

**FY 2019 NEW YORK STATE EXECUTIVE BUDGET  
WOMEN'S AGENDA  
ARTICLE VII LEGISLATION**

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Legislative Bill Drafting Commission  
12676-01-8

S.               -----  
                  Senate  
                  -----

IN SENATE--Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

----- A.  
Assembly  
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IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the  
Committee on

**\*BUDGBI\***

(Enacts into law major components of  
legislation necessary to implement  
the women's agenda)

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BUDGBI. WA Executive

**AN ACT**

to amend the insurance law, the  
social services law, the education  
law and the public health law, in  
relation to requiring health insur-  
ance policies to include coverage of  
all FDA-approved contraceptive  
drugs, devices, and products, as  
well as voluntary sterilization  
procedures, contraceptive education  
and counseling, and related follow  
up services and prohibiting a health  
insurance policy from imposing any  
cost-sharing requirements or other

**IN SENATE**

**Senate introducer's signature**

The senators whose names are circled below wish to join me in the sponsorship  
of this proposal:

s15 Addabbo	s03 Croci	s27 Hoylman	s25 Montgomery	s23 Savino
s52 Akshar	s50 DeFrancisco	s60 Jacobs	s40 Murphy	s41 Serino
s31 Alcantara	s18 Dilan	s09 Kaminsky	s58 O'Mara	s29 Serrano
s46 Amedore	s17 Felder	s26 Kavanagh	s62 Ortt	s51 Seward
s11 Avella	s02 Flanagan	s63 Kennedy	s21 Parker	s16 Stavisky
s36 Bailey	s55 Funke	s34 Klein	s13 Peralta	s35 Stewart-
s30 Benjamin	s59 Gullivan	s28 Krueger	s19 Persaud	Cousins
s42 Bonacic	s12 Gianaris	s24 Lanza	s07 Phillips	s49 Tedisco
s04 Boyle	s22 Golden	s39 Larkin	s61 Ranzenhofer	s53 Valesky
s44 Breslin	s47 Griffo	s01 LaValle	s48 Ritchie	s57 Young
s08 Brooks	s20 Hamilton	s45 Little	s33 Rivera	s32
s38 Carlucci	s06 Hannon	s05 Marcellino	s56 Robach	s37
s14 Comrie	s54 Helming	s43 Marchione	s10 Sanders	

**IN ASSEMBLY**

**Assembly introducer's signature**

The Members of the Assembly whose names are circled below wish to join me in the  
multi-sponsorship of this proposal:

a049 Abbate	a034 DenDekker	a135 Johns	a091 Otis	a022 Solages
a092 Abinanti	a070 Dickens	a115 Jones	a132 Palmesano	a114 Stec
a084 Arroyo	a054 Dilan	a077 Joyner	a002 Palumbo	a110 Steck
a035 Aubry	a081 Dinowitz	a040 Kim	a088 Paulin	a127 Stirpe
a120 Barclay	a147 DiPietro	a131 Kolb	a009 Pellegrino	a071 Taylor
a030 Barnwell	a016 D'Urso	a105 Lalor	a141 Peoples-	a001 Thiele
a106 Barrett	a004 Englebright	a013 Lavine	Stokes	a061 Titone
a060 Barron	a133 Errigo	a134 Lawrence	a058 Perry	a031 Titus
a082 Benedetto	a109 Fahy	a050 Lentol	a023 Pheffer	a033 Vanel
a042 Bichotte	a126 Finch	a125 Lifton	Amato	a055 Walker
a079 Blake	a008 Fitzpatrick	a123 Lupardo	a086 Pichardo	a143 Wallace
a117 Blankenbush	a124 Friend	a121 Magee	a089 Pretlow	a112 Walsh
a098 Brabenec	a095 Galef	a129 Magnarelli	a073 Quart	a146 Walter
a026 Braunstein	a137 Gantt	a064 Malliotakis	a019 Ra	a041 Weinstein
a119 Brindisi	a007 Garbarino	a090 Mayer	a012 Raia	a024 Weprin
a138 Bronson	a148 Giglio	a108 McDonald	a006 Ramos	a059 Williams
a093 Buchwald	a066 Glick	a014 McDonough	a043 Richardson	a113 Woerner
a118 Butler	a150 Goodell	a101 Miller, B.	a078 Rivera	a056 Wright
a094 Byrne	a075 Gottfried	a038 Miller, M.G.	a068 Rodriguez	a096 Zebrowski
a103 Cahill	a100 Gunther	a020 Miller, M.L.	a027 Rosenthal, D.	a005
a044 Carroll	a046 Harris	a015 Montesano	a067 Rosenthal, L.	a010
a062 Castorina	a139 Hawley	a136 Morelle	a025 Rozic	a017
a047 Colton	a083 Heastie	a145 Morinello	a149 Ryan	a039
a032 Cook	a028 Hevesi	a057 Mosley	a111 Santabarbara	a074
a085 Crespo	a048 Hikind	a003 Murray	a140 Schimminger	a080
a122 Crouch	a018 Hooper	a065 Niou	a076 Seawright	a102
a021 Curran	a128 Hunter	a037 Nolan	a087 Sepulveda	a107
a063 Cusick	a029 Hyndman	a144 Norris	a052 Simon	a142
a045 Cymbrowitz	a097 Jaffee	a130 Oaks	a036 Simotas	
a053 Davila	a011 Jean-Pierre	a069 O'Donnell	a104 Skartados	
a072 De La Rosa	a116 Jenne	a051 Ortiz	a099 Skoufis	

1) Single House Bill (introduced and printed separately in either or  
both houses). Uni-Bill (introduced simultaneously in both houses and printed  
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2  
signed copies of bill and 4 copies of memorandum in support (single house);  
or 4 signed copies of bill and 8 copies of memorandum  
in support (uni-bill).

restrictions or delays with respect to this coverage (Part A); to amend the penal law, the criminal procedure law, the county law and the judiciary law, in relation to abortion; to repeal certain provisions of the public health law relating to abortion; to repeal certain provisions of the education law relating to the sale of contraceptives; and to repeal certain provisions of the penal law relating to abortion (Part B); to amend the public health law, in relation to establishing a maternal mortality review board (Part C); to amend the education law, in relation to appointees to the state board for medicine (Part D); to amend the penal law and the criminal procedure law, in relation to the possession of weapons by domestic violence offenders; and to repeal section 530.14 of the criminal procedure law and section 842-a of the family court act relating thereto (Part E); to amend the penal law, in relation to establishing the new crimes of sexual extortion in the first, second and third degrees; to amend the family court act and the criminal procedure law, in relation to adding unlawful publication of sexual images and sexual extortion as crimes over which family courts and criminal courts have concurrent jurisdiction in certain circumstances; to amend the penal law, in relation to establishing the new crime of unlawful publication of sexual images (Part F); to amend the public health law, in relation to extending the time of storage of forensic rape kits by hospitals; and repealing certain provisions of such law relating thereto (Part G); to amend the executive law, in relation to expanding the scope of unlawful discriminatory practices to include public educational institutions (Part H); to amend the state finance law, in relation to requiring contractors that do business with the state to annually report the number of sexual harassment violations (Subpart A); to amend the

general business law, in relation to discrimination based upon sexual harassment (Subpart B); to amend the executive law and the public officers law, in relation to individual liability for sexual harassment (Subpart C); to amend the executive law and the general municipal law, in relation to the entering of confidential settlements (Subpart D); to amend the public officers law and the executive law, in relation to sexual harassment violations and establishing a unit to receive and investigate such claims (Subpart E); and to amend the executive law, the legislative law, the judiciary law, the general municipal law and the public authorities law, in relation to uniform standards for sexual harassment policies for all branches of state and local governments (Subpart F) (Part I); relating to the creation of computer science education standards (Part J); to amend the education law, in relation to the creation of the "Be Aware, Be Informed" awareness, prevention and education program (Part K); to amend the public health law, in relation to providing feminine hygiene products in public schools (Part L); and to amend the executive law, in relation to standards requiring assembly group A occupancies and mercantile group M occupancies to have diaper changing stations available for use by both male and female occupants (Part M)

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

1 Section 1. This act enacts into law major components of legislation  
2 relating to the Women's Agenda. Each component is wholly contained with-  
3 in a Part identified as Parts A through M. The effective date for each  
4 particular provision contained within such Part is set forth in the last  
5 section of such Part. Any provision in any section contained within a  
6 Part, including the effective date of the Part, which makes a reference  
7 to a section "of this act", when used in connection with that particular  
8 component, shall be deemed to mean and refer to the corresponding  
9 section of the Part in which it is found. Section three of this act sets  
10 forth the general effective date of this act.

11 PART A

12 Section 1. Paragraph 16 of subsection (1) of section 3221 of the  
13 insurance law, as added by chapter 554 of the laws of 2002, is amended  
14 to read as follows:

15 (16) (A) Every group or blanket policy [which provides coverage for  
16 prescription drugs shall include coverage for the cost of contraceptive  
17 drugs or devices approved by the federal food and drug administration or  
18 generic equivalents approved as substitutes by such food and drug admin-  
19 istration under the prescription of a health care provider legally  
20 authorized to prescribe under title eight of the education law. The  
21 coverage required by this section shall be included in policies and  
22 certificates only through the addition of a rider.

