STATE OF NEW YORK

1086--D

2025-2026 Regular Sessions

IN SENATE

January 8, 2025

Introduced by Sens. RIVERA, BAILEY, BRISPORT, BROUK, CLEARE, COMRIE, COONEY, FAHY, GONZALEZ, JACKSON, KAVANAGH, LIU, MAY, PARKER, RAMOS, SALAZAR, SEPULVEDA, SERRANO, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil rights law, the public officers law, the tax law, the general obligations law, the education law, the alcoholic beverage control law, the general city law, the general business law, the labor law and the judiciary law, in relation to enacting the empire state licensing act; and to repeal certain provisions of the education law, the alcoholic beverage control law and the public health law relating thereto

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

Section 1. Short title. This act shall be known and may be cited as the "empire state licensing act".

§ 2. The civil rights law is amended by adding a new article 4-D to read as follows:

ARTICLE 4-D

RIGHTS OF IMMIGRANTS IN LICENSING

Section 49. Definitions.

49-a. Nondiscrimination based on citizenship or immigration status.

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

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49-b. Application; confidentiality.

§ 49. Definitions. When used in this article, unless the context requires otherwise:

1. "License" shall mean any state or local government issued professional, occupational, commercial, or business license, registration, permit, certificate, or any other state or local government issued permission to operate in New York state.

2. "Issuing entity" shall mean any state or local government department, board, bureau, commission, or other public entity that issues licenses, permits, certificates or any other state or local government issued permission to operate.

§ 49-a. Nondiscrimination based on citizenship or immigration status. 1. Notwithstanding any other provision of law to the contrary, no otherwise qualified applicant for a license or renewal thereof, shall be denied to any individual or entity based on the immigration or citizenship status of such applicant.

2. Any existing requirement based on United States citizenship or permanent residence shall be deemed null and void for the issuing or renewal of a license, as defined in section forty-nine of this article.

3. No issuing entity shall inquire into, request or require proof of an applicant's citizenship, lawful immigration status, country of birth or national origin.

4. If an issuing entity does not currently have a policy in place for reviewing and analyzing relevant experience obtained in the United States or abroad, such issuing entity shall create a policy for evaluating experience for substantial equivalency to existing requirements in a relevant field. Provided, however, that such policy shall be available to the public and posted on the entity's website, if any.

5. When English-language proficiency is determined to not be necessary by an issuing entity to issue or maintain a license, the application process, including any related examination under the issuing entity, shall be made accessible in an applicant's primary language.

§ 49-b. Application; confidentiality. 1. Every issuing entity shall create and/or maintain processes for the protection from disclosure of identifying information for any purpose other than those required by law, and to comply with the confidentiality requirements herein.

2. The issuing entity shall not retain originals or copies of any documents that may be probative of an applicant's place of birth, including, but not limited to, an applicant's birth certificate, consular identification card, passport, social security card, or individual taxpayer identification number card, for longer than the time needed to review the application. Nothing in this subdivision shall prevent the issuing or registering entity from retaining documents where such documents are required by law to be preserved for the purposes of litigation.

3. The issuing entity shall not disclose information or documents collected that may be probative of an applicant's place of birth, including, but not limited to, country of passport issuance, birth certificate, consular identification card, passport, social security number or social security card, or individual taxpayer identification number or individual taxpayer identification card unless such disclosure is:

(a) authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by such individual's parent or legal guardian; or

(b) necessary to comply with a lawful court order, judicial warrant signed by a judge appointed pursuant to article III of the United States constitution, or properly-issued subpoena.

4. To the extent disclosure of confidential information or documents to another state entity is required pursuant to state law, such information and/or documents shall be treated as confidential and not further disclosed by the receiving entity, consistent with the requirements of subdivision three of this section.

5. All issuing entities, and any other state entity that may subsequently receive confidential information and/or documents, shall ensure any information and/or documents that are stored electronically, including but not limited to in databases, shall be compliant with the provisions of subdivision two of this section. Passive electronic access to confidential information and/or documents by external individuals or entities, when disclosure is not otherwise permitted pursuant to subdivision two of this section, shall constitute an unlawful disclosure.

