*** § 103-h. Restriction on purchasing certain technology which poses a security threat.** 1. (a) Notwithstanding any inconsistent provision of law a political subdivision shall not enter into or renew any contract or agreement to procure technology, including hardware, systems, devices, software, or services that include embedded or incidental information technology, which are prohibited from federal procurement pursuant to section 889 of Public Law 115-232 of 2018, or which are included on the list created pursuant to subdivision two of section one hundred sixty-three-e of the state finance law.

(b) The term "technology" shall have the same meaning as such term is defined in subdivision ten of section one hundred sixty of the state finance law.

2. The office of information technology services, in collaboration with the division of homeland security and emergency services, the office of general services, the division of military and naval affairs, and the chief cyber officer, may provide a waiver from this section if:

(a) any such entity determines the waiver is in the interest of the political subdivision;

(b) no compliant product or service is available to be procured as, and when, needed at United States market prices or a price that is not considered prohibitively expensive; and

(c) such waiver could not reasonably be expected to compromise the security or integrity of a computer network operated by an instrumentality of the state.

(d) Any political subdivision seeking a waiver from any federal agency authorized under section 889 of Public Law 115-232 of 2018 must provide notice of any such waiver granted to the office of information technology services within thirty days of waiver approval.

3. Nothing in this section shall be construed:

(a) to require any technology resident in equipment, systems, or services as of the day before the effective date of this section to be removed or replaced;

(b) to prohibit or limit the utilization of such technology throughout the lifecycle of such existing equipment; or

(c) to require the recipient of a state contract, grant, loan, or loan

guarantee to replace technology resident in equipment, systems, or services before the effective date of this section.

* NB Effective December 19, 2027