23 (A)] that is issued, amended, renewed, effective or delivered on or  
24 after January first, two thousand nineteen, shall provide coverage for  
25 all of the following services and contraceptive methods:

1     (1) All FDA-approved contraceptive drugs, devices, and other products.  
2     This includes all FDA-approved over-the-counter contraceptive drugs,  
3     devices, and products as prescribed or as otherwise authorized under  
4     state or federal law. The following applies to this coverage:

5     (a) where the FDA has approved one or more therapeutic and pharmaceu-  
6     tical equivalent, as defined by the FDA, versions of a contraceptive  
7     drug, device, or product, a group or blanket policy is not required to  
8     include all such therapeutic and pharmaceutical equivalent versions in  
9     its formulary, so long as at least one is included and covered without  
10    cost-sharing and in accordance with this paragraph;

11    (b) if the covered therapeutic and pharmaceutical equivalent versions  
12    of a drug, device, or product are not available or are deemed medically  
13    inadvisable a group or blanket policy shall provide coverage for an  
14    alternate therapeutic and pharmaceutical equivalent version of the  
15    contraceptive drug, device, or product without cost-sharing;

16    (c) this coverage shall include emergency contraception without cost-  
17    sharing when provided pursuant to an ordinary prescription, non-patient  
18    specific regimen order, or order under section sixty-eight hundred thir-  
19    ty-one of the education law and when lawfully provided other than  
20    through a prescription or order; and

21    (d) this coverage must allow for the dispensing of twelve months worth  
22    of a contraceptive at one time;

23    (2) Voluntary sterilization procedures;

24    (3) Patient education and counseling on contraception; and

25    (4) Follow-up services related to the drugs, devices, products, and  
26    procedures covered under this paragraph, including, but not limited to,  
27    management of side effects, counseling for continued adherence, and  
28    device insertion and removal.

1     (B) A group or blanket policy subject to this paragraph shall not  
2     impose a deductible, coinsurance, copayment, or any other cost-sharing  
3     requirement on the coverage provided pursuant to this paragraph.

4     (C) Except as otherwise authorized under this paragraph, a group or  
5     blanket policy shall not impose any restrictions or delays on the cover-  
6     age required under this paragraph.

7     (D) Benefits for an enrollee under this paragraph shall be the same  
8     for an enrollee's covered spouse or domestic partner and covered  
9     nonspouse dependents.

10    (E) Notwithstanding any other provision of this subsection, a reli-  
11    gious employer may request a contract without coverage for federal food  
12    and drug administration approved contraceptive methods that are contrary  
13    to the religious employer's religious tenets. If so requested, such  
14    contract shall be provided without coverage for contraceptive methods.  
15    This paragraph shall not be construed to deny an enrollee coverage of,  
16    and timely access to, contraceptive methods.

17    (1) For purposes of this subsection, a "religious employer" is an  
18    entity for which each of the following is true:

19    (a) The inculcation of religious values is the purpose of the entity.

20    (b) The entity primarily employs persons who share the religious  
21    tenets of the entity.

22    (c) The entity serves primarily persons who share the religious tenets  
23    of the entity.

24    (d) The entity is a nonprofit organization as described in Section  
25    6033(a)(2)(A)i or iii, of the Internal Revenue Code of 1986, as amended.

26    (2) Every religious employer that invokes the exemption provided under  
27    this paragraph shall provide written notice to prospective enrollees



1 prior to enrollment with the plan, listing the contraceptive health care  
2 services the employer refuses to cover for religious reasons.

3 [(B) (i)] (F) (1) Where a group policyholder makes an election not to  
4 purchase coverage for contraceptive drugs or devices in accordance with  
5 subparagraph [(A)] (E) of this paragraph each certificateholder covered  
6 under the policy issued to that group policyholder shall have the right  
7 to directly purchase the rider required by this paragraph from the  
8 insurer which issued the group policy at the prevailing small group  
9 community rate for such rider whether or not the employee is part of a  
10 small group.

11 [(ii)] (2) Where a group policyholder makes an election not to  
12 purchase coverage for contraceptive drugs or devices in accordance with  
13 subparagraph [(A)] (E) of this paragraph, the insurer that provides such  
14 coverage shall provide written notice to certificateholders upon enroll-  
15 ment with the insurer of their right to directly purchase a rider for  
16 coverage for the cost of contraceptive drugs or devices. The notice  
17 shall also advise the certificateholders of the additional premium for  
18 such coverage.

19 [(C)] (G) Nothing in this paragraph shall be construed as authorizing  
20 a group or blanket policy which provides coverage for prescription drugs  
21 to exclude coverage for prescription drugs prescribed for reasons other  
22 than contraceptive purposes.

23 [(D) Such coverage may be subject to reasonable annual deductibles and  
24 coinsurance as may be deemed appropriate by the superintendent and as  
25 are consistent with those established for other drugs or devices covered  
26 under the policy.]

27 § 2. Subsection (cc) of section 4303 of the insurance law, as added by  
28 chapter 554 of the laws of 2002, is amended to read as follows:

(cc) (1) Every contract [which provides coverage for prescription drugs shall include coverage for the cost of contraceptive drugs or devices approved by the federal food and drug administration or generic equivalents approved as substitutes by such food and drug administration under the prescription of a health care provider legally authorized to prescribe under title eight of the education law. The coverage required by this section shall be included in contracts and certificates only through the addition of a rider.

(1)] that is issued, amended, renewed, effective or delivered on or after January first, two thousand nineteen, shall provide coverage for all of the following services and contraceptive methods:

(A) All FDA-approved contraceptive drugs, devices, and other products. This includes all FDA-approved over-the-counter contraceptive drugs, devices, and products as prescribed or as otherwise authorized under state or federal law. The following applies to this coverage:

(i) where the FDA has approved one or more therapeutic and pharmaceutical equivalent, as defined by the FDA, versions of a contraceptive drug, device, or product, a contract is not required to include all such therapeutic and pharmaceutical equivalent versions in its formulary, so long as at least one is included and covered without cost-sharing and in accordance with this subsection;

(ii) if the covered therapeutic and pharmaceutical equivalent versions of a drug, device, or product are not available or are deemed medically inadvisable a contract shall provide coverage for an alternate therapeutic and pharmaceutical equivalent version of the contraceptive drug, device, or product without cost-sharing;

(iii) this coverage shall include emergency contraception without cost-sharing when provided pursuant to an ordinary prescription, non-pa-

tient specific regimen order, or order under section sixty-eight hundred thirty-one of the education law and when lawfully provided other than through a prescription or order; and

(iv) this coverage must allow for the dispensing of twelve months worth of a contraceptive at one time;

(B) Voluntary sterilization procedures;

(C) Patient education and counseling on contraception; and

(D) Follow-up services related to the drugs, devices, products, and procedures covered under this subsection, including, but not limited to, management of side effects, counseling for continued adherence, and device insertion and removal.

(2) A contract subject to this subsection shall not impose a deductible, coinsurance, copayment, or any other cost-sharing requirement on the coverage provided pursuant to this subsection.

(3) Except as otherwise authorized under this subsection, a contract shall not impose any restrictions or delays on the coverage required under this subsection.

(4) Benefits for an enrollee under this subsection shall be the same for an enrollee's covered spouse or domestic partner and covered nonspouse dependents.

(5) Notwithstanding any other provision of this subsection, a religious employer may request a contract without coverage for federal food and drug administration approved contraceptive methods that are contrary to the religious employer's religious tenets. If so requested, such contract shall be provided without coverage for contraceptive methods. This paragraph shall not be construed to deny an enrollee coverage of, and timely access to, contraceptive methods.

1 (A) For purposes of this subsection, a "religious employer" is an  
2 entity for which each of the following is true:

3 (i) The inculcation of religious values is the purpose of the entity.

4 (ii) The entity primarily employs persons who share the religious  
5 tenets of the entity.

6 (iii) The entity serves primarily persons who share the religious  
7 tenets of the entity.

8 (iv) The entity is a nonprofit organization as described in Section  
9 6033(a)(2)(A)i or iii, of the Internal Revenue Code of 1986, as amended.

10 (B) Every religious employer that invokes the exemption provided under  
11 this paragraph shall provide written notice to prospective enrollees  
12 prior to enrollment with the plan, listing the contraceptive health care  
13 services the employer refuses to cover for religious reasons.

14 [(2)](6) (A) Where a group contractholder makes an election not to  
15 purchase coverage for contraceptive drugs or devices in accordance with  
16 paragraph [one] five of this subsection, each enrollee covered under the  
17 contract issued to that group contractholder shall have the right to  
18 directly purchase the rider required by this subsection from the insurer  
19 or health maintenance organization which issued the group contract at  
20 the prevailing small group community rate for such rider whether or not  
21 the employee is part of a small group.

22 (B) Where a group contractholder makes an election not to purchase  
23 coverage for contraceptive drugs or devices in accordance with paragraph  
24 [one] five of this subsection, the insurer or health maintenance organ-  
25 ization that provides such coverage shall provide written notice to  
26 enrollees upon enrollment with the insurer or health maintenance organ-  
27 ization of their right to directly purchase a rider for coverage for the

1 cost of contraceptive drugs or devices. The notice shall also advise the  
2 enrollees of the additional premium for such coverage.

3 [(3)](7) Nothing in this subsection shall be construed as authorizing  
4 a contract which provides coverage for prescription drugs to exclude  
5 coverage for prescription drugs prescribed for reasons other than  
6 contraceptive purposes.

7 [(4) Such coverage may be subject to reasonable annual deductibles and  
8 coinsurance as may be deemed appropriate by the superintendent and as  
9 are consistent with those established for other drugs or devices covered  
10 under the policy.]

