STATE OF NEW YORK

8999

2025-2026 Regular Sessions

IN ASSEMBLY

August 13, 2025

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

AN ACT to amend the public health law, in relation to wage parity compensation and prohibiting the substitution of mandatory benefits

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

Section 1. Section 3614-c of the public health law is amended by adding a new subdivision 7-b to read as follows:

7-b. (a) Notwithstanding any other provision of law or regulation, any compensation paid pursuant to this section to satisfy wage parity requirements shall be paid directly to the employee in the form of cash wages unless the employee affirmatively elects, in writing, to receive part or all of such compensation in the form of supplemental benefits.

(b) No covered entity, including but not limited to a fiscal intermediary, contractor, or subcontractor under the consumer directed personal assistance program (CDPAP) established pursuant to section three hundred sixty-five-f of the social services law, shall substitute supplemental benefits, including health insurance or debit card arrangements, for wage parity compensation unless:

(i) the employee voluntarily and affirmatively opts in to such benefit or benefits in writing;

(ii) the employee is provided a plain-language notice in such employee's primary language describing:

(1) the exact monetary value of each benefit;

(2) the scope and limitations of such benefits;

(3) the right to receive the entire amount as cash instead;

(4) the procedures for opting in or out at any time; and

(iii) the employee retains the right to opt out of any such benefit and revert to cash compensation at any time upon reasonable written notice.

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

LBD13535-02-5

(c) No employee shall be automatically enrolled or required to remain enrolled in any non-cash benefit plan as a condition of employment or participation in the CDPAP established pursuant to section three hundred sixty-five-f of the social services law or any other home care program subject to this section.

(d) Any deduction from wages for the purpose of funding benefit plans or other non-cash compensation, without the employee's explicit written and revocable consent, shall constitute an unlawful wage deduction under article six of the labor law.

(e) The office of the attorney general shall have the authority to investigate and enforce the provisions of this subdivision, and may impose additional civil penalties as deemed appropriate.

(f) The department of health and department of labor shall jointly promulgate regulations to enforce this subdivision, ensure compliance, and implement employee reporting, audit, and corrective mechanisms.

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

§ 3. This act shall take effect immediately.