STATE OF NEW YORK

9814

IN SENATE

April 6, 2026

Introduced by Sen. BRISPORT -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to requiring delivery network company workers have access to paid sick leave

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

Section 1. Subdivision 2 of section 190 of the labor law, as amended by chapter 391 of the laws of 2024, is amended to read as follows:

2. "Employee" means any person employed for hire by an employer in any employment, but with respect to the entirety of this article, except sections one hundred ninety-three, one hundred ninety-six-b, one hundred ninety-eight, and one hundred ninety-eight-b, shall not include any person who has entered into a contract to play baseball at the minor league level and who is compensated pursuant to the terms of a collective bargaining agreement that expressly provides for the wages, hours of work, and working conditions of employees. **For the purposes of section one hundred ninety-six-b of this article, "employee" shall include a delivery network company worker, which shall mean an individual who has entered into an agreement with a delivery network company, as defined in subdivision three of this section, to pick up and deliver delivery network company orders for compensation.**

§ 2. Subdivision 3 of section 190 of the labor law, as amended by chapter 281 of the laws of 2002, is amended to read as follows:

3. "Employer" includes any person, corporation, limited liability company, or association employing any individual in any occupation, industry, trade, business or service. The term "employer" shall not include a governmental agency. **For the purposes of section one hundred ninety-six-b of this article, the employer of a delivery network company worker, as defined in subdivision two of this section, shall be a delivery network company, which shall mean a person, corporation, partnership, sole proprietorship, or other entity that is operating in New York state exclusively using a digital network to connect delivery network company customers with delivery network company workers who provide delivery for orders of products made via a digital network, but shall**

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

LBD14087-01-5

not include (i) a transportation network company, as defined by section sixteen hundred ninety-one of the vehicle and traffic law; or (ii) a restaurant, or restaurant chain, that enables customers to place orders for food using a digital network that was created specifically for use by customers of such restaurant or restaurant chain.

§ 3. This act shall take effect immediately.