11 § 3. Subparagraph (E) of paragraph 17 of subsection (i) of section  
12 3216 of the insurance law is amended by adding a new clause (v) to read  
13 as follows:

14 (v) all FDA-approved contraceptive drugs, devices, and other products,  
15 including all over-the-counter contraceptive drugs, devices, and  
16 products as prescribed or as otherwise authorized under state or federal  
17 law; voluntary sterilization procedures; patient education and coun-  
18 seling on contraception; and follow-up services related to the drugs,  
19 devices, products, and procedures covered under this clause, including,  
20 but not limited to, management of side effects, counseling for continued  
21 adherence, and device insertion and removal. Except as otherwise author-  
22 ized under this clause, a contract shall not impose any restrictions or  
23 delays on the coverage required under this clause. However, where the  
24 FDA has approved one or more therapeutic and pharmaceutical equivalent,  
25 as defined by the FDA, versions of a contraceptive drug, device, or  
26 product, a contract is not required to include all such therapeutic and  
27 pharmaceutical equivalent versions in its formulary, so long as at least  
28 one is included and covered without cost-sharing and in accordance with

1 this clause. If the covered therapeutic and pharmaceutical equivalent  
2 versions of a drug, device, or product are not available or are deemed  
3 medically inadvisable a contract shall provide coverage for an alternate  
4 therapeutic and pharmaceutical equivalent version of the contraceptive  
5 drug, device, or product without cost-sharing. This coverage shall  
6 include emergency contraception without cost-sharing when provided  
7 pursuant to an ordinary prescription, non-patient specific regimen  
8 order, or order under section sixty-eight hundred thirty-one of the  
9 education law and when lawfully provided other than through a  
10 prescription or order; and this coverage must allow for the dispensing  
11 of twelve months worth of a contraceptive at one time.

12 § 4. Paragraph (d) of subdivision 3 of section 365-a of the social  
13 services law, as amended by chapter 909 of the laws of 1974 and as  
14 relettered by chapter 82 of the laws of 1995, is amended to read as  
15 follows:

16 (d) family planning services and supplies for eligible persons of  
17 childbearing age, including children under twenty-one years of age who  
18 can be considered sexually active, who desire such services and  
19 supplies, in accordance with the requirements of federal law and regu-  
20 lations and the regulations of the department. Coverage of prescription  
21 contraceptives, excluding emergency contraception, shall include the  
22 dispensing of a twelve-month supply at one time. Notwithstanding any  
23 inconsistent provision of law, the provision of a twelve-month supply of  
24 contraceptives under the Medicaid program shall not apply to emergency  
25 contraception. A prescription for contraceptives, with the exception of  
26 a prescription for emergency contraception, may be filled twelve times  
27 within one year from the date the prescriber initiated the prescription.

1 No person shall be compelled or coerced to accept such services or  
2 supplies.

3 § 5. Subdivision 6 of section 6527 of the education law, as added by  
4 chapter 573 of the laws of 1999, paragraph (c) as amended by chapter 464  
5 of the laws of 2015, paragraph (d) as added by chapter 429 of the laws  
6 of 2005, paragraph (e) as added by chapter 352 of the laws of 2014,  
7 paragraph (f) as added by section 6 of part V of chapter 57 of the laws  
8 of 2015 and paragraph (g) as added by chapter 502 of the laws of 2016,  
9 is amended to read as follows:

10 6. A licensed physician may prescribe and order a non-patient specific  
11 regimen [to a registered professional nurse], pursuant to regulations  
12 promulgated by the commissioner, and consistent with the public health  
13 law, [for] to:

14 (a) a registered professional nurse for:

15 (i) administering immunizations[.];

16 ~~[(b)]~~ (ii) the emergency treatment of anaphylaxis[.];

17 ~~[(c)]~~ (iii) administering purified protein derivative (PPD) tests or  
18 other tests to detect or screen for tuberculosis infections[.];

19 ~~[(d)]~~ (iv) administering tests to determine the presence of the human  
20 immunodeficiency virus[.];

21 ~~[(e)]~~ (v) administering tests to determine the presence of the hepati-  
22 tis C virus[.];

23 ~~[(f)]~~ (vi) emergency contraception, to be administered to or dispensed  
24 to be self-administered by the patient, under section sixty-eight  
25 hundred thirty-two of this title;

26 (vii) the urgent or emergency treatment of opioid related overdose or  
27 suspected opioid related overdose[.]; or

1 [(g)] (viii) screening of persons at increased risk of syphilis,  
2 gonorrhea and chlamydia.

3 (b) a licensed pharmacist, for dispensing emergency contraception, to  
4 be self-administered by the patient, under section sixty-eight hundred  
5 thirty-two of this title.

6 § 6. Subdivision 3 of section 6807 of the education law, as added by  
7 chapter 573 of the laws of 1999, is amended and a new subdivision 4 is  
8 added to read as follows:

9 3. A pharmacist may dispense drugs and devices to a registered profes-  
10 sional nurse, and a registered professional nurse may possess and admin-  
11 ister, drugs and devices, pursuant to a non-patient specific regimen  
12 prescribed or ordered by a licensed physician, licensed midwife or  
13 certified nurse practitioner, pursuant to regulations promulgated by the  
14 commissioner and the public health law.

15 4. A pharmacist may dispense a non-patient specific regimen of emer-  
16 gency contraception, to be self-administered by the patient, prescribed  
17 or ordered by a licensed physician, certified nurse practitioner, or  
18 licensed midwife, under section sixty-eight hundred thirty-two of this  
19 article.

20 § 7. The education law is amended by adding a new section 6832 to read  
21 as follows:

22 § 6832. Emergency contraception; non-patient specific prescription or  
23 order. 1. As used in this section, the following terms shall have the  
24 following meanings, unless the context requires otherwise:

25 (a) "Emergency contraception" means one or more prescription or  
26 nonprescription drugs, used separately or in combination, in a dosage  
27 and manner for preventing pregnancy when used after intercourse, found



1 safe and effective for that use by the United States food and drug  
2 administration, and dispensed or administered for that purpose.

3 (b) "Prescriber" means a licensed physician, certified nurse practi-  
4 tioner or licensed midwife.

5 2. This section applies to the administering or dispensing of emergen-  
6 cy contraception by a registered professional nurse or the dispensing of  
7 emergency contraception by a licensed pharmacist pursuant to a  
8 prescription or order for a non-patient specific regimen made by a pres-  
9 criber under section sixty-five hundred twenty-seven, sixty-nine hundred  
10 nine or sixty-nine hundred fifty-one of this title. This section does  
11 not apply to administering or dispensing emergency contraception when  
12 lawfully done without such a prescription or order.

13 3. The administering or dispensing of emergency contraception by a  
14 registered professional nurse or the dispensing of emergency contracep-  
15 tion by a licensed pharmacist shall be done in accordance with profes-  
16 sional standards of practice and in accordance with written procedures  
17 and protocols agreed to by the registered professional nurse or licensed  
18 pharmacist and the prescriber or a hospital (licensed under article  
19 twenty-eight of the public health law) that provides gynecological or  
20 family planning services.

21 4. (a) When emergency contraception is administered or dispensed, the  
22 registered professional nurse or licensed pharmacist shall provide to  
23 the patient written material that includes: (i) the clinical consider-  
24 ations and recommendations for use of the drug; (ii) the appropriate  
25 method for using the drug; (iii) information on the importance of  
26 follow-up health care; (iv) information on the health risks and other  
27 dangers of unprotected intercourse; and (v) referral information relat-

1 ing to health care and services relating to sexual abuse and domestic  
2 violence.

3 (b) Such written material shall be developed or approved by the  
4 commissioner in consultation with the department of health and the Amer-  
5 ican college of obstetricians and gynecologists.

6 § 8. Subdivision 4 of section 6909 of the education law, as added by  
7 chapter 573 of the laws of 1999, paragraph (a) as amended by chapter 221  
8 of the laws of 2002, paragraph (c) as amended by chapter 464 of the laws  
9 of 2015, paragraph (d) as added by chapter 429 of the laws of 2005,  
10 paragraph (e) as added by chapter 352 of the laws of 2014, paragraph (f)  
11 as added by section 5 of part V of chapter 57 of the laws of 2015 and  
12 paragraph (g) as added by chapter 502 of the laws of 2016, is amended to  
13 read as follows:

14 4. A certified nurse practitioner may prescribe and order a non-pa-  
15 tient specific regimen [to a registered professional nurse], pursuant to  
16 regulations promulgated by the commissioner, consistent with subdivision  
17 three of section [six thousand nine] sixty-nine hundred two of this  
18 article, and consistent with the public health law, for:

19 (a) a registered professional nurse for:

20 (i) administering immunizations[.];

21 [(b)] (ii) the emergency treatment of anaphylaxis[.];

22 [(c)] (iii) administering purified protein derivative (PPD) tests or  
23 other tests to detect or screen for tuberculosis infections[.];

24 [(d)] (iv) administering tests to determine the presence of the human  
25 immunodeficiency virus[.];

26 [(e)] (v) administering tests to determine the presence of the hepati-  
27 tis C virus[.];

1     [(f)] (vi) emergency contraception, to be administered to or dispensed  
2     to be self-administered by the patient, under section sixty-eight  
3     hundred thirty-two of this title;

4     (vii) the urgent or emergency treatment of opioid related overdose or  
5     suspected opioid related overdose[.]; or

6     [(g)] (viii) screening of persons at increased risk for syphilis,  
7     gonorrhea and chlamydia.

8     (b) a licensed pharmacist, for dispensing emergency contraception, to  
9     be self-administered by the patient, under section sixty-eight hundred  
10    thirty-two of this title.

