity or New York agriculture in general.

(f) Such other provisions as may be necessary to effectuate the declared policies of this article.

(g) Provisions to establish marketing promotion and research programs for aquatic products which may include paragraphs (a) through (f) of this subdivision.

6. The commissioner may temporarily suspend the operation of an effective marketing order for a continuing period of no longer than one growing and marketing season, if the purposes of this article are deemed unnecessary during such season.

7. In carrying out the purposes of this article, the commissioner shall take into consideration any and all facts available to them with respect to the following economic factors:

(a) The quantity of such agricultural commodity available for distribution.

(b) The quantity of such agricultural commodity normally required by consumers.

(c) The cost of producing such agricultural commodity.

(d) The purchasing power of consumers.

(e) The level of prices of commodities, services, and articles which the farmers commonly buy.

(f) The level of prices of other commodities which compete with or are utilized as substitutes for such agricultural commodity.

8. The execution of such marketing agreements shall in no manner affect the issuance, administration or enforcement of any marketing order provided for in this article. The commissioner may issue such marketing order without executing a marketing agreement or may execute a marketing agreement without issuing a marketing order covering the same commodity. The commissioner, in their discretion, may hold a concurrent hearing upon a proposed marketing agreement and a proposed marketing order in the manner provided for giving due notice and opportunity for hearing for a marketing order as provided in this article.

9. Prior to the issuance, amendment or termination of any marketing order, the commissioner may require the applicants for such issuance, amendment, or termination to deposit with them such amount as they may deem necessary to defray the expenses of preparing and making effective amending or terminating a marketing order. Such funds shall be received, deposited, and disbursed by the commissioner in the same manner as other fees received by the commissioner under this article and, in the event the application for adoption, amendment or termination of a marketing order is approved in a referendum, the commissioner shall reimburse any such applicant in the amount of any such deposit from any unexpended monies collected under the marketing order affected by such referendum.

10. Any moneys collected by the commissioner pursuant to this article shall not be deemed state funds and shall be deposited in a bank or other depository in this state, approved by the commissioner, allocated to each marketing order under which they are collected, and shall be disbursed by the commissioner only for the necessary expenses incurred by the commissioner with respect to each such separate marketing order, all in accordance with the rules and regulations of the commissioner. All such expenditures shall be audited by the state comptroller at least annually and within thirty days after the completion thereof the state

comptroller shall give a copy thereof to the commissioner. Any moneys remaining in such fund allocable to any particular commodity affected by a marketing order may, in the discretion of the commissioner, be refunded at the close of any marketing season upon a pro-rata basis to all persons from whom assessments therefor were collected or, whenever the commissioner finds that such moneys may be necessary to defray the cost of operating such marketing order in a succeeding marketing season, they may carry over all or any portion of such moneys into the next such succeeding season. Upon the termination by the commissioner of any marketing order, all moneys remaining and not required by the commissioner to defray the expenses of operating such marketing order, shall be refunded by the commissioner upon a pro-rata basis to all persons from whom assessments therefor were collected; provided, however, that if the commissioner finds that the amounts so refundable are so small as to make impracticable the computation and refunding of such refunds, the commissioner may use such moneys to defray the expenses incurred by the commissioner in the formulation, issuance, administration or enforcement of any subsequent marketing order for such commodity.

11. Advisory board. (a) Any marketing order issued pursuant to this article shall provide for the establishment of an advisory board, to consist of not less than five members nor more than nine members, to advise the commissioner in the administration of such marketing order in accordance with its terms and provisions. The members of such board shall be appointed by the commissioner from nominations received from the commodity group for which the marketing order is established. Nominating procedure, qualification, representation, and size of the advisory board shall be prescribed in each marketing order for which such board is appointed. Each advisory board shall be composed of such producers and handlers or processors as are directly affected by the marketing order in such proportion of representation as the order shall prescribe. The commissioner may appoint one person who is neither a producer nor processor nor other handler to represent the department of agriculture and markets or the public generally.

(b) No member of an advisory board shall receive a salary, but each shall be entitled to reimbursement for the member's actual expenses incurred while engaged in performing the member's duties herein authorized.

(c) The duties and responsibilities of each advisory board shall be prescribed by the commissioner, and they may specifically delegate to the advisory board, by inclusion in the marketing order, all or any of the following duties and responsibilities:

(i) The recommendation to the commissioner of administrative rules and regulations relating to the marketing order.

(ii) Recommending to the commissioner such amendments to the marketing order as seem advisable.

(iii) The preparation and submission to the commissioner of the estimated budget required or the proper operation of the marketing order.

(iv) Recommending to the commissioner methods for assessing members of the industry and methods for collecting the necessary funds.

(v) Assisting the commissioner in the collection and assembling of information and data necessary to the proper administration of the order.

(vi) The performance of such other duties in connection with the marketing order as the commissioner shall designate.

§ 294. Rules and regulations; enforcement. 1. The commissioner may make and promulgate such rules and regulations as may be necessary to

effectuate the provisions and intent of this article and to enforce the provision of any marketing agreement or order, all of which shall have the force and effect of law.

2. The commissioner may institute such action at law or in equity as may appear necessary to enforce compliance with any provision of this article, or any rule or regulation, marketing agreement or order, committed to the commissioner's administration, and in addition to any other remedy under article three of this chapter or otherwise may apply for relief by injunction if necessary to protect the public interest without being compelled to allege or prove that an adequate remedy at law does not exist. Such application may be made to the supreme court in any district or county as provided in the civil practice law and rules, or to the supreme court in the third judicial district.

§ 3. Sections 16-x, 16-y and 16-z of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, are REPEALED.

§ 4. Notwithstanding the repeal of sections 16-x, 16-y and 16-z of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act pursuant to section three of this act the marketing orders, and the regulatory provisions relating thereto, set forth under parts 40, 200, 201, 203, 204 and 205 of title 1 of the New York codes, rules and regulations, shall remain in full force and effect.

§ 5. Notwithstanding the repeal of sections 16-x, 16-y and 16-z of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act pursuant to section three of this act, all contracts entered into pursuant to such repealed sections that continue in force and effect after the effective date of this act and shall be assigned to the department of agriculture and markets, and all undisbursed funds under the control of the urban development corporation in connection with the marketing orders shall be transferred to the department of agriculture and markets on or before the forty-fifth day following the effective date of this act; and any assessments due and payable under such marketing orders shall be remitted to the department of agriculture and markets beginning upon the thirtieth day after the effective date of this act.

§ 6. This act shall take effect July 1, 2026.

## PART K

Section 1. Paragraph (d) of subdivision 1 of section 210-B of the tax law, as amended by section 1 of part C of chapter 59 of the laws of 2023, is amended to read as follows:

(d) Except as otherwise provided in this paragraph, the credit allowed under this subdivision for any taxable year shall not reduce the tax due for such year to less than the fixed dollar minimum amount prescribed in paragraph (d) of subdivision one of section two hundred ten of this article. However, if the amount of credit allowable under this subdivision for any taxable year reduces the tax to such amount or if the taxpayer otherwise pays tax based on the fixed dollar minimum amount, any amount of credit allowed for a taxable year commencing prior to January first, nineteen hundred eighty-seven and not deductible in such taxable year may be carried over to the following year or years and may be deducted from the taxpayer's tax for such year or years but in no event shall such credit be carried over to taxable years commencing on or after January first, two thousand two, and any amount of credit

allowed for a taxable year commencing on or after January first, nineteen hundred eighty-seven and not deductible in such year may be carried over to the fifteen taxable years next following such taxable year and may be deducted from the taxpayer's tax for such year or years. In lieu of such carryover, (i) any such taxpayer which qualifies as a new business under paragraph (f) of this subdivision may elect to treat the amount of such carryover as an overpayment of tax to be credited or refunded in accordance with the provisions of section ten hundred eighty-six of this chapter, and (ii) any such taxpayer that is an eligible farmer, as defined in subdivision eleven of this section, may for taxable years beginning before January first, two thousand [~~twenty-eight~~] **thirty-three**, elect to treat the amount of such carryover as an overpayment of tax to be credited or refunded in accordance with the provisions of section one thousand eighty-six of this chapter, provided, however, the provisions of subsection (c) of section ten hundred eighty-eight of this chapter notwithstanding, no interest shall be paid thereon.

§ 2. Paragraph 5 of subsection (a) of section 606 of the tax law, as amended by section 2 of part C of chapter 59 of the laws of 2023, is amended to read as follows:

(5) If the amount of credit allowable under this subsection for any taxable year shall exceed the taxpayer's tax for such year, the excess allowed for a taxable year commencing prior to January first, nineteen hundred eighty-seven may be carried over to the following year or years and may be deducted from the taxpayer's tax for such year or years, but in no event shall such credit be carried over to taxable years commencing on or after January first, nineteen hundred ninety-seven, and any amount of credit allowed for a taxable year commencing on or after January first, nineteen hundred eighty-seven and not deductible in such year may be carried over to the ten taxable years next following such taxable year and may be deducted from the taxpayer's tax for such year or years. In lieu of carrying over any such excess, (A) a taxpayer who qualifies as an owner of a new business for purposes of paragraph ten of this subsection may, at the taxpayer's option, receive such excess as a refund, and (B) a taxpayer that is an eligible farmer as defined in subsection (n) of this section may, at the taxpayer's option, for taxable years beginning before January first, two thousand [~~twenty-eight~~] **thirty-three,** receive such excess as a refund. Any refund paid pursuant to this paragraph shall be deemed to be a refund of an overpayment of tax as provided in section six hundred eighty-six of this article, provided, however, that no interest shall be paid thereon.

§ 3. This act shall take effect immediately.

## PART L

Intentionally Omitted

## PART M

Intentionally Omitted

## PART N

Intentionally Omitted

PART O

Intentionally Omitted

PART P

Intentionally Omitted

PART Q

Intentionally Omitted

PART R

Intentionally Omitted

PART S

Intentionally Omitted

PART T

Section 1. Section 2 of chapter 584 of the laws of 2011, amending the public authorities law relating to the powers and duties of the dormitory authority of the state of New York relative to the establishment of subsidiaries for certain purposes, as amended by section 1 of part V of chapter 58 of the laws of 2024, is amended to read as follows:

§ 2. This act shall take effect immediately and shall expire and be deemed repealed on July 1, [~~2026~~] 2028; provided however, that the expiration of this act shall not impair or otherwise affect any of the powers, duties, responsibilities, functions, rights or liabilities of any subsidiary duly created pursuant to subdivision twenty-five of section 1678 of the public authorities law prior to such expiration.

