

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:

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

3 § 5-338. Certain nondisclosure and confidentiality provisions void and
4 unenforceable. 1. Notwithstanding any other law to the contrary, any
5 provision in any contract or agreement which prohibits any party to the
6 contract or agreement from disclosing information relating to environ-
7 mental impacts, water usage, electrical demand, utility ratepayer
8 impacts, public infrastructure obligations, tax abatements or subsidies,
9 noise or land use impacts, or public health and safety concerns associ-
10 ated with the development, operation and/or siting of utility-scale
11 solar facilities, wind projects, battery energy storage systems, crypto-
12 currency mining facilities, AI computing facilities, data centers and
13 other large energy-intensive developments shall be void and unenforcea-
14 ble and against public policy. No agreement or contract entered into by
15 any parties in this state shall prohibit any resident, landowner, munic-
16 ipal official, consultant, contractor or any other affected party from
17 speaking publicly, attending and participating in public hearings,
18 communicating with the media, submitting comments to government agencies
19 or discussing any such project or its potential impacts.

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

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

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

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

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

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

17 § 28. Transparency regarding certain projects. All records, reports,
18 correspondence, agreements and contracts involving utilities, infras-
19 tructure upgrades, special rate arrangements or public subsidies associ-
20 ated with any actions or decisions by the commission relating to the
21 approval, siting, development, operation of utility-scale solar facili-
22 ties, wind projects, battery energy storage systems, cryptocurrency
23 mining facilities, AI computing facilities, data centers and other large
24 energy-intensive developments shall be made publicly available.

25 § 3. This act shall take effect immediately.