11    § 9. Subdivision 5 of section 6909 of the education law, as added by  
12    chapter 573 of the laws of 1999, is amended to read as follows:

13    5. A registered professional nurse may execute a non-patient specific  
14    regimen prescribed or ordered by a licensed physician, licensed midwife  
15    or certified nurse practitioner, pursuant to regulations promulgated by  
16    the commissioner.

17    § 10. Section 6951 of the education law is amended by adding a new  
18    subdivision 4 to read as follows:

19    4. A licensed midwife may prescribe and order a non-patient specific  
20    regimen pursuant to regulations promulgated by the commissioner,  
21    consistent with this section and the public health law, to:

22    (a) a registered professional nurse for emergency contraception, to be  
23    administered to or dispensed to be self-administered by the patient,  
24    under section sixty-eight hundred thirty-two of this title; or

25    (b) a licensed pharmacist, for dispensing emergency contraception, to  
26    be self-administered by the patient, under section sixty-eight hundred  
27    thirty-two of this title.

1 § 11. Subdivision 1 of section 207 of the public health law is amended  
2 by adding a new paragraph (o) to read as follows:

3 (o) Emergency contraception, including information about its safety,  
4 efficacy, appropriate use and availability.

5 § 12. This act shall take effect January 1, 2019; provided that  
6 section five of this act shall take effect January 1, 2020; provided,  
7 however, that effective immediately, the addition, amendment and/or  
8 repeal of any rule or regulation necessary for the implementation of  
9 this act on its effective date are authorized and directed to be made  
10 and completed by the commissioner of education and the board of regents  
11 on or before such effective date.

12 PART B

13 Section 1. Section 4164 of the public health law is REPEALED.

14 § 2. Subdivision 8 of section 6811 of the education law is REPEALED.

15 § 3. Sections 125.40, 125.45, 125.50, 125.55 and 125.60 of the penal  
16 law are REPEALED, and the article heading of article 125 of the penal  
17 law is amended to read as follows:

18 HOMICIDE[, ABORTION] AND RELATED OFFENSES

19 § 4. Section 125.00 of the penal law is amended to read as follows:

20 § 125.00 Homicide defined.

21 Homicide means conduct which causes the death of a person [or an  
22 unborn child with which a female has been pregnant for more than twen-  
23 ty-four weeks] under circumstances constituting murder, manslaughter in  
24 the first degree, manslaughter in the second degree, or criminally  
25 negligent homicide[, abortion in the first degree or self-abortion in  
26 the first degree].

1 § 5. The section heading, opening paragraph and subdivision 1 of  
2 section 125.05 of the penal law are amended to read as follows:

3 Homicide[, abortion] and related offenses; [definitions of terms]  
4 definition.

5 The following [definitions are] definition is applicable to this arti-  
6 cle:

7 [1.] "Person," when referring to the victim of a homicide, means a  
8 human being who has been born and is alive.

9 § 6. Subdivisions 2 and 3 of section 125.05 of the penal law are  
10 REPEALED.

11 § 7. Subdivision 2 of section 125.15 of the penal law is REPEALED.

12 § 8. Subdivision 3 of section 125.20 of the penal law is REPEALED.

13 § 9. Paragraph (b) of subdivision 8 of section 700.05 of the criminal  
14 procedure law, as amended by chapter 368 of the laws of 2015, is amended  
15 to read as follows:

16 (b) Any of the following felonies: assault in the second degree as  
17 defined in section 120.05 of the penal law, assault in the first degree  
18 as defined in section 120.10 of the penal law, reckless endangerment in  
19 the first degree as defined in section 120.25 of the penal law, promot-  
20 ing a suicide attempt as defined in section 120.30 of the penal law,  
21 strangulation in the second degree as defined in section 121.12 of the  
22 penal law, strangulation in the first degree as defined in section  
23 121.13 of the penal law, criminally negligent homicide as defined in  
24 section 125.10 of the penal law, manslaughter in the second degree as  
25 defined in section 125.15 of the penal law, manslaughter in the first  
26 degree as defined in section 125.20 of the penal law, murder in the  
27 second degree as defined in section 125.25 of the penal law, murder in  
28 the first degree as defined in section 125.27 of the penal law,

1 [abortion in the second degree as defined in section 125.40 of the penal  
2 law, abortion in the first degree as defined in section 125.45 of the  
3 penal law,] rape in the third degree as defined in section 130.25 of the  
4 penal law, rape in the second degree as defined in section 130.30 of the  
5 penal law, rape in the first degree as defined in section 130.35 of the  
6 penal law, criminal sexual act in the third degree as defined in section  
7 130.40 of the penal law, criminal sexual act in the second degree as  
8 defined in section 130.45 of the penal law, criminal sexual act in the  
9 first degree as defined in section 130.50 of the penal law, sexual abuse  
10 in the first degree as defined in section 130.65 of the penal law,  
11 unlawful imprisonment in the first degree as defined in section 135.10  
12 of the penal law, kidnapping in the second degree as defined in section  
13 135.20 of the penal law, kidnapping in the first degree as defined in  
14 section 135.25 of the penal law, labor trafficking as defined in section  
15 135.35 of the penal law, aggravated labor trafficking as defined in  
16 section 135.37 of the penal law, custodial interference in the first  
17 degree as defined in section 135.50 of the penal law, coercion in the  
18 first degree as defined in section 135.65 of the penal law, criminal  
19 trespass in the first degree as defined in section 140.17 of the penal  
20 law, burglary in the third degree as defined in section 140.20 of the  
21 penal law, burglary in the second degree as defined in section 140.25 of  
22 the penal law, burglary in the first degree as defined in section 140.30  
23 of the penal law, criminal mischief in the third degree as defined in  
24 section 145.05 of the penal law, criminal mischief in the second degree  
25 as defined in section 145.10 of the penal law, criminal mischief in the  
26 first degree as defined in section 145.12 of the penal law, criminal  
27 tampering in the first degree as defined in section 145.20 of the penal  
28 law, arson in the fourth degree as defined in section 150.05 of the

1 penal law, arson in the third degree as defined in section 150.10 of the  
2 penal law, arson in the second degree as defined in section 150.15 of  
3 the penal law, arson in the first degree as defined in section 150.20 of  
4 the penal law, grand larceny in the fourth degree as defined in section  
5 155.30 of the penal law, grand larceny in the third degree as defined in  
6 section 155.35 of the penal law, grand larceny in the second degree as  
7 defined in section 155.40 of the penal law, grand larceny in the first  
8 degree as defined in section 155.42 of the penal law, health care fraud  
9 in the fourth degree as defined in section 177.10 of the penal law,  
10 health care fraud in the third degree as defined in section 177.15 of  
11 the penal law, health care fraud in the second degree as defined in  
12 section 177.20 of the penal law, health care fraud in the first degree  
13 as defined in section 177.25 of the penal law, robbery in the third  
14 degree as defined in section 160.05 of the penal law, robbery in the  
15 second degree as defined in section 160.10 of the penal law, robbery in  
16 the first degree as defined in section 160.15 of the penal law, unlawful  
17 use of secret scientific material as defined in section 165.07 of the  
18 penal law, criminal possession of stolen property in the fourth degree  
19 as defined in section 165.45 of the penal law, criminal possession of  
20 stolen property in the third degree as defined in section 165.50 of the  
21 penal law, criminal possession of stolen property in the second degree  
22 as defined by section 165.52 of the penal law, criminal possession of  
23 stolen property in the first degree as defined by section 165.54 of the  
24 penal law, trademark counterfeiting in the second degree as defined in  
25 section 165.72 of the penal law, trademark counterfeiting in the first  
26 degree as defined in section 165.73 of the penal law, forgery in the  
27 second degree as defined in section 170.10 of the penal law, forgery in  
28 the first degree as defined in section 170.15 of the penal law, criminal

1 possession of a forged instrument in the second degree as defined in  
2 section 170.25 of the penal law, criminal possession of a forged instru-  
3 ment in the first degree as defined in section 170.30 of the penal law,  
4 criminal possession of forgery devices as defined in section 170.40 of  
5 the penal law, falsifying business records in the first degree as  
6 defined in section 175.10 of the penal law, tampering with public  
7 records in the first degree as defined in section 175.25 of the penal  
8 law, offering a false instrument for filing in the first degree as  
9 defined in section 175.35 of the penal law, issuing a false certificate  
10 as defined in section 175.40 of the penal law, criminal diversion of  
11 prescription medications and prescriptions in the second degree as  
12 defined in section 178.20 of the penal law, criminal diversion of  
13 prescription medications and prescriptions in the first degree as  
14 defined in section 178.25 of the penal law, residential mortgage fraud  
15 in the fourth degree as defined in section 187.10 of the penal law,  
16 residential mortgage fraud in the third degree as defined in section  
17 187.15 of the penal law, residential mortgage fraud in the second degree  
18 as defined in section 187.20 of the penal law, residential mortgage  
19 fraud in the first degree as defined in section 187.25 of the penal law,  
20 escape in the second degree as defined in section 205.10 of the penal  
21 law, escape in the first degree as defined in section 205.15 of the  
22 penal law, absconding from temporary release in the first degree as  
23 defined in section 205.17 of the penal law, promoting prison contraband  
24 in the first degree as defined in section 205.25 of the penal law,  
25 hindering prosecution in the second degree as defined in section 205.60  
26 of the penal law, hindering prosecution in the first degree as defined  
27 in section 205.65 of the penal law, sex trafficking as defined in  
28 section 230.34 of the penal law, criminal possession of a weapon in the