§ 2. This act shall take effect immediately.

PART U

Intentionally Omitted

PART V

Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as amended by section 1 of part EE of chapter 58 of the laws of 2025, is amended to read as follows:

3. The provisions of this section shall expire, notwithstanding any inconsistent provision of subdivision 4 of section 469 of chapter 309 of the laws of 1996 or of any other law, on July 1, [~~2026~~] 2027.

§ 2. This act shall take effect immediately.

PART W

Section 1. Section 2 of chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, as amended by section 1 of part FF of chapter 58 of the laws of 2025, is amended to read as follows:

§ 2. This act shall take effect immediately provided, however, that section one of this act shall expire on July 1, [~~2026~~] 2027, at which time the provisions of subdivision 26 of section 5 of the New York state urban development corporation act shall be deemed repealed; provided, however, that neither the expiration nor the repeal of such subdivision as provided for herein shall be deemed to affect or impair in any manner any loan made pursuant to the authority of such subdivision prior to such expiration and repeal.

§ 2. This act shall take effect immediately.

PART X

Intentionally Omitted

PART Y

Intentionally Omitted

PART Z

Intentionally Omitted

PART AA

Section 1. The general business law is amended by adding a new article 42-A to read as follows:

**ARTICLE 42-A**
**DATA BROKERS**

**Section 1150. Definitions.**
**1151. Jurisdictional scope.**
**1152. Registration of data brokers.**
**1153. Data deletion mechanism.**
**1154. Audit.**
**1155. Rulemaking.**
**1156. Powers, duties and adjudicatory proceedings.**
**1157. Assessments.**
**1158. Enforcement.**

**§ 1150. Definitions. The following definitions apply throughout this article unless the context clearly requires otherwise:**

**1. "artificial intelligence system or model" means an artificial intelligence that can generate derived synthetic content, including text, images, video, and audio, that emulates the structure and characteristics of the system's training data.**

**2. "biometric data" means any measurable physical, behavioral or physiological characteristics that is attributable to a natural person, including, but not limited to, facial characteristics, fingerprint char-**

acteristics, hand characteristics, eye characteristics, vocal characteristics, and any other characteristics that can be used to identify a person, including but not limited to, fingerprints, handprints, iris patterns or retina scans, DNA sequence, voice, gait, and facial geometry. "Biometric data" does not include a digital or physical photograph, an audio or video recording, or any data generated from a digital or physical photograph, or an audio or video recording, unless such data is generated to identify a specific individual.

3. "consumer" means a natural person who is a New York resident acting only in an individual or household context. It does not include a natural person known to be acting in a professional or employment context.

4. "dark patterns" means user interfaces that subvert or impair consumers' autonomy, decision making, or choice when asserting their privacy rights or consenting.

5. "data broker" means a person or entity that knowingly collects and sells to third parties the personal information of a consumer with whom the person or entity does not have a direct relationship.

6. "foreign actor" means either:

(a) the government of a foreign adversary country.

(b) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign adversary country.

7. "foreign adversary country" has the same meaning as "covered nation" as defined in Section 4872 of Title 10 of the United States Code.

8. "minor" means a natural person under the age of eighteen.

9. "personal information" means any data that identifies or could reasonably be linked, directly or indirectly, with a specific natural person, or household. "Personal information" does not include deidentified data, information that is lawfully made publicly available from federal, state or local government records, or information that a controller has a reasonable basis to believe is lawfully made available to the general public by the consumer or from widely distributed media.

10. "precise geolocation data" means information derived from technology, including, but not limited to, global positioning system level latitude and longitude coordinates or other mechanisms, that directly identifies the specific location of an individual with precision and accuracy within a radius of one thousand seven hundred fifty feet, except as prescribed by regulations. Precise geolocation data does not include the content of communications or any data generated by or connected to advance utility metering infrastructure systems or equipment for use by a utility.

11. "protected health information" has the same meaning as in Title 45 C.F.R., established pursuant to the federal Health Insurance Portability and Accountability Act of 1996.

12. "verifiable consumer request" means a request that is made by a consumer, by a consumer on behalf of such consumer's minor child, or by a person who has power of attorney or is acting as a conservator for such consumer, and that the data broker can verify, using commercially reasonable methods, pursuant to any regulations adopted by the office, to be such consumer about whom the data broker has collected personal information.

13. "department" means the department of financial services.

14. "superintendent" means the superintendent of financial services.

15. "office" shall mean an office within the department, which shall report to the superintendent, and is tasked with the implementation of this article.

§ 1151. Jurisdictional scope. This article applies to data brokers that conduct business in New York state or produce products or services that are targeted to residents of New York state, and satisfy one or more of the following thresholds:

1. has an annual gross revenue of twenty-five million dollars or more;

2. controls or processes personal data of one hundred thousand customers or more; and/or

3. derives over fifty percent of gross revenue from the sale of personal data.

§ 1152. Registration of data brokers. On or before January thirty-first annually, each data broker shall:

1. Register with the office;

2. Pay the pro rata share as determined by the superintendent, not to exceed the reasonable cost of establishing and maintaining the database and informational website described in this section; and

3. Provide the following information to the office:

(a) the name and primary physical, email, and internet website address of the data broker.

(b) the name and business address of an officer or registered agent of the data broker authorized to accept legal process on behalf of the data broker.

(c) the number of requests received and the number of such requests complied with, complied with in part, or denied under section eleven hundred fifty-three of this article.

(d) the median and the mean number of days within which the data broker responded to requests under section eleven hundred fifty-three of this article.

(e) whether the data broker collected personal information of minors.

(f) whether the data broker collects consumers' names, dates of birth, ZIP codes, email addresses, or phone numbers.

(g) whether the data broker collects consumers' account login or account number in combination with any required security code, access code, or password that would permit access to a consumer's account with a third party.

(h) whether the data broker collects consumers' drivers' license number, state identification card number, tax identification number, social security number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual.

(i) whether the data broker collects consumers' mobile advertising identification numbers, connected television identification numbers, or vehicle identification numbers (VIN).

(j) whether the data broker collects consumers' citizenship data, including immigration status.

(k) whether the data broker collects consumers' union membership status.

(l) whether the data broker collects consumers' sexual orientation status.

(m) whether the data broker collects consumers' gender identity and gender expression data.

(n) whether the data broker collects consumers' biometric data.

(o) whether the data broker collects consumers' precise geolocation.

(p) whether the data broker collects consumers' reproductive health care data.

(q) whether the data broker collects consumers' protected health information.

(r) whether the data broker has shared or sold consumers' data to a foreign actor in the past year.

(s) whether the data broker has shared or sold consumers' data to the federal government in the past year.

(t) whether the data broker has shared or sold consumers' data to other state governments in the past year.

(u) whether the data broker has shared or sold consumers' data to law enforcement in the past year, unless that data was shared pursuant to a subpoena or court order.

(v) whether the data broker has shared or sold consumers' data to a developer of an artificial intelligence system or model in the past year.

(w) up to three, but no fewer than one, of the most common types of personal information that the data broker collects.

(x) beginning January first, two thousand thirty, whether the data broker has undergone an audit under this article, and, if so, the most recent year that the data broker has submitted a report resulting from the audit and any related materials to the office.

(y) a link to a page on the data broker's internet website that:

(i) details how consumers may exercise their privacy rights by doing all of the following:

(1) Deleting personal information.

(2) Correcting inaccurate personal information.

(3) Learning what personal information is being collected and how to access that personal information.

(4) Learning what personal information is being sold or shared and to whom.

(5) Learning how to opt out of the sale or sharing of personal information.

(6) Learning how to limit the use and disclosure of sensitive personal information.

(ii) does not make use of any dark patterns.

(z) whether and to what extent the data broker or any of its subsidiaries is regulated by any of the following:

(i) the federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681 et seq.).

(ii) the Gramm-Leach-Bliley Act (Public Law 106-102) and implementing regulations.

(iii) any other law, rule, or regulation governing data brokers or any of its subsidiaries.

(aa) any additional information or explanation the data broker chooses to provide concerning its data collection practices.

§ 1153. Data deletion mechanism. 1. The office shall create a webpage on the department's website which includes registration information provided by data brokers described in section eleven hundred fifty-two of this article and the data deletion mechanism established pursuant to this section.

2. The office shall establish a data deletion mechanism within one year of the effective date of this section. Such data deletion mechanism shall:

(a) implement and maintain reasonable security procedures and practices, including, but not limited to, administrative, physical, and

technical safeguards appropriate to the nature of the information and the purposes for which the personal information will be used and to protect consumers' personal information from unauthorized use, disclosure, access, destruction, or modification.

(b) allow a consumer, through a single verifiable consumer request, to request that every data broker that maintains any personal information delete any personal information related to that consumer held by the data broker or associated service provider, contractor, or subsidiary.

(c) allow a consumer to selectively exclude specific data brokers from a request made under paragraph (b) of this subdivision.

(d) allow a consumer to make a request to alter a previous request made under this section after at least forty-five days have passed since the consumer last made a request under this section.

(e) allow a consumer to request the deletion of all personal information related to that consumer through a single deletion request.

(f) permit a consumer to securely submit information in one or more privacy-protecting ways determined by the superintendent to aid in the deletion request.

(g) allow data brokers registered with the office to determine whether an individual has submitted a verifiable consumer request to delete the personal information related to that consumer and shall not allow the disclosure of any additional personal information when the data broker accesses the accessible deletion mechanism unless otherwise specified in this article.

(h) allow a consumer to make a request under this section using an internet service operated by the office.

(i) not charge a consumer to make a request under this section.

(j) allow a consumer to make a request under this section in any of the twelve most commonly spoken languages in New York state, consistent with section two hundred two-a of the executive law, for whom personal information has been collected by data brokers.

(k) be readily accessible and usable by consumers with disabilities.

(l) support the ability of a consumer's authorized agents to aid in the deletion request.

(m) allow the consumer, or their authorized agent, to verify the status of the consumer's deletion request.

(n) provide a description of:

(i) the deletion permitted by this section;

(ii) the process for submitting a deletion request pursuant to this section; and

(iii) examples of the types of information that may be deleted.