6. Whenever disclosure is permitted pursuant to court order, warrant, or subpoena, the issuing entity shall provide the individual to whom the information and/or documents pertain with a copy of the court order, warrant, or subpoena within three business days of its receipt. Only such information or documents specifically sought pursuant to such court order, warrant, or subpoena shall be disclosed.

§ 3. Subparagraphs vii and viii of paragraph (b) of subdivision 2 of section 89 of the public officers law, as amended by section 2 of part GGG of chapter 59 of the laws of 2019, are amended to read as follows:

vii. disclosure of electronic contact information, such as an e-mail address or a social network username, that has been collected from a taxpayer under section one hundred four of the real property tax law; [~~or~~]

viii. disclosure of law enforcement arrest or booking photographs of an individual, unless public release of such photographs will serve a specific law enforcement purpose and disclosure is not precluded by any state or federal laws; or

ix. disclosure of information obtained through application for any state or local government issued professional, occupational, commercial, or business license, registration, permit, certificate, or any other state or local government issued permission to operate in New York.

§ 4. Subdivision 2 and subparagraph 3 of paragraph (a) of subdivision 3 of section 5 of the tax law, as amended by chapter 170 of the laws of 1994, are amended to read as follows:

2. Requiring information. Notwithstanding any other provision of law, every covered agency shall, as part of the procedure for granting, renewing, amending, supplementing or restating the license of any person or at the time the covered agency contracts to purchase or purchases goods or services or leases real or personal property from any person, require that each such person provide to the covered agency such person's federal social security account number [~~or~~], federal employer identification number, or [~~both such numbers when such person has both such numbers, or, where such person does not have such number or numbers, the reason or reasons why such person does not have such number or numbers~~] the federal individual taxpayer identification number. Such numbers [~~or reasons~~] shall be obtained by such covered agency as part of the administration of the taxes administered by the commissioner for the purpose of establishing the identification of persons affected by such taxes.

(3) federal social security account number [~~or~~], federal employer identification number, or [~~both such numbers where such person has both such numbers, or the reason or reasons, furnished by such person, why such person does not have such number or numbers~~] **the federal individual taxpayer identification number**.

§ 5. Subdivision 2 of section 3-503 of the general obligations law, as amended by chapter 398 of the laws of 1997, is amended to read as follows:

2. Every applicant for a license or renewal thereof shall provide [~~his or her~~] **their** social security number **or federal individual taxpayer identification number** on the application. Additionally, every applicant for a license or renewal thereof shall certify in the application in a written statement under oath, duly sworn and subscribed, that as of the date the application is filed [~~he or she~~] **such applicant** is (or is not) under obligation to pay child support and that if [~~he or she is~~] **they are** under such an obligation, that [~~he or she~~] **such applicant** does (or does not) meet one of the following requirements:

a. [~~he or she~~] **the applicant** is not four months or more in arrears in the payment of child support; or

b. [~~he or she~~] **the applicant** is making payments by income execution or by court agreed payment or repayment plan or by plan agreed to by the parties; or

c. the child support obligation is the subject of a pending court proceeding; or

d. [~~he or she~~] **the applicant** is receiving public assistance or supplemental security income.

§ 6. Paragraph (f) of subdivision 6 of section 6506 of the education law is REPEALED.

§ 7. Subdivision 6 of section 6524 of the education law is REPEALED.

§ 8. Paragraph 1 of subdivision 1 of section 6525 of the education law, as amended by chapter 133 of the laws of 1982, is amended to read as follows:

(1) A person who fulfills all requirements for a license as a physician except those relating to the examination [~~and citizenship or permanent residence in the United States~~];

§ 9. The opening paragraph of subdivision (a) of section 6528 of the education law, as amended by chapter 122 of the laws of 1975, is amended to read as follows:

Notwithstanding any other provisions of this article or any law to the contrary, an individual who at the time of [~~his~~] **their** enrollment in a medical school outside the United States is a resident of the United States shall be eligible for licensure in this state if [~~he~~] **such individual** has satisfied the requirements of subdivisions one, five, [~~six,~~] seven and eight of section sixty-five hundred twenty-four of this [~~chapter~~] **article** and:

§ 10. Subdivision 6 of section 6554 of the education law is REPEALED.