1 third degree as defined in subdivisions two, three and five of section  
2 265.02 of the penal law, criminal possession of a weapon in the second  
3 degree as defined in section 265.03 of the penal law, criminal  
4 possession of a weapon in the first degree as defined in section 265.04  
5 of the penal law, manufacture, transport, disposition and defacement of  
6 weapons and dangerous instruments and appliances defined as felonies in  
7 subdivisions one, two, and three of section 265.10 of the penal law,  
8 sections 265.11, 265.12 and 265.13 of the penal law, or prohibited use  
9 of weapons as defined in subdivision two of section 265.35 of the penal  
10 law, relating to firearms and other dangerous weapons, or failure to  
11 disclose the origin of a recording in the first degree as defined in  
12 section 275.40 of the penal law;

13 § 10. Subdivision 1 of section 673 of the county law, as added by  
14 chapter 545 of the laws of 1965, is amended to read as follows:

15 1. A coroner or medical examiner has jurisdiction and authority to  
16 investigate the death of every person dying within his county, or whose  
17 body is found within the county, which is or appears to be:

18 (a) A violent death, whether by criminal violence, suicide or casual-  
19 ty;

20 (b) A death caused by unlawful act or criminal neglect;

21 (c) A death occurring in a suspicious, unusual or unexplained manner;

22 (d) [A death caused by suspected criminal abortion;

23 (e)] A death while unattended by a physician, so far as can be discov-  
24 ered, or where no physician able to certify the cause of death as  
25 provided in the public health law and in form as prescribed by the  
26 commissioner of health can be found;

27 [(f)] (e) A death of a person confined in a public institution other  
28 than a hospital, infirmary or nursing home.



1     (a) Make recommendations to the commissioner regarding the preventa-  
2 bility of each maternal death case by reviewing relevant information for  
3 each case in the state and consulting with experts as needed to evaluate  
4 the information for each death. Such information shall not be subject to  
5 article six of the public officers law.

6     (b) Keep confidential any information collected under this section and  
7 this information shall be used solely for the purposes of improvement of  
8 the quality of medical care of women to prevent maternal mortality.  
9 Access to such information shall be limited to board members as well as  
10 those authorized by the department. Such information shall not be admis-  
11 sible as evidence in any action of any kind in any court or before any  
12 other tribunal, board, agency or person.

13     (c) Develop recommendations to the commissioner for areas of focus,  
14 including issues of severe maternal morbidity and racial disparities in  
15 maternal outcomes.

16     3. The terms of the board members shall be three years from the start  
17 of their appointment. The commissioner may choose to reappoint board  
18 members to additional three year terms.

19     4. A majority of the appointed membership of the board, no less than  
20 three, shall constitute a quorum.

21     5. When any member of the board fails to attend three consecutive  
22 regular meetings, unless such absence is for good cause, that membership  
23 may be deemed vacant for purposes of the appointment of a successor.

24     6. Meetings of the board shall be held at least twice a year but may  
25 be held more frequently as deemed necessary, subject to request of the  
26 department.

27     7. Members of the board shall be indemnified pursuant to section  
28 seventeen of the public officers law.

1     8. The commissioner may request and shall receive upon request from  
2 any department, division, board, bureau, commission, local health  
3 departments or other agency of the state or political subdivision there-  
4 of or any public authority, as well as hospitals established pursuant to  
5 article twenty-eight of this chapter, birthing facilities, medical exam-  
6 iners, coroners, and any coroner physicians and any other facility  
7 providing services associated with maternal mortality, such information,  
8 including, but not limited to, death records, medical records, autopsy  
9 reports, toxicology reports, hospital discharge records, birth records  
10 and any other information that will help the department under this  
11 section to properly carry out its functions, powers and duties.

12     § 2. This act shall take effect immediately.

13                                   PART D

14     Section 1. Section 6523 of the education law, as amended by chapter  
15 364 of the laws of 1991, is amended to read as follows:

16     § 6523. State board for medicine. A state board for medicine shall be  
17 appointed by the board of regents on recommendation of the commissioner  
18 for the purpose of assisting the board of regents and the department on  
19 matters of professional licensing in accordance with section sixty-five  
20 hundred eight of this title. The board shall be composed of not less  
21 than twenty physicians licensed in this state for at least five years,  
22 two of whom shall be doctors of osteopathy. At least one of the physi-  
23 cian appointees to the state board for medicine shall be an expert on  
24 reducing health disparities among demographic subgroups, and one shall  
25 be an expert on women's health. The board shall also consist of not less  
26 than two physician's assistants licensed to practice in this state. The

1 participation of physician's assistant members shall be limited to  
2 matters relating to article one hundred thirty-one-B of this chapter. An  
3 executive secretary to the board shall be appointed by the board of  
4 regents on recommendation of the commissioner and shall be either a  
5 physician licensed in this state or a non-physician, deemed qualified by  
6 the commissioner and board of regents.

7 § 2. This act shall take effect immediately.

8 PART E

9 Section 1. Subdivision 17 of section 265.00 of the penal law is  
10 amended by adding a new paragraph (c) to read as follows:

11 (c) any of the following offenses, where the defendant and the person  
12 against whom the offense was committed were members of the same family  
13 or household as defined in subdivision one of section 530.11 of the  
14 criminal procedure law: assault in the third degree; menacing in the  
15 third degree; menacing in the second degree; reckless endangerment in  
16 the second degree; criminal obstruction of breathing or blood circu-  
17 lation; unlawful imprisonment in the second degree; coercion in the  
18 second degree; criminal mischief in the fourth degree; criminal tamper-  
19 ing in the third degree; criminal contempt in the second degree; harass-  
20 ment in the first degree; aggravated harassment in the second degree;  
21 criminal trespass in the third degree; criminal trespass in the second  
22 degree; reckless endangerment of property; arson in the fifth degree;  
23 endangering the welfare of an incompetent or physically disabled person  
24 in the second degree; unlawful publication of sexual images; attempt to  
25 commit any of the above-listed offenses.

1     § 2. The criminal procedure law is amended by adding a new section  
2     370.20 to read as follows:

3     § 370.20 Procedure for determining whether certain misdemeanor crimes  
4             are serious offenses under the penal law.

5         1. When a defendant has been charged with assault in the third degree,  
6         menacing in the third degree, menacing in the second degree, reckless  
7         endangerment in the second degree, criminal obstruction of breathing or  
8         blood circulation, unlawful imprisonment in the second degree, coercion  
9         in the second degree, criminal mischief in the fourth degree, criminal  
10        tampering in the third degree, criminal contempt in the second degree,  
11        harassment in the first degree, aggravated harassment in the second  
12        degree, criminal trespass in the third degree, criminal trespass in the  
13        second degree, reckless endangerment of property, arson in the fifth  
14        degree, endangering the welfare of an incompetent or physically disa-  
15        bled person in the second degree, unlawful publication of sexual  
16        images, or attempt to commit any of the above-listed offenses, the  
17        people may, at arraignment or no later than forty-five days after  
18        arraignment, for the purpose of notification to the division of criminal  
19        justice services pursuant to section 380.98 of this part, serve on the  
20        defendant and file with the court a notice alleging that the defendant  
21        and the person alleged to be the victim of such crime were members of  
22        the same family or household as defined in subdivision one of section  
23        530.11 of this chapter.

24        2. Such notice shall include the name of the person alleged to be the  
25        victim of such crime and shall specify the nature of the alleged  
26        relationship as set forth in subdivision one of section 530.11 of this  
27        chapter. Upon conviction of such offense, the court shall advise the  
28        defendant that he or she is entitled to a hearing solely on the allega-

tion contained in the notice and, if necessary, an adjournment of the sentencing proceeding in order to prepare for such hearing, and that if such allegation is sustained, that determination and conviction will be reported to the division of criminal justice services.

3. After having been advised by the court as provided in subdivision two of this section, the defendant may stipulate or admit, orally on the record or in writing, that he or she is related or situated to the victim of such crime in the manner described in subdivision one of this section. In such case, such relationship shall be deemed established for purposes of section 380.98 of this part. If the defendant denies that he or she is related or situated to the victim of the crime as alleged in the notice served by the people, or stands mute with respect to such allegation, then the people shall bear the burden to prove beyond a reasonable doubt that the defendant is related or situated to the victim in the manner alleged in the notice. The court may consider reliable hearsay evidence submitted by either party provided that it is relevant to the determination of the allegation. Facts previously proven at trial or elicited at the time of entry of a plea of guilty shall be deemed established beyond a reasonable doubt and shall not be relitigated. At the conclusion of the hearing, or upon such a stipulation or admission, as applicable, the court shall make a specific written determination with respect to such allegation.

§ 3. The criminal procedure law is amended by adding a new section 380.98 to read as follows:

§ 380.98 Notification to division of criminal justice services of certain misdemeanor convictions.

Upon judgment of conviction of assault in the third degree, menacing in the third degree, menacing in the second degree, reckless endanger-

1 ment in the second degree, criminal obstruction of breathing or blood  
2 circulation, unlawful imprisonment in the second degree, coercion in the  
3 second degree, criminal mischief in the fourth degree, criminal tamper-  
4 ing in the third degree, criminal contempt in the second degree, harass-  
5 ment in the first degree, or aggravated harassment in the second degree,  
6 criminal trespass in the third degree, criminal trespass in the second  
7 degree, reckless endangerment of property, arson in the fifth degree,  
8 endangering the welfare of an incompetent or physically disabled person  
9 in the second degree, unlawful publication of sexual images, or attempt  
10 to commit any of the above-listed offenses, when the defendant and  
11 victim have been determined, pursuant to section 370.20 of this part, to  
12 be members of the same family or household as defined in subdivision one  
13 of section 530.11 of this chapter, the clerk of the court shall include  
14 notification and a copy of the written determination in a report of such  
15 conviction to the division of criminal justice services to enable the  
16 division to report such determination to the Federal Bureau of Investi-  
17 gation and assist the bureau in identifying persons prohibited from  
18 purchasing and possessing a firearm or other weapon due to conviction  
19 of an offense specified in paragraph c of subdivision seventeen of  
20 section 265.00 of the penal law.