(o) comply with section one hundred three-d of the state technology law.

3. Six months after the creation of the data deletion mechanism, each data broker shall, at least once every forty-five days:

(a) process all deletion requests made pursuant to this section and delete all personal information related to the consumers making the requests consistent with the requirements of this section within forty-five days of receiving such requests and direct all service providers, contractors, and subsidiaries associated with the data broker to delete all personal information in their possession related to the consumers making such request.

(b) where a data broker denies a consumer request to delete under this section because the request cannot be verified, process the request as an opt-out of the sale or sharing of the consumer's personal information within forty-five days of receiving such request and direct all service

providers, contractors, and subsidiaries associated with the data broker to process the request as an opt-out of the sale or sharing of the consumer's personal information.

4. (a) Notwithstanding any other provision of this section, a data broker shall not be required to delete a consumer's personal information if such personal information is required to:

(i) complete the transaction for which the personal information was collected, fulfill the terms of a written warranty or product recall conducted in accordance with federal law, provide a good or service requested by the consumer, or reasonably anticipated by the consumer within the context of a data broker's ongoing business relationship with the consumer, or otherwise perform a contract between the data broker and the consumer.

(ii) help to ensure security and integrity to the extent the use of the consumer's personal information is reasonably necessary and proportionate for those purposes.

(iii) debug to identify and repair errors that impair existing intended functionality.

(iv) exercise free speech, ensure the right of another consumer to exercise that consumer's right of free speech, or exercise another right provided for by law.

(v) engage in public or peer-reviewed scientific, historical, or statistical research that conforms or adheres to all other applicable ethics and privacy laws, when the data broker's deletion of the information is likely to render impossible or seriously impair the ability to complete such research, if the consumer has provided informed consent.

(vi) to enable solely internal uses that are reasonably aligned with the expectations of the consumer based on the consumer's relationship with the data broker and compatible with the context in which the consumer provided the information.

(vii) comply with a legal obligation.

(b) Personal information not required to be deleted under paragraph (a) of this subdivision shall only be used for purposes directly related to such exceptions and shall not be used or disclosed for any other purpose.

5. Where a consumer has submitted a deletion request and a data broker has deleted the consumer's data pursuant to this section, the data broker shall:

(a) delete all personal information of the consumer at least once every forty-five days pursuant to this section unless the consumer requests otherwise or the deletion is not required pursuant to subdivision four of this section; and

(b) not sell or share new personal information of the consumer unless the consumer requests otherwise unless such selling or sharing is permitted under another section of law.

6. The office may charge an access fee to a data broker when the data broker accesses the data deletion mechanism that does not exceed the reasonable costs of providing that access.

§ 1154. Audit. Three years after the effective date of this section and every three years thereafter, each data broker shall undergo an audit by an independent third party to determine compliance with this article. Each data broker shall submit a report resulting from the audit written by such independent third party in a form determined by the superintendent and any other materials required by the superintendent to the superintendent within five business days of a written

request by the superintendent. Data brokers shall maintain such reports and any required materials for six years.

§ 1155. Rulemaking. The office shall adopt rules and regulations to implement the provisions of this article.

§ 1156. Powers, duties and adjudicatory proceedings. 1. In connection with the implementation and enforcement of this article, the office shall have the following powers and duties:

(a) to hold hearings, subpoena witnesses, compel their attendance, administer oaths, to examine any person under oath and in connection therewith to require the production of any books or records relative to the inquiry, provided that subpoena issued under this section shall be regulated by the civil practice law and rules;

(b) to appoint such advisory groups and committees as deemed necessary to provide assistance to the office to carry out the purposes and objectives of this article;

(c) to enter into contracts, memoranda of understanding, and agreements as deemed appropriate to effectuate the policy and purpose of this chapter;

(d) to draft declaratory rulings, guidance and industry advisories; and

(e) to delegate the powers provided in this section to such other officers or employees as may be deemed appropriate by the superintendent.

2. (a) The superintendent, or any person designated by the superintendent for the purposes of this subdivision, may issue subpoenas and administer oaths in connection with any hearing or investigation under or pursuant to this article, and it shall be the duty of the superintendent and any persons designated by them for such purpose to issue subpoenas at the request of and upon behalf of the respondent.

(b) The superintendent and those designated by the superintendent shall not be bound by the laws of evidence in the conduct of hearing proceedings, but the determination shall be founded upon preponderance of evidence to sustain it.

(c) Notice and right of hearing as provided in the state administrative procedure act shall be served at least fifteen days prior to the date of the hearing, provided that, whenever because of danger to the public health, safety or welfare it appears prejudicial to the interests of the people of the state to delay action for fifteen days, the superintendent may serve the respondent with an order requiring certain action or the cessation of certain activities immediately or within a specified period of less than fifteen days.

(d) Service of notice of hearing or order shall be made by personal service or by registered or certified mail. Where service, whether by personal service or by registered or certified mail, is made upon an incompetent, partnership, or corporation, it shall be made upon the person or persons designated to receive personal service by article three of the civil practice law and rules.

(e) At a hearing, which shall to the greatest extent practicable shall be reasonably near the respondent, the respondent may appear personally, shall have the right of counsel, and may cross-examine witnesses against the respondent and produce evidence and witnesses on their behalf.

(f) Following a hearing, the superintendent may make appropriate determinations and issue a final order in accordance therewith.

(g) The superintendent may adopt, amend and repeal administrative rules and regulations governing the procedures to be followed with respect to hearings, such rules to be consistent with the policy and

purpose of this chapter and the effective and fair enforcement of its provisions.

(h) The provisions of this section shall be applicable to all hearings held pursuant to this article.

§ 1157. Assessments. Companies or persons required to be licensed, registered or file with the office pursuant to this article shall be assessed in pro rata shares by the department to defray the operating expenses, including all direct and indirect costs, of administering the obligations imposed by this article.

§ 1158. Enforcement. 1. The superintendent may, after notice and hearing, require any person found violating the provisions of this article or the rules or regulations promulgated hereunder to pay to the people of this state, penalties and expenses as follows:

(a) a fine or civil penalty of two hundred dollars for each day the data broker fails to register or fails to comply with the registration requirements as required by this article;

(b) an amount equal to the monies that were due during the period it failed to register;

(c) a fine or civil penalty of two hundred dollars for each deletion request for each day the data broker fails to delete information as required by section eleven hundred fifty-three of this article;

(d) a fine or civil penalty of two hundred dollars for each day the data broker fails to comply with the website disclosure requirements as set forth in section eleven hundred fifty-three of this article; and

(e) appropriate expenses incurred by the office in the investigation and administration of the action; or in the case of an action commenced by the attorney general, any expenses incurred by the office, that are deemed appropriate by the court.

2. The superintendent may request the attorney general commence an action in a court of competent jurisdiction to enforce the requirements of this article and to recover the penalties and expenses set forth in paragraphs (a) through (e) of subdivision one of this section.

§ 2. This act shall take effect immediately; provided, however, that section one of this act shall take effect on the one hundred eightieth day after the office of the department of financial services tasked with the implementation of article 42-A of the general business law, as added by section one of this act, shall have promulgated rules and regulations to effectuate the provisions of this act; provided, however, that such office shall notify the legislative bill drafting commission upon the occurrence of the promulgation of such rules and regulations in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made completed on or before such effective date.

PART BB

Intentionally Omitted

PART CC

Intentionally Omitted

PART DD

Intentionally Omitted

PART EE

Intentionally Omitted

PART FF

Intentionally Omitted

PART GG

Intentionally Omitted

PART HH

Section 1. This Part enacts into law components of legislation relating to pre-authorization, access to specialty care, and formulary lists. Each component is wholly contained within a Subpart identified as Subparts A through D. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section two of this Part sets forth the general effective date of this Part.

SUBPART A

Section 1. Section 210 of the insurance law, as amended by chapter 579 of the laws of 1998, subsection (d) as amended by chapter 207 of the laws of 2019, is amended to read as follows:

§ 210. Annual consumer guide of health insurers, and entities certified pursuant to article forty-four of the public health law.

(a) The superintendent shall annually publish on or before September first, nineteen hundred ninety-nine, and annually thereafter, a consumer guide to insurers providing managed care products, individual accident and health insurance or group or blanket accident and health insurance and entities licensed pursuant to article forty-four of the public health law providing comprehensive health service plans which includes, in detail, a ranking from best to worst based upon each company's claim processing or medical payments record during the preceding calendar year using criteria available to the department, adjusted for volume of coverage provided. Such ranking shall also take into consideration the corresponding total number or percentage of claims denied which were reversed or compromised after intervention by the department and the

department of health, consumer complaints to the department and the department of health, violations of section three thousand two hundred twenty-four-a of this chapter and other pertinent data which would permit the department to objectively determine a company's performance. The department in publishing such consumer guide shall publish one state-wide guide or no more than five regional guides so as to facilitate comparisons among individual insurers and entities within a service market area. Such rankings shall be printed in a format which ranks all health insurers and all entities certified pursuant to article forty-four of the public health law in one combined list.

(b) [~~Beginning September first, nineteen hundred ninety-nine and annually thereafter, the~~] **The** superintendent shall include in such guide **annually**, and insurers and entities certified pursuant to article forty-four of the public health law shall provide to the superintendent the information required for such guide in a timely fashion, the following information:

(1) The number of grievances filed pursuant to section forty-four hundred eight-a of the public health law**, section three thousand two hundred seventeen-d of this chapter, section four thousand three hundred six-c of this chapter,** or article forty-eight of this chapter and the number of such grievances in which an adverse determination of the insurer or entity was reversed in whole or in part versus the number of such determinations which were upheld; [~~and~~]

(2) **Beginning September first, two thousand twenty-seven, the number of approvals and the number of adverse determinations in whole or part issued by utilization review agents pursuant to section forty-nine hundred three of the public health law or section four thousand nine hundred three of this chapter; and**

**(3)** The number of appeals to utilization review determinations [~~which~~] **that** were filed pursuant to [~~article forty-nine of the public health law or article forty-nine~~] **section forty-nine hundred four of the public health law and section four thousand nine hundred four** of this chapter and the number of such determinations [~~which~~] **that** were reversed **in whole or in part** versus the number of such determinations [~~which~~] **that** were upheld.

