STATE OF NEW YORK

10663

IN ASSEMBLY

March 20, 2026

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

AN ACT to amend the executive law, in relation to providing for the establishment of a nexus with the state of New York relating to unlawful discriminatory practices

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

Section 1. Section 300 of the executive law, as amended by chapter 160 of the laws of 2019, is amended to read as follows:

§ 300. Construction. **1.** The provisions of this article shall be construed liberally for the accomplishment of the remedial purposes thereof, regardless of whether federal civil rights laws, including those laws with provisions worded comparably to the provisions of this article, have been so construed. Exceptions to and exemptions from the provisions of this article shall be construed narrowly in order to maximize deterrence of discriminatory conduct. Nothing contained in this article shall be deemed to repeal any of the provisions of the civil rights law or any other law of this state relating to discrimination; but, as to acts declared unlawful by section two hundred ninety-six of this article, the procedure herein provided shall, while pending, be exclusive; and the final determination therein shall exclude any other state civil action based on the same grievance of the individual concerned. If such individual institutes any action based on such grievance without resorting to the procedure provided in this article, [~~he or she~~] **such individual** may not subsequently resort to the procedure herein.

2. With regard to the portions of this article regulating the conduct of employers, licensing agents, labor organizations and employees and agents thereof, there shall be no requirement that an unlawful discriminatory practice have an impact in the state of New York to be subject to the provisions of this article; provided, however, that the unlawful discriminatory practice shall have a sufficient nexus with the state of New York. Any unlawful discriminatory practice involving a decision, action or failure to act, or promulgation or maintenance of a policy

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

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that has a sufficient nexus with the state of New York shall be actionable under the relevant provisions of this article.

3. For purposes of this section, "conduct" includes any allegedly unlawful discriminatory practice involving a decision, action or failure to act, or promulgation or maintenance of a policy.

4. Conduct under this article shall be deemed to have a sufficient nexus with the state of New York where:

a. the person aggrieved is a resident individual in the state of New York during some portion of the time during which the alleged unlawful discriminatory practice occurred, regardless of where the conduct occurred;

b. the conduct in question is related to employment or an independent contractor relationship located in the state of New York, regardless of whether the person aggrieved is a resident individual in the state of New York, and also regardless of where the conduct in question occurred; or

c. the conduct occurred, in whole or in part, in the state of New York, regardless of where the person aggrieved experienced its impact.

5. For the purposes of paragraph b of subdivision four of this section, employment or an independent contractor relationship located in whole or in part in the state of New York shall include circumstances where the job or contract involves:

a. Employment-related periodic physical presence in an office or other facility in the state of New York, even where such employment-related periodic physical presence is infrequent;

b. Services to be performed regularly in the state of New York; or

c. The existence of a reporting relationship between the person aggrieved and an employee or agent of the employer where such employee or agent of the employer is subject to employment-related periodic physical presence in an office or other facility in the state of New York, even where such employment-related periodic physical presence is infrequent.

6. Conduct under this article may be deemed to have a sufficient nexus with the state of New York where a factfinder is persuaded by other facts and circumstances presented by the person aggrieved that such a nexus exists.

7. It is an affirmative defense against a finding of a sufficient nexus with the state of New York based on paragraph a of subdivision four of this section where the respondent or defendant demonstrates that the respondent or defendant:

a. was not authorized to do business in the state of New York;

b. did not in fact do business in the state of New York; and

c. was not a resident of the state of New York.

8. It is an affirmative defense against a finding of a sufficient nexus with the state of New York based on paragraph c of subdivision five of this section where the respondent or defendant demonstrates that the participation of a decision or policy maker in the state of New York with respect to the decision or policy at issue was transient and incidental to the decision made or policy created or maintained.

§ 2. This act shall take effect immediately.