21 § 4. Section 530.14 of the criminal procedure law is REPEALED and a  
22 new section 530.14 is added to read as follows:

23 § 530.14 Suspension and revocation of a license to carry, possess,  
24 repair or dispose of a firearm or firearms pursuant to  
25 section 400.00 of the penal law and ineligibility for such a  
26 license; order to surrender weapons.

27 1. Whenever a temporary order of protection is issued pursuant to  
28 subdivision one of section 530.12 or subdivision one of section 530.13



1 of this article the court shall suspend any firearms license possessed  
2 by the defendant, order the defendant ineligible for such a license and  
3 order the immediate surrender pursuant to subparagraph (f) of paragraph  
4 one of subdivision a of section 265.20 and subdivision six of section  
5 400.05 of the penal law, of all pistols, revolvers, rifles, shotguns and  
6 any other firearms owned or possessed by the defendant.

7 2. Whenever an order of protection is issued pursuant to subdivision  
8 five of section 530.12 or subdivision four of section 530.13 of this  
9 article the court shall revoke, suspend or continue to suspend any  
10 firearms license possessed by the defendant, order the defendant ineli-  
11 gible for such a license and order the immediate surrender pursuant to  
12 subparagraph (f) of paragraph one of subdivision a of section 265.20 and  
13 subdivision six of section 400.05 of the penal law, of all pistols,  
14 revolvers, rifles, shotguns and any other firearms owned or possessed by  
15 the defendant.

16 3. Whenever a defendant has been found pursuant to subdivision eleven  
17 of section 530.12 or subdivision eight of section 530.13 of this article  
18 to have willfully failed to obey an order of protection issued by a  
19 court of competent jurisdiction in this state or another state, territo-  
20 rial or tribal jurisdiction, in addition to any other remedies available  
21 pursuant to subdivision eleven of section 530.12 or subdivision eight of  
22 section 530.13 of this article, the court shall revoke, suspend or  
23 continue to suspend any firearms license possessed by the defendant,  
24 order the defendant ineligible for such a license and order the immedi-  
25 ate surrender pursuant to subparagraph (f) of paragraph one of subdivi-  
26 sion a of section 265.20 and subdivision six of section 400.05 of the  
27 penal law, of all pistols, revolvers, rifles, shotguns and any other  
28 firearms owned or possessed by the defendant.

1     4. Suspension. Any suspension order issued pursuant to this section  
2 shall remain in effect for the duration of the temporary order of  
3 protection or order of protection, unless modified or vacated by the  
4 court.

5     5. Surrender. (a) Where an order to surrender one or more pistols,  
6 revolvers, rifles, shotguns or other firearms has been issued, the  
7 temporary order of protection or order of protection shall specify the  
8 place where such weapons shall be surrendered, shall specify a date and  
9 time by which the surrender shall be completed and, to the extent possi-  
10 ble, shall describe such weapons to be surrendered, and shall direct the  
11 authority receiving such surrendered weapons to immediately notify the  
12 court of such surrender.

13     (b) The prompt surrender of one or more pistols, revolvers, rifles,  
14 shotguns or other firearms pursuant to a court order issued pursuant to  
15 this section shall be considered a voluntary surrender for purposes of  
16 subparagraph (f) of paragraph one of subdivision a of section 265.20 of  
17 the penal law. The disposition of any such weapons shall be in accord-  
18 ance with the provisions of subdivision six of section 400.05 of the  
19 penal law.

20     (c) The provisions of this section shall not be deemed to limit,  
21 restrict or otherwise impair the authority of the court to order and  
22 direct the surrender of any or all pistols, revolvers, rifles, shotguns  
23 or other firearms owned or possessed by a defendant pursuant to section  
24 530.12 or 530.13 of this article.

25     6. Notice. (a) Where an order requiring surrender, revocation,  
26 suspension or ineligibility has been issued pursuant to this section,  
27 any temporary order of protection or order of protection issued shall  
28 state that such firearm license has been suspended or revoked or that

1 the defendant is ineligible for such license, as the case may be, and  
2 that the defendant is prohibited from possessing any pistol, revolver,  
3 rifle, shotgun or other firearm.

4 (b) The court revoking or suspending the license, ordering the defend-  
5 ant ineligible for such a license, or ordering the surrender of any  
6 pistol, revolver, rifle, shotgun or other firearm shall immediately  
7 notify the duly constituted police authorities of the locality concern-  
8 ing such action and, in the case of orders of protection and temporary  
9 orders of protection issued pursuant to section 530.12 of this article,  
10 shall immediately notify the statewide registry of orders of protection.

11 (c) The court revoking or suspending the license or ordering the  
12 defendant ineligible for such a license shall give written notice there-  
13 of without unnecessary delay to the division of state police at its  
14 office in the city of Albany.

15 (d) Where an order of revocation, suspension, ineligibility or surren-  
16 der is modified or vacated, the court shall immediately notify the  
17 statewide registry of orders of protection and the duly constituted  
18 police authorities of the locality concerning such action and shall give  
19 written notice thereof without unnecessary delay to the division of  
20 state police at its office in the city of Albany.

21 7. Hearing. The defendant shall have the right to a hearing before  
22 the court regarding any revocation, suspension, ineligibility or surren-  
23 der order issued pursuant to this section, provided that nothing in this  
24 subdivision shall preclude the court from issuing any such order prior  
25 to a hearing. Where the court has issued such an order prior to a hear-  
26 ing, it shall commence such hearing within fourteen days of the date  
27 such order was issued.

1 8. Nothing in this section shall delay or otherwise interfere with the  
2 issuance of a temporary order of protection or the timely arraignment of  
3 a defendant in custody.

4 § 5. Section 842-a of the family court act is REPEALED and a new  
5 section 842-a is added to read as follows:

6 § 842-a. Suspension and revocation of a license to carry, possess,  
7 repair or dispose of a firearm or firearms pursuant to section 400.00 of  
8 the penal law and ineligibility for such a license; order to surrender  
9 weapons. 1. Whenever a temporary order of protection is issued pursuant  
10 to section eight hundred twenty-eight of this article, or pursuant to  
11 article four, five, six, seven or ten of this act the court shall  
12 suspend any firearms license possessed by the respondent, order the  
13 respondent ineligible for such a license and order the immediate surren-  
14 der pursuant to subparagraph (f) of paragraph one of subdivision a of  
15 section 265.20 and subdivision six of section 400.05 of the penal law,  
16 of all pistols, revolvers, rifles, shotguns and any other firearms  
17 owned or possessed by the respondent.

18 2. Whenever an order of protection is issued pursuant to section eight  
19 hundred forty-one of this part, or pursuant to article four, five, six,  
20 seven or ten of this act the court shall revoke, suspend or continue to  
21 suspend any firearms license possessed by the respondent, order the  
22 respondent ineligible for such a license and order the immediate surren-  
23 der pursuant to subparagraph (f) of paragraph one of subdivision a of  
24 section 265.20 and subdivision six of section 400.05 of the penal law,  
25 of all pistols, revolvers, rifles, shotguns and any other firearms owned  
26 or possessed by the respondent.

27 3. Whenever a respondent has been found pursuant to section eight  
28 hundred forty-six-a of this part to have willfully failed to obey an

1 order of protection or temporary order of protection issued pursuant to  
2 this act or the domestic relations law, or by this court or by a court  
3 of competent jurisdiction in this state or another state, territorial  
4 or tribal jurisdiction, in addition to any other remedies available  
5 pursuant to section eight hundred forty-six-a of this part, the court  
6 shall revoke, suspend or continue to suspend any firearms license  
7 possessed by the respondent, order the respondent ineligible for such a  
8 license and order the immediate surrender pursuant to subparagraph (f)  
9 of paragraph one of subdivision a of section 265.20 and subdivision six  
10 of section 400.05 of the penal law, of all pistols, revolvers, rifles,  
11 shotguns and any other firearms owned or possessed by the respondent.

12 4. Suspension. Any suspension order issued pursuant to this section  
13 shall remain in effect for the duration of the temporary order of  
14 protection or order of protection, unless modified or vacated by the  
15 court.

16 5. Surrender. (a) Where an order to surrender one or more pistols,  
17 revolvers, rifles, shotguns or other firearms has been issued, the  
18 temporary order of protection or order of protection shall specify the  
19 place where such weapons shall be surrendered, shall specify a date and  
20 time by which the surrender shall be completed and, to the extent  
21 possible, shall describe such weapons to be surrendered, and shall  
22 direct the authority receiving such surrendered weapons to immediately  
23 notify the court of such surrender.

24 (b) The prompt surrender of one or more pistols, revolvers, rifles,  
25 shotguns or other firearms pursuant to a court order issued pursuant to  
26 this section shall be considered a voluntary surrender for purposes of  
27 subparagraph (f) of paragraph one of subdivision a of section 265.20 of  
28 the penal law. The disposition of any such weapons shall be in accord-

1 ance with the provisions of subdivision six of section 400.05 of the  
2 penal law.

3 (c) The provisions of this section shall not be deemed to limit,  
4 restrict or otherwise impair the authority of the court to order and  
5 direct the surrender of any or all pistols, revolvers, rifles, shotguns  
6 or other firearms owned or possessed by a respondent pursuant to this  
7 act.