§ 11. Subdivision 6 of section 6604 of the education law is REPEALED.

§ 12. Subdivision 7 of section 6604-b of the education law is REPEALED.

§ 13. Subdivision 6 of section 6609 of the education law is REPEALED.

§ 14. Subdivision 6 of section 6704 of the education law is REPEALED.

§ 15. Paragraph 1 of subdivision 1 of section 6707 of the education law, as amended by chapter 133 of the laws of 1982, is amended to read as follows:

(1) A person who fulfills all requirements for a license as a veterinarian except those relating to the examination [~~and citizenship or permanent residence in the United States~~];

§ 16. Subdivision 6 of section 6711 of the education law is REPEALED.

§ 17. Subdivision 1 of section 6711-a of the education law, as amended by chapter 333 of the laws of 1990, is amended to read as follows:

1. Eligibility. Persons shall be eligible for a limited permit who fulfill all requirements for a license as a veterinary technician except those relating to the examination [~~and citizenship or permanent residence in the United States~~].

§ 18. Paragraph 6 of subdivision 1 of section 6805 of the education law is REPEALED.

§ 19. Subdivision 6 of section 6905 of the education law is REPEALED.

§ 20. Subdivision 6 of section 6906 of the education law is REPEALED.

§ 21. Subdivision 6 of section 6955 of the education law is REPEALED.

§ 22. Section 6956 of the education law, as amended by chapter 216 of the laws of 1994, is amended to read as follows:

§ 6956. Prior nurse-midwifery certification. Any individual who is certified as a nurse-midwife [~~pursuant to section twenty-five hundred sixty of the public health law~~] before June first, nineteen hundred ninety-six, shall be deemed to be licensed as a midwife under this article; provided that each such certified nurse-midwife shall, prior to that date, submit evidence of such certification to the department together with the appropriate fee required by subdivision seven of section sixty-nine hundred fifty-five of this article. Any individual certified as a nurse-midwife [~~pursuant to section twenty-five hundred sixty of the public health law~~] (i) may practice under that section until it is repealed, but (ii) shall not practice pursuant to this article until after receiving approval from the commissioner and submitting the fee required by subdivision seven of section sixty-nine hundred fifty-five of this article.

§ 23. Subdivision 6 of section 7004 of the education law is REPEALED.

§ 24. Subdivision 6 of section 7104 of the education law is REPEALED.

§ 25. Paragraph 6 of subdivision a of section 7124 of the education law is REPEALED.

§ 26. Paragraph 6 of subdivision 1 of section 7206 of the education law is REPEALED.

§ 27. Paragraph 6 of subdivision 1 of section 7206-a of the education law is REPEALED.

§ 28. Paragraph 6 of subdivision 1 of section 7304 of the education law is REPEALED.

§ 29. Paragraph 6 of subdivision 1 of section 7324 of the education law is REPEALED.

§ 30. Paragraph 6 of subdivision 1 of section 7404 of the education law is REPEALED.

§ 31. Paragraph 6 of subdivision 1 of section 7504 of the education law is REPEALED.

§ 32. Subdivision 6 of section 7603 of the education law is REPEALED.

§ 33. Subdivision 5 of section 7804 of the education law is REPEALED.

§ 34. Subdivision 1 of section 7806 of the education law, as amended by chapter 230 of the laws of 1997, is amended to read as follows:

1. The department may issue a limited permit to practice massage therapy as a licensed massage therapist, masseur or masseuse to a person who has not previously held such a permit and who fulfills all except the examination [~~and citizenship~~] requirements for a license, provided

however that a permit shall not be issued to a person who has failed the state licensing examination.

§ 35. Subdivision 6 of section 7904 of the education law is REPEALED.

§ 36. Paragraph (f) of subdivision 1 of section 8305 of the education law is REPEALED.

§ 37. Paragraph (a) of subdivision 1 of section 110 of the alcoholic beverage control law, as amended by chapter 114 of the laws of 2000, is amended to read as follows:

(a) A statement of identity as follows:

(i) If the applicant is an individual, [~~his~~] **such applicant's** name, date [~~and place~~] of birth, [~~citizenship,~~] permanent home address, telephone number and social security number **or individual taxpayer identification number**, as well as any other names by which [~~he~~] **such applicant** has conducted a business at any time.