(c) Beginning September first, nineteen hundred ninety-nine and annually thereafter, in addition to the information required in subsections (a) and (b) of this section, the superintendent, in conjunction with the commissioner of health, in consultation with the National Committee on Quality Assurance or a similar national organization, shall include in such guide the following additional information, for the most recent year in which such information is available and where applicable, for health insurers, health insurers providing managed care products and entities certified under article forty-four of the public health law providing comprehensive health service plans pursuant to such article:

(1) the percentage of physicians who are either board certified or board eligible;

(2) the percentage of primary care physicians who remained participating providers, provided however, that such percentage shall exclude voluntary terminations due to physician retirement, relocation or other similar reasons;

(3) the percentage of enrollees aged twenty-three to thirty-nine and forty to sixty-four who had one or more visits to a health plan practitioner during the three years of their continual enrollment.

(4) the methods used to compensate primary care physicians and other providers, provided however, that nothing in this section shall be

construed to require disclosure of the specific details of any financial arrangement between the insurer or entity and an individual provider or practice;

(5) the national accreditation status of insurers and entities, where applicable;

(6) indices of the quality of care provided, such as the rates of mammography, prostate, and cervical cancer screening, prenatal care, well-child care, immunization and such other information collected by the commissioner of health through the health plan employer data and information set (HEDIS); or through the quality assurance reporting requirements for entities not otherwise required to collect and report health plan employer data and information set (HEDIS) data;

(7) the results of a consumer satisfaction survey among enrollees of the various health insurers and entities, which shall be conducted by the superintendent and commissioner of health, in consultation with the National Committee on Quality Assurance or a similar national organization;

(8) a toll-free telephone number for each health insurer or plan;

(9) toll-free telephone numbers at the department and the department of health to which consumers can make complaints about insurers or entities; and

(10) except as required in paragraph seven of this subsection, health insurers and entities certified pursuant to article forty-four of the public health law shall report the information required under this subdivision to the commissioner of health, and the commissioner shall provide such information to the superintendent for inclusion in the annual consumer guide.

(d) **Beginning September first, two thousand twenty-seven and annually thereafter, in addition to the information required in subsections (a), (b), and (c) of this section, the superintendent shall include in such guide, and insurers and entities certified pursuant to article forty-four of the public health law shall provide to the superintendent, in a form and manner specified by the superintendent, the information required for such guide in a timely fashion, the following information regarding pre-authorization requests under article forty-nine of the public health law or article forty-nine of this chapter:**

**(1) the number of pre-authorization requests received under section forty-nine hundred three of the public health law and section four thousand nine hundred three of this chapter;**

**(2) the number of pre-authorization requests for which an authorization was issued under section forty-nine hundred three of the public health law and section four thousand nine hundred three of this chapter;**

**(3) the number of pre-authorization requests for which an adverse determination was issued in whole or part under section forty-nine hundred three of the public health law and section four thousand nine hundred three of this chapter;**

**(4) the number of pre-authorization requests for which an adverse determination was appealed under section forty-nine hundred four of the public health law and section four thousand nine hundred four of this chapter;**

**(5) the number of pre-authorization requests for which an adverse determination was reversed on appeal in whole or part under section forty-nine hundred four of the public health law and section four thousand nine hundred four of this chapter;**

**(6) the number of pre-authorization requests for which an adverse determination was upheld under section forty-nine hundred four of the**

public health law and section four thousand nine hundred four of this chapter;

(7) the twenty-five current procedural terminology codes with the highest number of pre-authorization requests and the percentage of authorizations for each of these current procedural terminology codes under section forty-nine hundred three of the public health law and section four thousand nine hundred three of this chapter;

(8) the twenty-five current procedural terminology codes with the highest number of pre-authorization requests for which an authorization was issued under section forty-nine hundred three of the public health law and section four thousand nine hundred three of this chapter;

(9) the twenty-five current procedural terminology codes with the highest number of pre-authorization requests under section forty-nine hundred three of the public health law and section four thousand nine hundred three of this chapter for which an adverse determination was issued in whole or part but that was reversed by an appeal, in whole or part, under section forty-nine hundred four of the public health law and section four thousand nine hundred four of this chapter; and

(10) the twenty-five current procedural terminology codes with the highest number of pre-authorization requests for which an adverse determination was issued in whole or part under section forty-nine hundred three of the public health law and section four thousand nine hundred three of this chapter.

(e) Health insurers and entities certified pursuant to article forty-four of the public health law shall provide annually to the superintendent and the commissioner of health, and the commissioner of health shall provide to the superintendent by March first of each year, all of the information necessary for the superintendent to produce the annual consumer guide. In compiling the guide, the superintendent shall make every effort to ensure that the information is presented in a clear, understandable fashion [~~which~~] that facilitates comparisons among individual insurers and entities, and in a format [~~which~~] that lends itself to the widest possible distribution to consumers. The superintendent shall either include the information from the annual consumer guide in the consumer shopping guide required by subsection (a) of section four thousand three hundred twenty-three of this chapter or combine the two guides as long as consumers in the individual market are provided with the information required by subsection (a) of section four thousand three hundred twenty-three of this chapter.

[~~(e)~~] (f) The superintendent shall contract with a national organization for the purposes of drafting and designing the guide, including the preparation of relevant explanatory material. Such organization shall have actual experience in preparing a similar guide for at least one other state. The superintendent, in consultation with the commissioner of health, may also contract with one or more national organizations to assist such commissioner in the collection of data and the analysis and auditing of the clinical measurers. Such organizations shall consult periodically with associations representing health insurers and health maintenance organizations as well as with consumer representatives in New York in preparing the consumer guide.

§ 2. This act shall take effect immediately.

SUBPART B

Section 1. Subsection (f) of section 4804 of the insurance law, as added by chapter 705 of the laws of 1996, is amended to read as follows:

(f) If a new insured whose health care provider is not a member of the insurer's in-network benefits portion of the provider network enrolls in the managed care product, the insurer shall permit the insured to continue an ongoing course of treatment with the insured's current health care provider during a transitional period of up to [~~sixty~~] ninety days from the effective date of enrollment[~~, if (1) the insured has a life-threatening disease or condition or a degenerative and disabling disease or condition or (2)~~]. If the insured [~~has entered the second trimester of pregnancy~~] is pregnant at the time of enrollment, [~~in which case~~] the transitional period shall include the provision of [~~post-partum~~] care for the duration of the pregnancy and postpartum care directly related to the delivery. If an insured elects to continue to receive care from such health care provider pursuant to this paragraph, such care shall be authorized by the insurer for the transitional period only if the health care provider agrees: (A) to accept reimbursement from the insurer at rates established by the insurer as payment in full, which rates shall be no more than the level of reimbursement applicable to similar providers within the in-network benefits portion of the insurer's network for such services; (B) to adhere to the insurer's quality assurance requirements and agrees to provide to the insurer necessary medical information related to such care; and (C) to otherwise adhere to the insurer's policies and procedures including, but not limited to, procedures regarding referrals and obtaining pre-authorization and a treatment plan approved by the insurer. In no event shall this subsection be construed to require an insurer to provide coverage for benefits not otherwise covered or to diminish or impair pre-existing condition limitations contained within the insured's contract.

§ 2. Paragraph (f) of subdivision 6 of section 4403 of the public health law, as added by chapter 705 of the laws of 1996, is amended to read as follows:

(f) If a new enrollee whose health care provider is not a member of the health maintenance organization's provider network enrolls in the health maintenance organization, the organization shall permit the enrollee to continue an ongoing course of treatment with the enrollee's current health care provider during a transitional period of up to [~~sixty~~] ninety days from the effective date of enrollment[~~, if (i) the enrollee has a life-threatening disease or condition or a degenerative and disabling disease or condition or (ii)~~]. If the enrollee [~~has entered the second trimester of pregnancy~~] is pregnant at the effective date of enrollment, [~~in which case~~] the transitional period shall include the provision of [~~post-partum~~] care for the duration of the pregnancy and postpartum care directly related to the delivery. If an enrollee elects to continue to receive care from such health care provider pursuant to this paragraph, such care shall be authorized by the health maintenance organization for the transitional period only if the health care provider agrees: (A) to accept reimbursement from the health maintenance organization at rates established by the health maintenance organization as payment in full, which rates shall be no more than the level of reimbursement applicable to similar providers within the health maintenance organization's network for such services; (B) to adhere to the organization's quality assurance requirements and agrees to provide to the organization necessary medical information related to such care; and (C) to otherwise adhere to the organization's policies and procedures including, but not limited to, procedures regarding referrals and obtaining pre-authorization and a treatment plan approved by the organization. In no event shall this paragraph be construed to

require a health maintenance organization to provide coverage for benefits not otherwise covered or to diminish or impair pre-existing condition limitations contained within the subscriber's contract.

§ 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to policies issued, renewed, modified, or amended on or after such date.

SUBPART C

Section 1. Subsection (a) of section 3242 of the insurance law, as added by section 1 of subpart C of part J of chapter 57 of the laws of 2019, is amended to read as follows:

(a) Every insurer that delivers or issues for delivery in this state a policy that provides coverage for prescription drugs shall, with respect to the prescription drug coverage, publish an up-to-date, accurate, and complete list of all covered prescription drugs on its formulary drug list, including any tiering structure that it has adopted and any restrictions on the manner in which a prescription drug may be obtained, in a manner that is easily accessible to insureds [~~and~~], prospective insureds**, health care providers, and other interested parties**. The formulary drug list shall clearly identify the preventive prescription drugs that are available without annual deductibles or coinsurance, including co-payments. **A formulary drug list shall only be considered easily accessible if:**

**(1) it can be viewed on the insurer's public website without requiring an individual to create or access an account or enter a password or to be covered under an insurance policy issued by the insurer; and**

**(2) an individual can easily discern which formulary drug list applies to which plan, if an insurer offers more than one plan.**

§ 2. Subsection (a) of section 4329 of the insurance law, as added by section 2 of subpart C of part J of chapter 57 of the laws of 2019, is amended to read as follows:

(a) Every corporation subject to the provisions of this article that issues a contract that provides coverage for prescription drugs shall, with respect to the prescription drug coverage, publish an up-to-date, accurate, and complete list of all covered prescription drugs on its formulary drug list, including any tiering structure that it has adopted and any restrictions on the manner in which a prescription drug may be obtained, in a manner that is easily accessible to insureds [~~and~~], prospective insureds**, health care providers, and other interested parties**. The formulary drug list shall clearly identify the preventive prescription drugs that are available without annual deductibles or coinsurance, including co-payments. **A formulary drug list shall only be considered easily accessible if:**

**(1) it can be viewed on the corporation's public website without requiring an individual to create or access an account or enter a password or to be covered under an insurance policy issued by the corporation; and**

**(2) an individual can easily discern which formulary drug list applies to which plan, if a corporation offers more than one plan.**

§ 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to policies issued, renewed, modified or amended on or after such date.