8 6. Notice. (a) Where an order requiring surrender, revocation, suspen-  
9 sion or ineligibility has been issued pursuant to this section, any  
10 temporary order of protection or order of protection issued shall state  
11 that such firearm license has been suspended or revoked or that the  
12 respondent is ineligible for such license, as the case may be, and that  
13 the respondent is prohibited from possessing any pistol, revolver,  
14 rifle, shotgun or other firearm.

15 (b) The court revoking or suspending the license, ordering the  
16 respondent ineligible for such a license, or ordering the surrender of  
17 any pistol, revolver, rifle, shotgun or other firearm shall immediately  
18 notify the statewide registry of orders of protection and the duly  
19 constituted police authorities of the locality of such action.

20 (c) The court revoking or suspending the license or ordering the  
21 respondent ineligible for such a license shall give written notice ther-  
22 eof without unnecessary delay to the division of state police at its  
23 office in the city of Albany.

24 (d) Where an order of revocation, suspension, ineligibility or surren-  
25 der is modified or vacated, the court shall immediately notify the  
26 statewide registry of orders of protection and the duly constituted  
27 police authorities of the locality concerning such action and shall give

1 written notice thereof without unnecessary delay to the division of  
2 state police at its office in the city of Albany.

3 7. Hearing. The respondent shall have the right to a hearing before  
4 the court regarding any revocation, suspension, ineligibility or surren-  
5 der order issued pursuant to this section, provided that nothing in  
6 this subdivision shall preclude the court from issuing any such order  
7 prior to a hearing. Where the court has issued such an order prior to a  
8 hearing, it shall commence such hearing within fourteen days of the  
9 date such order was issued.

10 8. Nothing in this section shall delay or otherwise interfere with the  
11 issuance of a temporary order of protection.

12 § 6. Subdivision 4 of section 265.01 of the penal law, as amended by  
13 chapter 1 of the laws of 2013, is amended to read as follows:

14 (4) He or she possesses a rifle, shotgun, antique firearm, black  
15 powder rifle, black powder shotgun, or any muzzle-loading firearm, and  
16 has been convicted of a felony or serious offense or is the subject of  
17 an outstanding warrant of arrest issued upon the alleged commission of a  
18 felony or serious offense; or

19 § 7. Paragraph (c) of subdivision 1 of section 400.00 of the penal  
20 law, as amended by chapter 1 of the laws of 2013, is amended to read as  
21 follows:

22 (c) who has not been convicted anywhere of a felony or a serious  
23 offense or who is not the subject of an outstanding warrant of arrest  
24 issued upon the alleged commission of a felony or serious offense;

25 § 8. This act shall take effect on the thirtieth day after it shall  
26 have become a law.

1 Section 1. The penal law is amended by adding three new sections  
2 250.62, 250.63 and 250.64 to read as follows:

3 § 250.62 Sexual extortion in the third degree.

4 A person is guilty of sexual extortion in the third degree when he or  
5 she, with the intent to satisfy, in whole or substantial part his or her  
6 own sexual gratification, compels or induces another person to expose  
7 his or her sexual or intimate parts or engage in sexual conduct by  
8 instilling a fear in him or her that, if the demand is not complied  
9 with, the actor will perform an act intended to harm another person with  
10 respect to his or her health, safety, business, career, financial condi-  
11 tion, reputation or personal relationships.

12 Sexual extortion in the third degree is a class E felony.

13 § 250.63 Sexual extortion in the second degree.

14 A person is guilty of sexual extortion in the second degree when he or  
15 she with intent to satisfy, in whole or substantial part his or her own  
16 sexual gratification, compels or induces another person less than seven-  
17 teen years old to expose his or her sexual or intimate parts or engage  
18 in sexual conduct by instilling a fear in him or her that, if the demand  
19 is not complied with, the actor will perform an act intended to harm  
20 another person with respect to his other health, safety, business,  
21 career, financial condition, reputation or personal relationships.

22 Sexual extortion in the second degree is a class D felony.

23 § 250.64 Sexual extortion in the first degree.

24 A person is guilty of sexual extortion in the first degree when he or  
25 she, with the intent to satisfy, in whole or substantial part his or her  
26 own sexual gratification, compels or induces another person less than  
27 fifteen years old to expose his or her sexual or intimate parts or  
28 engage in sexual conduct by instilling a fear in him or her that, if the



1 demand is not complied with, the actor will perform an act intended to  
2 harm another person with respect to his or her health, safety, business,  
3 career, financial condition, reputation or personal relationships.

4 Sexual extortion in the first degree is a class C felony.

5 § 2. The opening paragraph of subdivision 1 of section 812 of the  
6 family court act, as amended by chapter 526 of the laws of 2013, is  
7 amended to read as follows:

8 The family court and the criminal courts shall have concurrent juris-  
9 diction over any proceeding concerning acts which would constitute  
10 disorderly conduct, harassment in the first degree, harassment in the  
11 second degree, aggravated harassment in the second degree, sexual  
12 misconduct, forcible touching, sexual abuse in the third degree, sexual  
13 abuse in the second degree as set forth in subdivision one of section  
14 130.60 of the penal law, stalking in the first degree, stalking in the  
15 second degree, stalking in the third degree, stalking in the fourth  
16 degree, criminal mischief, menacing in the second degree, menacing in  
17 the third degree, reckless endangerment, criminal obstruction of breath-  
18 ing or blood circulation, strangulation in the second degree, strangula-  
19 tion in the first degree, assault in the second degree, assault in the  
20 third degree, an attempted assault, identity theft in the first degree,  
21 identity theft in the second degree, identity theft in the third degree,  
22 grand larceny in the fourth degree, grand larceny in the third degree or  
23 coercion in the second degree as set forth in subdivisions one, two and  
24 three of section 135.60 of the penal law, unlawful publication of sexual  
25 images as set forth in section 250.61 of the penal law, sexual extortion  
26 in the third degree as set forth in section 250.62 of the penal law,  
27 sexual extortion in the second degree as set forth in section 250.63 of  
28 the penal law, or sexual extortion in the first degree as set forth is

1 section 250.64 of the penal law between spouses or former spouses, or  
2 between parent and child or between members of the same family or house-  
3 hold except that if the respondent would not be criminally responsible  
4 by reason of age pursuant to section 30.00 of the penal law, then the  
5 family court shall have exclusive jurisdiction over such proceeding.  
6 Notwithstanding a complainant's election to proceed in family court, the  
7 criminal court shall not be divested of jurisdiction to hear a family  
8 offense proceeding pursuant to this section. In any proceeding pursuant  
9 to this article, a court shall not deny an order of protection, or  
10 dismiss a petition, solely on the basis that the acts or events alleged  
11 are not relatively contemporaneous with the date of the petition, the  
12 conclusion of the fact-finding or the conclusion of the dispositional  
13 hearing. For purposes of this article, "disorderly conduct" includes  
14 disorderly conduct not in a public place. For purposes of this article,  
15 "members of the same family or household" shall mean the following:

16 § 3. Paragraph (a) of subdivision 1 of section 821 of the family court  
17 act, as amended by chapter 526 of the laws of 2013, is amended to read  
18 as follows:

19 (a) An allegation that the respondent assaulted or attempted to  
20 assault his or her spouse, or former spouse, parent, child or other  
21 member of the same family or household or engaged in disorderly conduct,  
22 harassment, sexual misconduct, forcible touching, sexual abuse in the  
23 third degree, sexual abuse in the second degree as set forth in subdivi-  
24 sion one of section 130.60 of the penal law, stalking, criminal  
25 mischief, menacing, reckless endangerment, criminal obstruction of  
26 breathing or blood circulation, strangulation, identity theft in the  
27 first degree, identity theft in the second degree, identity theft in the  
28 third degree, grand larceny in the fourth degree, grand larceny in the

1 third degree or coercion in the second degree as set forth in subdivi-  
2 sions one, two and three of section 135.60 of the penal law, unlawful  
3 publication of sexual images as set forth in section 250.61 of the penal  
4 law, sexual extortion in the third degree as set forth in section 250.62  
5 of the penal law, sexual extortion in the second degree as set forth in  
6 section 250.63 of the penal law, or sexual extortion in the first degree  
7 as set forth in section 250.64 of the penal law toward any such person;

8 § 4. The opening paragraph of subdivision 1 of section 530.11 of the  
9 criminal procedure law, as amended by chapter 526 of the laws of 2013,  
10 is amended to read as follows:

11 The family court and the criminal courts shall have concurrent juris-  
12 diction over any proceeding concerning acts which would constitute  
13 disorderly conduct, harassment in the first degree, harassment in the  
14 second degree, aggravated harassment in the second degree, sexual  
15 misconduct, forcible touching, sexual abuse in the third degree, sexual  
16 abuse in the second degree as set forth in subdivision one of section  
17 130.60 of the penal law, stalking in the first degree, stalking in the  
18 second degree, stalking in the third degree, stalking in the fourth  
19 degree, criminal mischief, menacing in the second degree, menacing in  
20 the third degree, reckless endangerment, strangulation in the first  
21 degree, strangulation in the second degree, criminal obstruction of  
22 breathing or blood circulation, assault in the second degree, assault in  
23 the third degree, an attempted assault, identity theft in the first  
24 degree, identity theft in the second degree, identity theft in the third  
25 degree, grand larceny in the fourth degree, grand larceny in the third  
26 degree or coercion in the second degree as set forth in subdivisions  
27 one, two and three of section 135.60 of the penal law, unlawful publica-  
28 tion of sexual images as set forth in section 250.61 of the penal law,

1 sexual extortion in the third degree as as set forth in section 250.62  
2 of the penal law, sexual extortion in the second degree as set forth in  
3 section 250.63 of the penal law, or sexual extortion in the first degree  
4 as set forth in section 250.64 of the penal law between spouses or  
5 former spouses, or between parent and child or between members of the  
6 same family or household except that if the respondent would not be  
7 criminally responsible by reason of age pursuant to section 30.00 of the  
8 penal law, then the family court shall have exclusive jurisdiction over  
9 such proceeding. Notwithstanding a complainant's election to proceed in  
10 family court, the criminal court shall not be divested of jurisdiction  
11 to hear a family offense proceeding pursuant to this section. For  
12 purposes of this section, "disorderly conduct" includes disorderly  
13 conduct not in a public place. For purposes of this section, "members of  
14 the same family or household" with respect to a proceeding in the crimi-  
15 nal courts shall mean the following:

16 § 5. The penal law is amended by adding a new section 250.61 to read  
17 as follows:

18 § 250.61 Unlawful publication of sexual images.