(ii) If the applicant is a corporation, the corporate name of the applicant, its place of incorporation, its main business address (and if such main business address is not within the state, the address of its main place of business within the state), other names by which it has been known or has conducted business at any time, its telephone number, its federal employer identification number, and the names, ages, [~~citizenship,~~] and permanent home addresses of its directors, officers and its shareholders (except that if there be more than ten shareholders then those shareholders holding ten percent or more of any class of its shares).

(iii) If the applicant is a partnership, its name, its main business address (and if such main business address is not within the state, the address of its main place of business within the state), other names by which it has been known or has conducted business at any time, its telephone number, its federal employer identification number, and the names, ages, [~~citizenship,~~] and permanent home addresses of each of its partners.

§ 38. Subdivision 3 of section 126 of the alcoholic beverage control law is REPEALED.

§ 39. Subdivision 4 of section 126 of the alcoholic beverage control law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

4. A copartnership or a corporation, unless each member of the partnership, or each of the principal officers and directors of the corporation, is [~~a citizen of the United States or a noncitizen lawfully admitted for permanent residence in the United States,~~] not less than twenty-one years of age[~~,~~] and has not been convicted of any felony or any of the misdemeanors, specified in section eleven hundred forty-six of the former penal law as in force and effect immediately prior to September first, nineteen hundred sixty-seven, or of an offense defined in section 230.20 or 230.40 of the penal law, or if so convicted has received, subsequent to such conviction, an executive pardon therefor removing this disability a certificate of good conduct granted by the department of corrections and community supervision, or a certificate of relief from disabilities granted by the department of corrections and community supervision or a court of this state pursuant to the provisions of article twenty-three of the correction law to remove the disability under this section because of such conviction; provided however [~~that a corporation which otherwise conforms to the requirements of this section and chapter may be licensed if each of its principal officers and more than one-half of its directors are citizens of the United States or noncitizens lawfully admitted for permanent residence~~

~~in the United States; and provided further~~] that a corporation organized under the not-for-profit corporation law or the education law which otherwise conforms to the requirements of this section and chapter may be licensed if each of its principal officers and more than one-half of its directors are not less than twenty-one years of age and none of its directors are less than eighteen years of age; and provided further that a corporation organized under the not-for-profit corporation law or the education law and located on the premises of a college as defined by section two of the education law which otherwise conforms to the requirements of this section and chapter may be licensed if each of its principal officers and each of its directors are not less than eighteen years of age.

§ 40. Section 10 of the general city law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

§ 10. Licenses to adult blind persons. The mayor of any city shall have the power to issue a license to any adult blind person for the vending of goods, or newspapers in such places as [~~he or she~~] **such mayor** may set aside for this purpose. The license shall be issued for a term of one year and no charge shall be made for the license. A license shall not be issued to a blind person unless [~~he or she~~] **such person** is a resident for three years in the city in which application for such license is made [~~and is a citizen of the United States or a noncitizen lawfully admitted for permanent residence in the United States~~].

This license shall be revocable only for cause.

§ 41. Paragraph (a) of subdivision 2 of section 3421 of the public health law is REPEALED.

§ 42. Section 41 of the general business law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

§ 41. Licenses, how obtained; penalty for carrying on business without license. The mayor or such local licensing authority may from time to time grant, under [~~his or her~~] **their** hand and the official seal of [~~his or her~~] **their** office, to such [~~citizens, or noncitizens lawfully admitted for permanent residence in the United States,~~] **people** as [~~he or she~~] **such mayor or local licensing authority** shall deem proper and who shall produce to [~~him~~] **such mayor or local licensing authority** satisfactory evidence of their good character, a license authorizing such person to carry on the business of a collateral loan broker, which license shall designate the house in which such person shall carry on said business, and no person, corporation, partnership or firm shall carry on the business of a collateral loan broker without being duly licensed, nor in any other house than the one designated in said license, under a penalty of one hundred dollars for each day [~~he or they~~] **such person, corporation, partnership or firm** shall exercise or carry on said business without such license or at any other house than the one so designated. Any person receiving such license shall pay therefor the sum of five hundred dollars for the use of the city yearly where such business is to be conducted in a city with a population of more than one million persons, and where the business is to be conducted elsewhere the fee for such license shall not exceed two hundred fifty dollars yearly, and every such license shall expire one year from the date thereof, and may be renewed on application to the mayor or local licensing authority each and every year on payment of the same sum and upon performance of the other conditions herein contained. Every person so licensed shall, at the time of receiving such license, file with the mayor or such local licensing authority granting the same a bond to the local authorities, to be executed by the person so licensed and by two responsible sure-

