STATE OF NEW YORK

5890

2025-2026 Regular Sessions

IN ASSEMBLY

February 24, 2025

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

AN ACT to amend the state finance law, the general municipal law, the public authorities law and the highway law, in relation to awarding contracts for the purchase of rock salt or sodium chloride mined or hand harvested in Canada

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

Section 1. Section 162-a of the state finance law, as amended by chapter 72 of the laws of 2023, is amended to read as follows:

§ 162-a. The New York state buy **North** American salt act. 1. Use of **North** American materials. (a) Notwithstanding any other provision of law, when soliciting a contract for the purchase of rock salt or sodium chloride, any department or agency of the state may award such contract to the responsible and reliable bidder offering to supply rock salt or sodium chloride that is mined or hand harvested in the United States **or Canada**, and which offer is within ten percent of the lowest price or best value offer, rather than to the lowest responsible and reliable bidder.

(b) If it has been determined by a court or federal or state agency that any person intentionally:

(i) affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any rock salt, or sodium chloride product used in projects to which this section applies, sold in or shipped to the United States that was not mined or hand harvested in the United States[~~; or~~].

(ii) **affixed a label bearing a "Made in Canada" inscription, or any inscription with the same meaning, to any rock salt, or sodium chloride product used in projects to which this section applies, sold in or shipped to the United States that was not mined or hand harvested in Canada.**

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

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(iii) represented that any rock salt, or sodium chloride product procured in a contract to which this section applies that was not produced in the United States or Canada, was produced in the United States or Canada, respectively; then that person shall be ineligible to receive any contract or subcontract with this state pursuant to the debarment or suspension provisions provided under section one hundred thirty-nine-a of this chapter.

(c) This section shall be applied in a manner consistent with the state's obligations under any applicable international agreements pertaining to government procurement.

2. Definitions. For the purposes of this section, the following words shall have the following meanings unless specified otherwise:

(a) "Public agency" means a governmental entity as that term is defined in section one hundred thirty-nine-j of this chapter[~~:~~].

(b) "Mined or hand harvested in the United States" means: extracted or collected from land or ponds within the boundary of the United States, from the initial separation from the earth through the addition of any additives necessary for commercial sale[~~;~~].

(c) "United States" means the United States of America and includes all territory, continental or insular, subject to the jurisdiction of the United States.

(d) "Mined or hand harvested in Canada" means: extracted or collected from land or ponds within the boundary of Canada, from the initial separation from the earth through the addition of any additives necessary for commercial sale.

(e) "Canada" means Canada and includes all territory, continental or insular, subject to the jurisdiction of Canada.

§ 2. Section 104-d of the general municipal law, as amended by chapter 72 of the laws of 2023, is amended to read as follows:

§ 104-d. The New York state buy North American salt act. 1. Use of North American materials. (a) Notwithstanding any other provision of law, when soliciting a contract for the purchase of rock salt or sodium chloride, any department or agency of a political subdivision may award such contract to the responsible and reliable bidder offering to supply rock salt or sodium chloride that is mined or hand harvested in the United States or Canada, and which offer is within ten percent of the lowest price or best value offer, rather than to the lowest responsible and reliable bidder.

(b) If it has been determined by a court or federal or state agency that any person intentionally:

(i) affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any rock salt, or sodium chloride product used in projects to which this section applies, sold in or shipped to the United States that was not mined or hand harvested in the United States[~~; or~~].

(ii) affixed a label bearing a "Made in Canada" inscription, or any inscription with the same meaning, to any rock salt, or sodium chloride product used in projects to which this section applies, sold in or shipped to the United States that was not mined or hand harvested in Canada.

(iii) represented that any rock salt, or sodium chloride product procured in a contract to which this section applies that was not produced in the United States or Canada, was produced in the United States or Canada, respectively; then that person shall be ineligible to receive any contract or subcontract with this state pursuant to the

debarment or suspension provisions provided under section one hundred thirty-nine-a of the state finance law.

(c) This section shall be applied in a manner consistent with the state's obligations under any applicable international agreements pertaining to government procurement.

2. Definitions. For the purposes of this section, the following words shall have the following meanings unless specified otherwise:

(a) "Public agency" means a governmental entity as that term is defined in section one hundred thirty-nine-j of the state finance law[~~;~~].

(b) "Mined or hand harvested in the United States" means: extracted or collected from land or ponds within the boundary of the United States, from the initial separation from the earth through the addition of any additives necessary for commercial sale[~~;~~].

(c) "United States" means the United States of America and includes all territory, continental or insular, subject to the jurisdiction of the United States.

