

STATE OF NEW YORK

6995

2025-2026 Regular Sessions

IN ASSEMBLY

March 18, 2025

Introduced by M. of A. TAPIA -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to enacting the "public benefits privacy act"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "public benefits privacy act".

3 § 2. The social services law is amended by adding a new section 136-b
4 to read as follows:

5 § 136-b. Privacy protections for public benefits recipients. 1. No
6 state agency, local social services district, or entity administering
7 public assistance benefits shall inquire about, collect, maintain, or
8 disclose an applicant's or recipient's immigration status unless such
9 information is explicitly required by state or federal law for the
10 determination of eligibility for such public assistance benefits.

11 2. Immigration status or personally identifiable information obtained
12 in the administration of public assistance benefits shall not be
13 disclosed to any federal, state, or local agency for the purpose of
14 civil immigration enforcement.

15 3. Any information related to an applicant's or recipient's eligibil-
16 ity for public assistance benefits shall be securely stored and
17 protected from unauthorized access. The office of temporary and disabil-
18 ity assistance shall establish security protocols, including but not
19 limited to encryption and restricted access policies, to ensure compli-
20 ance with this section.

21 4. No individual shall be denied access to public assistance benefits
22 or services due to their refusal to disclose their immigration status,
23 except where such disclosure is explicitly required by law.

24 5. Any state or local agency employee who knowingly violates the
25 provisions of this section by unlawfully inquiring about or disclosing

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

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1 immigration status information shall be subject to disciplinary action,
2 including termination, and may be subject to civil penalties as
3 prescribed by law.

4 6. The office of temporary and disability assistance shall promulgate
5 rules and/or regulations to implement this section within one hundred
6 eighty days of the effective date of this section, and shall provide an
7 annual report to the legislature including compliance with, and any
8 complaints received regarding violations of, this section.

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

17 § 3. This act shall take effect immediately.