SUBPART D

Section 1. Subsection (b-3) of section 4900 of the insurance law is relettered subsection (b-4) and a new subsection (b-3) is added to read as follows:

**(b-3) "Chronic health condition" means a condition that is expected to last for at least one year and requires ongoing treatment to effectively manage the condition or prevent an adverse health event.**

§ 2. Subsection (f) of section 4905 of the insurance law, as added by chapter 705 of the laws of 1996, is amended read as follows:

(f) Utilization review shall not be conducted more frequently than is reasonably required to assess whether the health care services under review are medically necessary **provided, however, that utilization review shall not be conducted more than once per year for a course of treatment for a chronic health condition starting from the date of a pre-authorization approval for the course of treatment unless:**

**(1) nationally recognized clinical practice guidelines recommend follow-up care with the course of treatment for the chronic health condition to assess possible negative side effects, then utilization review may be conducted more than once per year on the same schedule as the recommended follow up;**

**(2) nationally recognized clinical practice guidelines change substantially for the treatment of the chronic health condition, then utilization review may be conducted to consider whether the ongoing course of treatment is still appropriate for the chronic health condition and the insured; or**

**(3) nationally recognized clinical practice guidelines recommend a change to the course of treatment based on a change in the chronic health condition, then utilization review may be conducted for the new course of treatment**.

§ 3. Subdivision 2-c of section 4900 of the public health law is renumbered subdivision 2-d and a new subdivision 2-c is added to read as follows:

**(2-c) "Chronic health condition" means a condition that is expected to last for at least one year and requires ongoing treatment to effectively manage the condition or prevent an adverse health event.**

§ 4. Subdivision 6 of section 4905 of the public health law, as added by chapter 705 of the laws of 1996, is amended to read as follows:

6. Utilization review shall not be conducted more frequently than is reasonably required to assess whether the health care services under review are medically necessary **provided, however, that utilization review shall not be conducted more than once per year for a course of treatment for a chronic health condition starting from the date of a pre-authorization approval for the course of treatment unless:**

**(a) nationally recognized clinical practice guidelines recommend follow-up care with the course of treatment for the chronic health condition to assess possible negative side effects, then utilization review may be conducted more than once per year on the same schedule as the recommended follow up;**

**(b) nationally recognized clinical practice guidelines change substantially for the treatment of the chronic health condition, then utilization review may be conducted to consider whether the ongoing course of treatment is still appropriate for the chronic health condition and the insured; or**

**(c) nationally recognized clinical practice guidelines recommend a change to the course of treatment based on a change in the chronic health condition, then utilization review may be conducted for the new course of treatment**.

§ 5. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to policies issued, renewed, modified, or amended on or after such date.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 3. This act shall take effect immediately; provided, however, that the applicable effective date of Subparts A through D of this act shall be as specifically set forth in the last section of such Subparts.

PART II

Intentionally Omitted

PART JJ

Intentionally Omitted

PART KK

Intentionally Omitted

PART LL

Section 1. Section 4 of chapter 495 of the laws of 2004, amending the insurance law and the public health law relating to the New York state health insurance continuation assistance demonstration project, as amended by section 1 of part S of chapter 58 of the laws of 2025, is amended to read as follows:

§ 4. This act shall take effect on the sixtieth day after it shall have become a law; provided, however, that this act shall remain in effect until July 1, [~~2026~~] 2027 when upon such date the provisions of this act shall expire and be deemed repealed; provided, further, that a displaced worker shall be eligible for continuation assistance retroactive to July 1, 2004.

§ 2. This act shall take effect immediately.

PART MM

Intentionally Omitted

PART NN

Intentionally Omitted

PART OO

Section 1. The public service law is amended by adding a new section 24-c to read as follows:

§ 24-c. Utility intervenor reimbursement. 1. As used in this section, the following terms shall have the following meanings:

(a) "Compensation" means payment for all or part, as determined by the department, of reasonable advocate's fees, reasonable expert witness fees, and other reasonable costs for preparation and participation in a proceeding.

(b) "Participant" means a group of persons that apply jointly for an award of compensation under this section and who represent the interests of a significant number of residential or small business customers, or a not-for-profit organization in this state authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential or small business utility customers. For purposes of this section, a participant does not include a non-profit organization or other organization whose principal interests are the welfare of a public utility or its investors or employees, or the welfare of one or more businesses or industries which receive utility service ordinarily and primarily for use in connection with the profit-seeking manufacture, sale, or distribution of goods or services.

(c) "Other reasonable costs" means reasonable out-of-pocket expenses directly incurred by a participant that are directly related to the contentions or recommendations made by the participant that resulted in a substantial contribution.

(d) "Party" means any interested party, respondent public utility, or commission staff in a hearing or proceeding.

(e) "Proceeding" means a complaint, or investigation, rulemaking, or other formal proceeding before the commission, or alternative dispute resolution procedures in lieu of formal proceedings as may be sponsored or endorsed by the commission, provided however such proceedings shall be limited to those arising under and proceeding pursuant to the following articles of this chapter: (1) the regulation of the price of gas and electricity, pursuant to article four of this chapter except those described in subparagraph (ii) of paragraph (c) of subdivision twelve of section sixty-six of this chapter; (2) the regulation of the price of steam, pursuant to article four-A of this chapter; (3) the submetering, remetering or resale of electricity to residential premises, pursuant to sections sixty-five and sixty-six of this chapter, and pursuant to regulations regarding the submetering, remetering, or resale of electricity adopted by the commission; and (4) such sections of this chapter as are applicable to a proceeding in which the commission makes a finding on the record that the public interest requires the reimbursement of utility intervenor fees pursuant to this section.

(f) "Significant financial hardship" means that the participant will be unable to afford, without undue hardship, to pay the costs of effective participation, including advocate's fees, expert witness fees, and other reasonable costs of participation.

(g) "Small business" means a business with a gross annual revenue of two hundred fifty thousand dollars or less.

(h) "Substantial contribution" means that, in the judgment of the department, the participant's application may substantially assist the commission in making its decision because the decision may adopt in whole or in part one or more factual contentions, legal contentions, or

specific policy or procedural recommendations that will be presented by the participant.

2. A participant may apply for an award of compensation under this section in a proceeding in which such participant has sought active party status as defined by the department. The department shall determine appropriate procedures for accepting and responding to such applications. At the time of application, such participant shall serve on every party to the proceeding notice of intent to apply for an award of compensation.

An application shall include:

(a) A statement of the nature and extent and the factual and legal basis of the participant's planned participation in the proceeding as far as it is possible to describe such participation with reasonable specificity at the time the application is filed.

(b) At minimum, a reasonably detailed description of anticipated advocates and expert witness fees and other costs of preparation and participation that the participant expects to request as compensation.

(c) If participation or intervention will impose a significant financial hardship and the participant seeks payment in advance to an award of compensation in order to initiate, continue or complete participation in the hearing or proceeding, such participant must include evidence of such significant financial hardship in its application.

(d) Any other requirements as required by the department.

3. (a) Within thirty days after the filing of an application the department shall issue a decision that determines whether or not the participant may make a substantial contribution to the final decision in the hearing or proceeding. If the department finds that the participant requesting compensation may make a substantial contribution, the department shall describe this substantial contribution and determine the amount of compensation to be paid pursuant to subdivision four of this section.

(b) Notwithstanding subdivision four of this section, if the department finds that the participant has a significant financial hardship, the department may pay all or part of the compensation to the participant prior to the end of the proceeding. In the event that the participant discontinues its participation in the proceeding without the consent of the department, the department shall be entitled to, in whole or in part, recover any payments made to such participant.

(c) The computation of compensation pursuant to paragraph (a) of this subdivision shall take into consideration the market rates paid to persons of comparable training and experience who offer similar services. The compensation awarded may not, in any case, exceed the comparable market rate for services paid by the department or the public utility, whichever is greater, to persons of comparable training and experience who are offering similar services.

(d) Any compensation awarded to a participant and not used by such participant shall be returned to the department.

(e) The department shall require that participants seeking payment maintain an itemized record of all expenditures incurred as a result of such proceeding.

(i) The department may use the itemized record of expenses to verify the claim of financial hardship by a participant seeking payment pursuant to paragraph (c) of subdivision two of this section.

(ii) The department may use the record of expenditures in determining, after the completion of a proceeding, if any unused funds remain.

(iii) The department shall preserve the confidentiality of the participant's records in making any audit or determining the availability of funds after the completion of a proceeding.

(f) In the event that the department finds that two or more participants' applications have substantially similar interests, the department may require such participants to apply jointly in order to receive compensation.

4. Any compensation pursuant to this section shall be paid at the conclusion of the proceeding within thirty days.

5. The department shall deny any award to any participant who attempts to delay or obstruct the orderly and timely fulfillment of the department's responsibilities.

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

PART PP

Section 1. Subdivision 3 of section 6 of part T of chapter 57 of the laws of 2017 amending the environmental conservation law, the public health law, the public authorities law, the state finance law and the soil and water conservation districts law relating to the implementation of the "clean water infrastructure act of 2017" is amended by adding a new paragraph h to read as follows:

h. In accordance with the other provisions of this section, the environmental facilities corporation shall also undertake and provide state financial assistance payments, from funds appropriated for such purpose, to rural municipalities in support of water quality infrastructure projects. For the purposes of this paragraph, "rural municipality" shall mean a municipality with a population of 25,000 inhabitants or less.

(i) When developing the manner, form and timeframe of applications for such projects, pursuant to paragraph c of this subdivision, the environmental facilities corporation shall, to the maximum extent practicable, ensure that any administrative burdens for rural municipalities are minimized.