(d) "Mined or hand harvested in Canada" means: extracted or collected from land or ponds within the boundary of Canada, from the initial separation from the earth through the addition of any additives necessary for commercial sale.

(e) "Canada" means Canada and includes all territory, continental or insular, subject to the jurisdiction of Canada.

§ 3. Section 2877-a of the public authorities law, as amended by chapter 72 of the laws of 2023, is amended to read as follows:

§ 2877-a. The New York state buy **North** American salt act. 1. Use of **North** American materials. (a) Notwithstanding any other provision of law, when soliciting a contract for the purchase of rock salt or sodium chloride, any public authority may award such contract to the responsible and reliable bidder offering to supply rock salt or sodium chloride that is mined or hand harvested in the United States **or Canada**, and which offer is within ten percent of the lowest price or best value offer, rather than to the lowest responsible and reliable bidder.

(b) If it has been determined by a court or federal or state agency that any person intentionally:

(i) affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any rock salt, or sodium chloride product used in projects to which this section applies, sold in or shipped to the United States that was not mined or hand harvested in the United States[~~; or~~].

(ii) **affixed a label bearing a "Made in Canada" inscription, or any inscription with the same meaning, to any rock salt, or sodium chloride product used in projects to which this section applies, sold in or shipped to the United States that was not mined or hand harvested in Canada.**

(iii) represented that any rock salt, or sodium chloride product procured in a contract to which this section applies that was not produced in the United States **or Canada**, was produced in the United States **or Canada, respectively**; then that person shall be ineligible to receive any contract or subcontract with this state pursuant to the debarment or suspension provisions provided under section one hundred thirty-nine-a of the state finance law.

(c) This section shall be applied in a manner consistent with the state's obligations under any applicable international agreements pertaining to government procurement.

2. Definitions. For the purposes of this section, the following words shall have the following meanings unless specified otherwise:

(a) "Public authority" means a state, local or interstate authority as those terms are defined in section two of this chapter[~~;~~].

(b) "Mined or hand harvested in the United States" means: extracted or collected from land or ponds within the boundary of the United States, from the initial separation from the earth through the addition of any additives necessary for commercial sale[~~;~~].

(c) "United States" means the United States of America and includes all territory, continental or insular, subject to the jurisdiction of the United States.

(d) "Mined or hand harvested in Canada" means: extracted or collected from land or ponds within the boundary of Canada, from the initial separation from the earth through the addition of any additives necessary for commercial sale.

(e) "Canada" means Canada and includes all territory, continental or insular, subject to the jurisdiction of Canada.

§ 4. Section 12-a of the highway law, as amended by chapter 72 of the laws of 2023, is amended to read as follows:

§ 12-a. The New York state buy **North** American salt act. 1. Use of **North** American materials. (a) Notwithstanding any other provision of law, when soliciting a contract for the purchase of rock salt or sodium chloride, the commissioner of transportation may award such contract to the responsible and reliable bidder offering to supply rock salt or sodium chloride that is mined or hand harvested in the United States **or Canada**, and which offer is within ten percent of the lowest price or best value offer, rather than to the lowest responsible and reliable bidder.

(b) If it has been determined by a court or federal or state agency that any person intentionally:

(i) affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any rock salt, or sodium chloride product used in projects to which this section applies, sold in or shipped to the United States that was not mined or hand harvested in the United States[~~; or~~].

(ii) **affixed a label bearing a "Made in Canada" inscription, or any inscription with the same meaning, to any rock salt, or sodium chloride product used in projects to which this section applies, sold in or shipped to the United States that was not mined or hand harvested in Canada.**

(iii) represented that any rock salt, or sodium chloride product procured in a contract to which this section applies that was not produced in the United States **or Canada**, was produced in the United States **or Canada, respectively**; then that person shall be ineligible to receive any contract or subcontract with this state pursuant to the debarment or suspension provisions provided under section one hundred thirty-nine-a of the state finance law.

(c) This section shall be applied in a manner consistent with the state's obligations under any applicable international agreements pertaining to government procurement.

2. Definitions. For the purposes of this section, the following words shall have the following meanings unless specified otherwise:

(a) "Mined or hand harvested in the United States" means: extracted or collected from land or ponds within the boundary of the United States, from the initial separation from the earth through the addition of any additives necessary for commercial sale[~~;~~].

(b) "United States" means the United States of America and includes all territory, continental or insular, subject to the jurisdiction of the United States.

(c) "Mined or hand harvested in Canada" means: extracted or collected from land or ponds within the boundary of Canada, from the initial separation from the earth through the addition of any additives necessary for commercial sale.

(d) "Canada" means Canada and includes all territory, continental or insular, subject to the jurisdiction of Canada.

§ 5. This act shall take effect immediately.