ties, in the penal sum of ten thousand dollars, to be approved by such mayor or local licensing authority, which bond shall be conditioned for the faithful performance of the duties and obligations pertaining to the business so licensed, and the mayor or such local licensing authority shall have full power and authority to revoke such license for cause.

§ 43. Subdivision 1 of section 341 of the labor law, as amended by chapter 461 of the laws of 2006, is amended to read as follows:

1. No manufacturer or contractor shall engage in the apparel industry unless [~~he or she~~] **such manufacturer or contractor** registers with the commissioner, in writing, on a form provided by the commissioner, which shall contain the following information: whether it is a sole proprietorship, partnership or corporation, its name, address and number of production employees, the name, home address and social security number **or individual taxpayer identification number** of each owner or partner, or if the registrant is a corporation, no shares of which are listed on a national securities exchange or regularly quoted in an over-the-counter market by one or more members of a national or an affiliated securities association, of each officer and of each of the ten largest shareholders thereof, how long it has been in business, its tax identification number, whether it is a manufacturer or contractor, the name and address of each person with a financial interest in the manufacturer's or contractor's business and the amount of that interest, except that if the manufacturer or contractor is a publicly-traded corporation, only the names and addresses of the corporation officers shall be required, whether it is in contractual relations with a labor organization and, if so, the name and address of such labor organization, a statement as to whether the registrant or any owner of or partner in, or if the registrant is a corporation, no shares of which are listed on a national securities exchange or regularly quoted in an over-the-counter market by one or more members of a national or an affiliated securities association, any officer or any of the ten largest shareholders thereof has, within the last three years, been found by any court or administrative body to have violated this chapter and, if so, the nature and date of such violation and, if the registrant is a contractor, whether that contractor subcontracts the cutting or sewing of apparel or sections or components thereof. Such registration form shall also require that each owner or partner, or if the registrant is a corporation, then each officer, submit photographic proof of identity. Divisions, subsidiary corporations or related companies may, at the option of the manufacturer or contractor, be named and included under one omnibus registration. Such registration shall be filed on or before January fifteenth of each year. The commissioner shall issue a certificate of registration, which shall be effective for a period of twelve months, upon receipt of a completed registration form accompanied by the requisite photographic proof of identity and documentation that such manufacturer or contractor has paid any surety bond required pursuant to subdivision eight of section three hundred forty-five of this article and that a workers' compensation insurance policy is in effect for the registrant's production employees working in New York state. The initial registration fee shall be two hundred dollars and each subsequent annual renewal registration fee shall be one hundred fifty dollars. With respect to new employers, such registration shall be filed upon the commencement of manufacturing or contracting in the apparel industry and shall be effective until the following January fifteenth. The commissioner may pro rate the initial annual registration fee in such instances.

§ 44. Section 460 of the judiciary law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

§ 460. Examination and admission of attorneys. An applicant for admission to practice as an attorney or counsellor in this state, must be examined and licensed to practice as prescribed in this chapter and in the rules of the court of appeals. Race, creed, color, national origin, noncitizen status [~~or~~], sex **or federal immigration status** shall constitute no cause for refusing any person examination or admission to practice.

§ 45. Severability. If any provision of this act, or any application of any provision of this act, is held to be invalid, that shall not affect the validity or effectiveness of any other provision of this act, or of any other application of any provision of this act, which can be given effect without that provision or application; and to that end, the provisions and applications of this act are severable.

§ 46. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.