(ii) When awarding such state financial assistance payments, in addition to the preference provisions of paragraph f of this subdivision, the environmental facilities corporation shall also prioritize water quality infrastructure projects that promote the preservation of housing.

§ 2. This act shall take effect immediately.

PART QQ

Section 1. The public service law is amended by adding a new section 53-b to read as follows:

§ 53-b. Excelsior power program. 1. As used in this section, the following terms shall have the following meanings:

(a) "Customer" means a residential recipient of electric or gas service from an electric corporation, gas corporation, or combined electric and gas corporation, or the Long Island power authority.

(b) "Smart thermostat" means an electronic device that is able to be accessed and controlled remotely and that directly regulates connected heating and/or cooling appliances within a dwelling to maintain a thermostatic range.

(c) "Utility" means an electric corporation, gas corporation, or combined electric and gas corporation.

2. There is hereby established an excelsior power program, hereafter the program, which shall be developed and administered by the department pursuant to regulation. The program shall be designed to enable utilities and the Long Island power authority to reduce peak demand by remotely operating voluntarily enrolled customers' smart thermostats or otherwise affecting service, in exchange for a bill credit. The program shall also be designed to prioritize enrolling customers located in areas that are forecasted to face a reliability need as identified by the federally designated bulk system operator or areas where the electric plant consistently experiences congestion as identified by the commission.

3. The department may, subject to appropriation, disburse available amounts to utilities participating in the program and the Long Island power authority for the purpose of providing bill credits to customers. Provided, however, that each such bill credit shall be limited per customer per year.

4. No customer may be enrolled in the program without their informed, written consent pursuant to this section.

5. (a) A customer may voluntarily enroll in the program through the utility with which they receive service, if participating, or the Long Island power authority, on a form prescribed by the department, which shall clearly and conspicuously state that under the program (i) the customer's utility service may be interrupted, curtailed, temporarily reduced, or otherwise affected without the customer's prior consent; (ii) such service interruptions, curtailments, or reductions may occur on the hottest and coldest days of the year and affect the comfort of the customer; and (iii) the utility, in conjunction with the smart thermostat manufacturer or connection service provider, will have remote access to the smart thermostat and will be permitted to alter its outputs and settings, including modifying the thermostatic ranges of heating and cooling appliances.

(b) Prior to enrollment, each customer shall receive information in plain language, which shall include: (i) the rights of customers under the program; (ii) how to disenroll or temporarily suspend participation in the program; (iii) examples of when a utility may curtail service or modify the settings of a smart thermostat under the program; and (iv) the availability of other energy efficiency and affordability programs, including how to enroll. Such information shall also be made available on the department's website as well as each participating utility's website and the website of the Long Island power authority.

(c) A customer may disenroll from the program or temporarily suspend participation in the program at any time without penalty in a manner prescribed by the commission. The department shall ensure that a customer may quickly and easily disenroll and, upon disenrollment, may eliminate or modify pro rata any bill credits for participation.

6. Each participating utility and the Long Island power authority shall:

(a) to the maximum extent practicable, notify participating customers of potential curtailment events such as during forecast extreme weather or high demand events;

(b) take other actions reasonably available to the utility to reduce peak demand, including curtailment of other classifications of service, prior to affecting the service of customers participating in the program; and

(c) annually submit to the department a report regarding the implementation of the program. Such report shall include: (i) the number of

customers participating; (ii) the number of events that required demand response or curtailment under the program, and the number of customers affected; (iii) an accounting of all bill credits provided to customers; and (iv) any other information required by the commission.

7. In addition to any other customer protections of this chapter, the program shall ensure that:

(a) any interruption, curtailment, or reduction of utility service under the program shall be temporary, limited to only the period of time actually necessary, and shall not result in the complete termination of utility service;

(b) any customer usage or consumption data collected or accessed under this program in any manner (i) shall be kept private, secure, and periodically destroyed or cleared; and (ii) shall not be sold, offered for sale, or otherwise provided, either individually or in aggregate; and

(c) customers with medical needs that may be affected by the program shall receive sufficient protections to ensure continued health and safety and that any electric service essential for medical needs, pursuant to section sixty-six of this chapter, is not affected.

8. The department, no later than February first of each year, shall make public on its website and submit to the temporary president of the senate and speaker of the assembly a report regarding the implementation of the program. Such report shall, utilizing the reports of participating utilities required pursuant to subdivision six of this section, include: (i) the number of customers participating statewide, including the number of low-income customers or customers located in disadvantaged communities as defined by section 75-0111 of the environmental conservation law; (ii) a list of participating utilities; (iii) the number of events that required demand response or curtailment under the program, including the total amount of energy curtailed or otherwise reduced, statewide, and by each utility, as well as the number of customers affected; (iv) an accounting of all bill credits provided to customers statewide, and by participating utility; and (v) the total amount of money provided under this program. Such report may be included as a distinct section of any other report required to be made public and submitted to the legislature pursuant to this chapter, or section one hundred sixty-four of the executive law.

9. The department shall, within sixty days of the effective date of this section, promulgate any rules and regulations necessary to effectuate this program. No customer may be enrolled or funds disbursed prior to the adoption of rules and regulations required by this subdivision.

§ 2. Title 1-A of article 5 of the public authorities law is amended by adding a new section 1020-nn to read as follows:

§ 1020-nn. Excelsior power program. The authority is hereby authorized, pursuant to appropriation, to disburse funds received from the department of public service for the implementation of the excelsior power program pursuant to section fifty-three-b of the public service law to customers enrolled in such program in the form of bill credits.

§ 3. This act shall take effect immediately.

PART RR

Section 1. The public service law is amended by adding a new article 1-A to read as follows:

ARTICLE 1-A

STATE OFFICE OF THE UTILITY CONSUMER ADVOCATE

Section 28. Definitions.

28-a. Establishment of the state office of the utility consumer advocate.
28-b. Powers of the state office of the utility consumer advocate.
28-c. Reports.

§ 28. Definitions. As used in this article the following terms shall have the following meanings:

1. "Residential utility customer" means any person who is sold or offered for sale residential utility service by a utility company.

2. "Utility company" means any person or entity operating an agency for public service, including, but not limited to, those persons or entities subject to the jurisdiction, supervision, and regulations prescribed by or pursuant to the provisions of this chapter. "Utility company" shall include any service provider under contract with the Long Island power authority pursuant to title one-A of article five of the public authorities law as added by chapter 517 of the laws of 1986.

3. "Office" means the state office of the utility consumer advocate established pursuant to this article.

§ 28-a. Establishment of the state office of the utility consumer advocate. There is hereby established the state office of the utility consumer advocate, to represent the interests of utility customers. The office shall be led by the utility consumer advocate, who shall be appointed by the governor to a term of six years, upon the advice and consent of the senate. The utility consumer advocate shall possess knowledge and experience in matters affecting utility customers. The utility consumer advocate shall not be removed for cause but may be removed only after notice and opportunity to be heard, and only for permanent disability, malfeasance, a felony, or conduct involving moral turpitude. Exercise of independent judgment in advocating positions on behalf of utility customers shall not constitute cause for removal of the utility consumer advocate.

§ 28-b. Powers of the state office of the utility consumer advocate. 1. The consumer utility advocate shall have the power and duty to:

(a) be responsible for the direction, control, and operation of the office, including its hiring of staff and retention of experts for analysis and testimony in proceedings;

(b) exercise their independent discretion in determining whether to participate in or initiate any proceeding and in such discretion shall consider the public interest, the resources available, and the substantiality of the effect of the proceeding on the interests of utility customers;

(c) exercise their independent discretion in determining the interests of utility customers that will be advocated for in any proceeding and, in such discretion, shall consider the public interest, the resources available, and the substantiality of the effect of such interests to utility customers; and

(d) represent the interests of utility customers as a party or otherwise participate for the purpose of representing the interests of such customers before any authorities, agencies or courts. The utility consumer advocate may initiate proceedings if in their judgment doing so may be necessary in connection with any matter involving the actions or regulation of utility companies whether on appeal or otherwise initiated. The utility consumer advocate may monitor all cases before regulatory agencies in the United States, including the federal communications commission and the federal energy regulatory commission that affect the interests of utility customers of the state and may formally

participate in those proceedings which in their judgment warrants such participation.

2. The office shall have the power and duty to:

(a) initiate, intervene in, or participate on behalf of utility customers in any proceedings before the commission or the department of public service, the federal energy regulatory commission, the federal communications commission, federal, state and local administrative and regulatory agencies, and state and federal courts in any matter or proceedings that may substantially affect the interests of utility customers, including, but not limited to, a proposed change of rates, charges, terms and conditions of service, the adoption of rules, regulations, guidelines, orders, standards or final policy decisions where the utility consumer advocate deems such initiation, intervention, or participation to be necessary or appropriate;

(b) represent the interests of utility customers of the state before federal, state and local administrative and regulatory agencies engaged in the regulation of energy, telecommunications, water, and other utility services, and before state and federal courts in actions and proceedings to review the actions of utilities or orders of utility regulatory agencies. Any action or proceedings brought by the utility consumer advocate before a court or an agency shall be brought in the name of the state office of the utility consumer advocate. The utility consumer advocate may join with any utility customer or group of utility customers in bringing an action;

(c) accept and investigate complaints from Long Island power authority customers, attempt to mediate such complaints where appropriate, directly with the authority or their service provider, and refer complaints to the appropriate state and local entity authorized by law to take action with respect to such complaints;

(d) hold forums in the service territory of each utility company to educate utility customers about utility-related matters and the regulatory process, opportunities to lower energy costs through methods, including but not limited to, energy efficiency, distributed generation, bill assistance, or affordability programs, and other matters affecting such customers;

(e) request and receive from any state or local authority, agency, department or division of the state or political subdivision such assistance, personnel, information, books, records, other documentation and cooperation necessary to perform their duties; and

(f) enter into cooperative agreements with other government offices to efficiently carry out their work.

3. The utility consumer advocate and the office shall, as empowered under this article, prioritize actions that will substantially affect the interests and affordability of residential utility customers.

