# STATE OF NEW YORK

11423

# IN ASSEMBLY

May 15, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Lavine) -- read once and referred to the Committee on Judiciary

AN ACT to amend the general obligation law, in relation to prohibiting the use and enforcement of nondisclosure agreements (NDAs) and confidentiality provisions that prevent individuals, municipalities, landowners, consultants, contractors, or other parties from discussing matters of public concern related to large-scale infrastructure and energy development projects; and to amend the public service law, in relation to transparency regarding certain projects

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

Section 1. The general obligation law is amended by adding a new section 5-338 to read as follows:

**§ 5-338. Certain nondisclosure and confidentiality provisions void and unenforceable. 1. Notwithstanding any other law to the contrary, any provision in any contract or agreement which prohibits any party to the contract or agreement from disclosing information relating to environmental impacts, water usage, electrical demand, utility ratepayer impacts, public infrastructure obligations, tax abatements or subsidies, noise or land use impacts, or public health and safety concerns associated with the development, operation and/or siting of utility-scale solar facilities, wind projects, battery energy storage systems, cryptocurrency mining facilities, AI computing facilities, data centers and other large energy-intensive developments shall be void and unenforceable and against public policy. No agreement or contract entered into by any parties in this state shall prohibit any resident, landowner, municipal official, consultant, contractor or any other affected party from speaking publicly, attending and participating in public hearings, communicating with the media, submitting comments to government agencies or discussing any such project or its potential impacts.**

**2. It shall be unlawful to threaten or to seek to enforce any provision of a contract or agreement made unlawful under this section, or to otherwise penalize any person for making any statement protected under this section.**

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

LBD15901-01-6

3. Any waiver of the provisions of this section is contrary to public policy, and is void and unenforceable.

4. The provisions of this section shall not apply to legitimate trade secrets, cybersecurity information, proprietary engineering information and competitively sensitive business data unrelated to the impacts of projects set forth in subdivision one of this section.

5. Any person or entity that violates this section shall be subject to a civil penalty not to exceed two thousand five hundred dollars for the first violation, and five thousand dollars for the second and for each subsequent violation, to be assessed and collected in a civil action brought by an individual or by the attorney general. In addition, for a willful or intentional violation of this section, an affected party or the attorney general may recover a civil penalty not to exceed ten thousand dollars.

§ 2. The public service law is amended by adding a new section 28 to read as follows:

§ 28. Transparency regarding certain projects. All records, reports, correspondence, agreements and contracts involving utilities, infrastructure upgrades, special rate arrangements or public subsidies associated with any actions or decisions by the commission relating to the approval, siting, development, operation of utility-scale solar facilities, wind projects, battery energy storage systems, cryptocurrency mining facilities, AI computing facilities, data centers and other large energy-intensive developments shall be made publicly available.

§ 3. This act shall take effect immediately.