§ 28-c. Reports. On or before July first, two thousand twenty-seven and annually thereafter, the office shall issue a report to the governor and the legislature, and make such report available to the public free of charge on a publicly available website. Such report shall include, but not be limited to, the following:

1. all proceedings that the office participated in and the outcome of such proceedings, to the extent of such outcome, and if not confidential;

2. estimated savings to utility customers that resulted from intervention by the office, with delineation between residential and non-residential customers;

3. anonymized information detailing the number of consumer complaints received pursuant to paragraph (c) of subdivision two of section twenty-eight-b of this article;

4. all forums that the office held, pursuant to paragraph (d) of subdivision two of section twenty-eight-b of this article, and information relevant to such forums that includes, but is not limited to: the number of participants, location, and any other information related to such forums the utility consumer advocate deems appropriate; and

5. policy recommendations and suggested statutory amendments as the office deems necessary and appropriate.

§ 2. Subdivision 4 of section 94-a of the executive law is REPEALED.

§ 3. This act shall take effect October 1, 2026. Effective immediately, the addition, amendment, and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART SS

Section 1. The Metropolitan Transportation Authority ("the authority") shall take necessary steps to establish and implement a fare-free bus pilot program within the city of New York. The authority shall present the fare-free bus pilot program to its board for approval no later than 60 days after the effective date of this act, for implementation no later than 90 days after board adoption.

§ 2. The purpose of the fare-free bus pilot program shall be to understand the impact of fare-free bus routes on ridership, quality of life issues, bus speed performance, operations, and related issues as the authority deems relevant.

§ 3. The fare-free bus pilot program shall consist of five fare-free bus routes and shall cost no more than fifteen million dollars in net operating costs. Net operating costs shall be determined by the total costs of implementing the fare-free bus pilot program and shall not accrue to the city of New York.

§ 4. The fare-free bus routes included in the fare-free bus pilot program shall be selected by the authority, provided that there shall be at least one fare-free bus route within each of the following counties: Kings County, New York County, Queens County, Richmond County and Bronx County. The factors considered by the authority in selecting such fare-free bus routes shall include but not be limited to: (a) fare evasion; (b) ridership, including subway ridership and ridership on adjacent/redundant bus routes; (c) service adequacy and equity for low-income and economically disadvantaged communities; and (d) access to employment and commercial activity in areas served by the fare-free routes.

§ 5. No express bus routes shall be included in the fare-free bus pilot program.

§ 6. The authority shall report to its board on the fare-free bus pilot program after it has been in effect for six months and again upon the conclusion of the pilot. Such reports shall also be sent to the Governor, the temporary president of the Senate, and the speaker of the Assembly, and shall include, but not be limited to, the following comparative performance metrics: (a) ridership totals relative to equivalent time periods before the pilots took effect; (b) increases or decreases in fare evasion on adjacent/redundant bus routes and subways during the fare-free bus pilot program relative to the equivalent time period before the fare-free bus pilot program took effect; (c) service

delivered; (d) average end-to-end bus speed changes; (e) customer journey time performance; (f) additional bus stop time and travel time; (g) wait assessments; (h) the cost to provide such service itemized by route; and (i) any other impacts associated with and resulting from such fare-free bus pilot program.

§ 7. The fare-free bus routes shall revert to regular revenue service six to twelve months after the fare-free bus pilot program begins.

§ 8. This act shall take effect immediately.

## PART TT

Section 1. This part enacts into law major components of legislation relating to affordable energy. Each component is wholly contained within a subpart identified as Subparts A through B. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section three of this act sets forth the general effective date of this act.

## SUBPART A

Section 1. The legislature hereby finds and declares that:

(a) Access to public utility service that is provided at affordable and reasonable rates is central to the health, welfare, and economy of the state. Nearly all aspects of the state rely on the provision of electric and/or gas service to: heat and cool homes, offices, and factories; illuminate buildings; cook meals; charge vehicles; manufacture new products; and power the countless appliances, machines, devices, technologies, and infrastructure that serve as the backbone of the modern digital era.

(b) For well over a century, the provision of utility service by investor-owned corporations has been recognized as serving an essential public function, lawfully subject to comprehensive and systematic regulation by the state to protect and promote the public interest. Under this system of regulation, which has been repeatedly upheld by federal and state courts, the obligation to provide fair and reasonable utility rates does not entitle utility corporations to an immutable and absolute right to profit, but instead grants great deference to the state to act in the public interest.

(c) The burden of rising energy costs is becoming increasingly acute and threatens the general prosperity of the state. Utility rates have hit an all-time high, as have utility corporation's profits, and the increased costs are being borne by all ratepayers. To further worsen the situation, the current rate structure disproportionately burdens residential customers with relatively low energy usage, particularly those with lower or fixed incomes.

(d) Utility service is a natural monopoly, and outside of the provision of commodity service, New Yorkers do not have a say in who provides them utility service. While utilities are allowed to recover the actual costs of providing service as well as a reasonable rate of return on their investment, the actual rates and charges passed on to customers are a matter of public concern and have been regulated by the state for well over a century. Further, utility monopolies have no mark-

et-based incentive to lower costs, absent the intervention of the legislature or the public service commission.

(e) As the state enters further into the twenty-first century, the electric and gas system faces new challenges including rapidly increasing demand and shifting patterns of usage. Aside from a series of orders by the commission in the 1990's limiting their control over the costs of generation and deregulating the utility industry, the current model of regulation and rate setting has remained largely unchanged since the dawn of the public service commission. In light of the all-time high utility rates, and recent changes in financial markets, methods of acquiring capital, the globalization of the utility industry, and the shifting needs of utility customers, a reexamination of the rationality and merits of the current utility regulatory model is appropriate.

(f) Any additional increase in utility rates, on top of the countless other energy burdens facing the state such as federally imposed tariffs, high interest rates, lingering inflation, and the reduced federal support of financial energy assistance and clean energy transition programs, could have a harmful and ruinous effect on the health, welfare and economy of the state.

§ 2. (a) Notwithstanding any law to the contrary or any order of the public service commission adopted prior to the effective date of this section, for a period commencing on the effective date of this section and ending twenty-four months thereafter, the public service commission shall not adopt, approve, or otherwise take any action that would effectuate a major change in rates or charges. Such actions shall include, in relation to the rates and charges for the provision of electric or gas services by a utility corporation: (i) the approval of any matter relating to a major change in rates or charges; (ii) the adoption or approval of modifications to a tariff or schedule of rates or charges, including the implementation or effectuation of an order adopted prior to the effective date of this section, which would result in a major change in rates or charges; and the issuance of any recommendation that would result in a major change in rates or charges submitted for review by the Long Island power authority, or its designated service provider, pursuant to section one thousand twenty-f of the public authorities law.

(b) Notwithstanding any law to the contrary, for a period commencing on the effective date of this section and ending twenty-four months thereafter, the Long Island power authority shall not request, submit for recommendation to the public service commission, adopt, approve, or otherwise take any action on a matter relating to a change in rates or charges for the provision of electric service, including the adoption or modification of any contract for the provision of electric service, that would result in a major change to such rates or charges.

§ 3. (a) There is hereby established a temporary commission to be known as the blue ribbon commission on residential affordability through energy savings, or RATES commission, to study the causes and origins of rising utility rates and to recommend any actions or reforms to reduce such rates.

(b) The blue ribbon commission shall be composed of twelve appointed voting members, the chairperson of the public service commission, and the presidents of the New York state energy development authority, the New York power authority, and the Long Island power authority, or their designees, as well as a total of three non-voting residential ratepayers, with the governor, temporary president of the senate, and speaker of the assembly each appointing one. Voting members shall include:

(i) four non-agency members to be appointed by the governor;

(ii) three members to be appointed by the temporary president of the senate;
(iii) three members to be appointed by the speaker of the assembly;
(iv) one member to be appointed by the minority leader of the senate; and
(v) one member to be appointed by the minority leader of the assembly;
(c) (i) The blue ribbon commission, by a majority vote, shall elect a chairperson and any other necessary officers;
(ii) Each member of the blue ribbon commission shall have one vote, and a majority of the total number of voting members which the blue ribbon commission would have were there no vacancies, shall constitute a quorum and shall be required for the blue ribbon commission to conduct business; provided, however, that no business shall be conducted prior to the initial appointment of all voting members;
(iii) Any vacancies shall be filled in the manner that provided for the initial appointment;
(iv) All meetings of the blue ribbon commission shall be conducted in accordance with the provisions of article seven of the public officers law; and
(v) The blue ribbon commission shall meet at least every other month, but may meet as frequently as its business may require, and shall hold at least one public hearing prior to the adoption of the report required by paragraph (f) of this section.
(d) (i) Members shall have professional or academic expertise in one or more of the following areas: utility regulation and oversight; rate-payer or consumer advocacy; utility management and administration; energy or public utility law; utility systems; commodity market regulation; and energy or public utility economics.
(ii) Members shall receive no compensation for their services but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties;
(iii) The chairperson of the blue ribbon commission shall be responsible for hiring any staff of the blue ribbon commission, with the consent of the commission members; and
(iv) Notwithstanding the provisions of any general, special, or local law, ordinance or city charter to the contrary, no member, officer, or employee of the blue ribbon commission shall be disqualified from holding any other public office or employment, nor shall they forfeit any such office or employment by reason of their appointment to the blue ribbon commission.
(e)(i) The blue ribbon commission may request and shall receive from any subdivision, department, board, bureau, commission, office, agency, or other instrumentality of the state or of any political subdivision thereof, including, but not limited to, the department of public service, the public service commission, and the Long Island power authority, such facilities, assistance and data as it deems necessary or desirable for the proper execution of its powers and duties; and
(ii) The blue ribbon commission, to facilitate the development of the recommendations required by this section, and provided that such commission takes measures to protect private information, shall have the power to examine the accounts, books, contracts, records, documents, memoranda, and papers of any utility corporation under the jurisdiction of the public service commission or the Long Island power authority.
(f) No later than eighteen months after the effective date of this section, the blue ribbon commission, shall develop, and after a supermajority vote of the blue ribbon commission, which shall include at least

one member appointed by the governor, temporary president of the senate, and speaker of the assembly, adopt and make public on the department of public service's website, and deliver to the governor, the temporary president of the senate, and the speaker of the assembly, a report, which at a minimum, shall include:

(i) an identification of the causes and origins of rising utility rates, and the relative impacts of each such cause;

(ii) an examination of the current regulatory model of public utilities, including:

(1) the regulatory role of the public service commission over the costs and market prices of electricity generation;

(2) the merits of any public service commission orders or actions limiting the oversight or regulation of electric generation, in light of the jurisdiction assigned to them under section 5 of the public service law;

(3) the effects of any existing limitations on the ability of utility corporations to construct, own, and operate generating assets;

(4) embedded cost of service modeling or asset cost distributions, and its effects on the residential price of electric and gas service, particularly for low-use customers; and

(5) the methodology used to determine a utility corporation's return on equity, the reasonableness of current commission-approved returns, divergence between such returns and the returns of capital investments of similar risk, and ways in which the fiscal impacts of such returns on ratepayers can be minimized and made more transparent.

(iii) an evaluation of the impacts of increased demand on commodity and delivery costs, and the sufficiency of current and projected electric supply to meet such increased demands;

(iv) an examination of the current treatment of customer arrears, and implications for rates;

(v) an examination of existing energy affordability programs, their effectiveness and participation rates, as well as the merits of a centralized office to coordinate and streamline the administration of energy affordability programs across state agencies, authorities, and offices;

(vi) an examination of actions being taken in other states and jurisdictions to lower residential utility rates;

(vii) an examination of the governance structure and powers of all federally designated bulk system operators, and implications for wholesale electric prices;

(viii) an examination of utility corporation cost management practices that could be effectively replicated by other utility corporations;

(ix) an examination of current commodity pricing models and commodity market design, including methodologies that employ uniform clearing prices above the lowest valid bids, and an examination of any strategies employed by actors in these markets that may undermine market competitiveness;

(x) an assessment of opportunities to subsidize programs and operations conducted pursuant to orders of the public service commission by utility corporations and the New York state energy research and development authority through revenues or funds of the state;

(xi) recommendations for eliminating future excess profits based on an evaluation of the findings of Subpart B;

(xii) recommendations related to subsequent rate changes; and

(xiii) other recommendations to the legislature and the public service commission regarding prudent and feasible actions that may be taken to lower or stabilize utility rates.

(g) The blue ribbon commission shall be deemed dissolved sixty days after the publication of the report required pursuant to subdivision (f) of this section.

§ 4. For purposes of this act, the following terms shall have the following meanings:

(a) "Major change" shall mean an increase in the rates and charges which would increase the aggregate revenues of the utility corporation more than the lesser of three hundred thousand dollars or two and one-half percent.

(b) "Utility corporation" shall mean any "gas corporation", "electric corporation", or "combined gas and electric corporation", as such terms are defined in section 2 of the public service law and shall not include municipalities.

§ 5. This act shall take effect immediately; provided however that section two of this act shall expire and be deemed repealed twenty-four months after such date.

SUBPART B

Section 1. (a) The public service commission, in consultation with the New York state energy research and development authority, shall develop a methodology to identify any excess profits resulting from the participation of electric generating facilities in the federally designated bulk system operator's short-term electric commodity markets. Such methodology shall include an analysis of financial data from the electric generating facilities and the federally designated bulk system operator and shall take into account all costs, revenues, and ratepayer funded subsidies. Such methodology shall also, at a minimum measure:

1. any difference between the price of bids for the sale of electricity, formally submitted by owners or operators of electric generating facilities in the state to the federally designated bulk system operator's short-term commodity markets, and the price such owners or operators received in excess of such bid; and

2. any difference between the price of bids for the sale of electricity, formally submitted by owners or operators of electric generating facilities in the state to the federally designated bulk system operator's short-term commodity markets, and actual operating costs of such electric generating facilities.

(b) Electric generating facilities and the federally designated bulk system operator shall provide any requested information to the commission in a timely manner.

(c) The commission shall identify and assess any excess profits, using the methodology established pursuant to subdivision (a) of this section, that are attributable to any owner or operator of electric generating facilities, beginning January first, two thousand twenty-six, and in an ongoing manner thereafter.

(d) The commission shall deliver each assessment in a timely manner to the relevant owner or operator of an electric generating facility and shall, in a manner determined by the commission, require remittance to the state of any amount assessed.

(e) The commission, no later than February first, two thousand twenty-seven, shall have fulfilled the requirements of this act and shall

deliver a summary of such methodology, assessments, and remittances to the legislature and post such summary to the commission's website.

(f) As used in this act the following terms shall have the following meanings:

1. "Electric generating facility" shall have the same meaning as defined in section 575-a of the real property tax law.

2. "Commission" shall mean the public service commission.

§ 2. This act shall take effect immediately.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 3. This act shall take effect immediately provided, however, that the applicable effective date of Subparts A through B of this act shall be as specifically set forth in the last section of such Subparts.

## PART UU

Section 1. Item (ii) of subparagraph (A) of paragraph 35 of subsection (i) of section 3216 of the insurance law, as amended by chapter 62 of the laws of 2023, is amended to read as follows:

(ii) where the policy provides coverage for physician services, such policy shall include benefits for outpatient care provided by a psychiatrist or psychologist licensed to practice in this state, a licensed clinical social worker within the lawful scope of [~~his or her~~] **such licensed clinical social worker's** practice, who is licensed pursuant to article one hundred fifty-four of the education law, a mental health counselor, marriage and family therapist, **creative arts therapist,** or psychoanalyst licensed pursuant to article one hundred sixty-three of the education law, a nurse practitioner licensed to practice in this state, or a professional corporation or university faculty practice corporation thereof. Nothing herein shall be construed to modify or expand the scope of practice of a mental health counselor, marriage and family therapist, **creative arts therapist,** or psychoanalyst licensed pursuant to article one hundred sixty-three of the education law. Further, nothing herein shall be construed to create a new mandated health benefit.

§ 2. Subparagraph (A) of paragraph 4 of subsection (l) of section 3221 of the insurance law, as amended by chapter 62 of the laws of 2023, is amended to read as follows:

(A) Every insurer delivering a group policy or issuing a group policy for delivery, in this state, that provides reimbursement for psychiatric or psychological services or for the diagnosis and treatment of mental health conditions, however defined in such policy, by physicians, psychiatrists or psychologists, shall provide the same coverage to insureds for such services when performed by a licensed clinical social worker, within the lawful scope of [~~his or her~~] **such licensed clinical social worker's** practice, who is licensed pursuant to article one hundred fifty-four of the education law and mental health counselors, marriage and family therapists, **creative arts therapists,** and psychoanalysts licensed pursuant to article one hundred sixty-three of the educa-

tion law, within the lawful scope of [~~his or her~~] **such mental health counselor's, marriage and/or family therapist's, creative arts therapist's, or psychoanalyst's** practice. Nothing herein shall be construed to modify or expand the scope of practice of a mental health counselor, marriage and family therapist, **creative arts therapist,** or psychoanalyst licensed pursuant to article one hundred sixty-three of the education law. Further, nothing herein shall be construed to create a new mandated health benefit.

§ 3. Item (ii) of subparagraph (A) of paragraph 5 of subsection (l) of section 3221 of the insurance law, as amended by chapter 62 of the laws of 2023, is amended to read as follows:

(ii) where the policy provides coverage for physician services, it shall include benefits for outpatient care provided by a psychiatrist or psychologist licensed to practice in this state, or a mental health counselor, marriage and family therapist, **creative arts therapist,** or psychoanalyst licensed pursuant to article one hundred sixty-three of the education law, or a licensed clinical social worker within the lawful scope of [~~his or her~~] **such licensed clinical social worker's** practice, who is licensed pursuant to article one hundred fifty-four of the education law, a nurse practitioner licensed to practice in this state, or a professional corporation or university faculty practice corporation thereof. Nothing herein shall be construed to modify or expand the scope of practice of a mental health counselor, marriage and family therapist, **creative arts therapist,** or psychoanalyst licensed pursuant to article one hundred sixty-three of the education law. Further, nothing herein shall be construed to create a new mandated health benefit.

§ 4. Paragraph 2 of subsection (g) of section 4303 of the insurance law, as amended by chapter 62 of the laws of 2023, is amended to read as follows:

(2) where the contract provides coverage for physician services such contract shall provide benefits for outpatient care provided by a psychiatrist or psychologist licensed to practice in this state, or a mental health counselor, marriage and family therapist, **creative arts therapist,** or psychoanalyst licensed pursuant to article one hundred sixty-three of the education law, or a licensed clinical social worker within the lawful scope of [~~his or her~~] **such licensed clinical social worker's** practice, who is licensed pursuant to article one hundred fifty-four of the education law, a nurse practitioner licensed to practice in this state, or professional corporation or university faculty practice corporation thereof. Nothing herein shall be construed to modify or expand the scope of practice of a mental health counselor, marriage and family therapist, **creative arts therapist,** or psychoanalyst licensed pursuant to article one hundred sixty-three of the education law. Further, nothing herein shall be construed to create a new mandated health benefit.

§ 5. Subsection (n) of section 4303 of the insurance law, as amended by chapter 62 of the laws of 2023, is amended to read as follows:

(n) Every health service or medical expense indemnity corporation issuing a group contract pursuant to this section or a group remittance contract for delivery in this state which contract provides reimbursement to subscribers or physicians, psychiatrists or psychologists for psychiatric or psychological services or for the diagnosis and treatment of mental health conditions, however defined in such contract, must provide the same coverage to persons covered under the group contract for such services when performed by a licensed clinical social worker,

within the lawful scope of [~~his or her~~] **such licensed clinical social worker's** practice, who is licensed pursuant to article one hundred fifty-four of the education law and a mental health counselor, marriage and family therapist, **creative arts therapist,** or psychoanalyst licensed pursuant to article one hundred sixty-three of the education law. Nothing herein shall be construed to modify or expand the scope of practice of a mental health counselor, marriage and family therapist, **creative arts therapist,** or psychoanalyst licensed pursuant to article one hundred sixty-three of the education law. Further, nothing herein shall be construed to create a new mandated health benefit. The state board for social work shall maintain a list of all licensed clinical social workers qualified for reimbursement under this subsection. The state board for mental health practitioners shall maintain a list of all licensed mental health counselors, marriage and family therapists, **creative arts therapists,** or psychoanalysts qualified for reimbursement under this subsection.

§ 6. This act shall take effect immediately and shall apply to all policies and contracts issued, renewed, modified, altered or amended on or after such effective date.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 3. This act shall take effect immediately provided, however, that the applicable effective date of Parts A through UU of this act shall be as specifically set forth in the last section of such Parts.