19 A person is guilty of unlawful publication of sexual images when he or  
20 she, with the intent to harm or cause serious emotional distress to  
21 another: (a) publishes, broadcasts, or in any other way disseminates  
22 images of the sexual or other intimate parts of a person personally  
23 known to them; or (b) compels another to engage in conduct by means of  
24 instilling fear that if the demand to engage in such conduct is not  
25 complied with, he or she will publish, broadcast, or in any other way  
26 disseminate images of the sexual or other intimate parts of another  
27 person personally known to them, and the depicted person suffers serious  
28 emotional distress as a result of the publication, broadcast or dissem-

1 ination, or the compulsion thereof, and the publication or broadcast was  
2 done without consent of the person.

3 Unlawful publication of a sexual image is a class A misdemeanor.

4 § 6. This act shall take effect immediately, provided however that  
5 sections two, three, and four of this act shall take effect on the first  
6 of November next succeeding the date on which it shall have become a  
7 law.

8 PART G

9 Section 1. Subdivision 4 of section 2805-i of the public health law is  
10 REPEALED.

11 § 2. Subdivision 2 of section 2805-i of the public health law, as  
12 amended by chapter 504 of the laws of 1994, is amended to read as  
13 follows:

14 2. The sexual offense evidence shall be collected and kept in a locked  
15 separate and secure area for not less than [thirty days] the longer of  
16 five years or the date the alleged sexual offense victim reaches the age  
17 of nineteen, unless: (a) such evidence is not privileged and the police  
18 request its surrender before that time, which request shall be complied  
19 with; or (b) such evidence is privileged and (i) the alleged sexual  
20 offense victim nevertheless gives permission to turn such privileged  
21 evidence over to the police before that time, or (ii) the alleged sexual  
22 offense victim signs a statement directing the hospital to not collect  
23 and keep such privileged evidence, which direction shall be complied  
24 with. The sexual offense evidence shall include, but not be limited to,  
25 slides, cotton swabs, clothing and other items. Where appropriate such  
26 items must be refrigerated and the clothes and swabs must be dried,

1 stored in paper bags and labeled. Each item of evidence shall be marked  
2 and logged with a code number corresponding to the patient's medical  
3 record. [The] Within thirty days of collection of evidence, the alleged  
4 sexual offense victim shall be notified that after [thirty days] the  
5 longer of five years or the date the alleged sexual offense victim  
6 reaches the age of nineteen, the refrigerated evidence will be discarded  
7 in compliance with state and local health codes and the alleged sexual  
8 offense victim's clothes will be returned to the alleged sexual offense  
9 victim upon request. The hospital shall ensure that diligent efforts are  
10 made to contact the alleged sexual offense victim and repeat such  
11 notification more than thirty days prior to the evidence being discarded  
12 in accordance with this section. Hospitals may enter into contracts with  
13 other entities that will ensure appropriate storage of sexual offense  
14 evidence pursuant to this subdivision.

15 § 3. This act shall take effect immediately.

16 PART H

17 Section 1. Section 292 of the executive law is amended by adding a new  
18 subdivision 35 to read as follows:

19 35. The term "educational institution" shall mean:

20 (a) any education corporation or association which holds itself out to  
21 the public to be non-secretarian and exempt from taxation pursuant to  
22 the provisions of article four of the real property tax law; or

23 (b) any public school, including any school district, board of cooper-  
24 ative education services, public college or public university.

25 § 2. Subdivision 4 of section 296 of the executive law, as amended by  
26 chapter 106 of the laws of 2003, is amended to read as follows:

1 4. It shall be an unlawful discriminatory practice for an [education  
2 corporation or association which holds itself out to the public to be  
3 non-sectarian and exempt from taxation pursuant to the provisions of  
4 article four of the real property tax law] educational institution to  
5 deny the use of its facilities to any person otherwise qualified, or to  
6 permit the harassment of any student or applicant, by reason of his  
7 race, color, religion, disability, national origin, sexual orientation,  
8 military status, sex, age or marital status, except that any such insti-  
9 tution which establishes or maintains a policy of educating persons of  
10 one sex exclusively may admit students of only one sex.

11 § 3. This act shall take effect immediately.

## 12 PART I

13       Section 1. This Part enacts into law major components of legislation  
14 which are necessary to combat sexual harassment in the workplace. Each  
15 component is wholly contained within a Subpart identified as Subparts A  
16 through F. The effective date for each particular provision contained  
17 within such Subpart is set forth in the last section of such Subpart.  
18 Any provision in any section contained within a Subpart, including the  
19 effective date of the Subpart, which makes a reference to a section "of  
20 this act," when used in connection with that particular component, shall  
21 be deemed to mean and refer to the corresponding section of the Subpart  
22 in which it is found. Section three of this Part sets forth the general  
23 effective date of the Part.

## 24 SUBPART A

1 Section 1. The state finance law is amended by adding a new section  
2 148 to read as follows:

3 § 148. Reporting of sexual harassment violations by state contractors.

4 1. Definitions. As used in this section, the following terms shall have  
5 the following meanings unless otherwise specified:

6 a. "State agency" means (1) (a) any state department, or (b) any divi-  
7 sion, board, commission or bureau of any state department, or (c) the  
8 state university of New York and the city university of New York,  
9 including all their constituent units except community colleges and the  
10 independent institutions operating statutory or contract colleges on  
11 behalf of the state, or (d) a board or commission, a majority of whose  
12 members are appointed by the governor; and (2) a "state authority", as  
13 defined in subdivision one of section two of the public authorities law.

14 b. "Owner" means an owner of a business entity, which includes but is  
15 not limited to a shareholder of a corporation that is not publicly trad-  
16 ed, a partner in a partnership or limited liability partnership, a  
17 member of a limited liability company, a general partner or limited  
18 partner of a limited partnership.

19 c. "Manager" means a director or executive officer of a business enti-  
20 ty, which includes but is not limited to a director of a corporation and  
21 a manager of a limited liability company.

22 d. "Sexual harassment violation" means a claim of sexual harassment  
23 that has been determined to be substantiated in accordance with applica-  
24 ble law or the internal policies of the contractor.

25 e. "Sexual harassment" means unwelcome sexual advances, requests for  
26 sexual favors, or other verbal or physical conduct of a sexual nature if  
27 such conduct is made either explicitly or implicitly a term or condition  
28 of employment, or submission to or rejection of such conduct is used as



1 the basis for employment decisions affecting an individual's employment,  
2 or such conduct has the purpose or effect of unreasonably interfering  
3 with an individual's work performance or creating an intimidating,  
4 hostile or offensive work environment, even if the complaining individ-  
5 ual is not the intended target of the sexual harassment.

6 f. "Contract" means the same as "procurement contract" as defined in  
7 subdivision g of section one hundred thirty-nine-k of the state finance  
8 law.

9 2. A clause shall be inserted in all contracts hereafter made or  
10 awarded by the state, or by any state agency, requiring a contractor to  
11 whom any contract shall be let, granted or awarded, as required by law,  
12 to certify to the office of general services not later than June thirti-  
13 eth of each year during the term of the contract information relating to  
14 the issue of sexual harassment, which shall include, among other things,  
15 the following: (i) the number of sexual harassment violations and/or  
16 determinations asserted against or committed by any owner, manager, or  
17 employee of the contractor in the previous calendar year; (ii) the  
18 number of settlement agreements containing nondisclosure provisions that  
19 have been executed by the contractor in the previous calendar year where  
20 such settlement agreement resolves any sexual harassment claim asserted  
21 against or committed by any owner, manager, or employee of the contrac-  
22 tor; and (iii) a description of training provided to employees relating  
23 to sexual harassment prevention in the workplace. The above-referenced  
24 clause shall also require the contractor to submit such certification  
25 using a form of certification provided by the office of general  
26 services.

27 3. The office of general services shall prepare an annual report which  
28 identifies the aggregate number of sexual harassment violations, the

1 aggregate number of settlement agreements containing nondisclosure  
2 provisions, and the aggregate number of businesses providing sexual  
3 harassment training in the workplace reported to the office of general  
4 services during the preceding year. The report shall be provided to the  
5 governor, the speaker of the assembly and the temporary president of the  
6 senate on or before November first of each year commencing with the  
7 November first in the year immediately following the effective date of  
8 the legislation.

9 § 2. This act shall take effect on the one hundred eightieth day after  
10 it shall have become a law.

11 SUBPART B

12 Section 1. The general business law is amended by adding a new section  
13 398-f to read as follows:

14 § 398-f. Certain contract clauses; prohibited. 1. Definitions. As  
15 used in this section:

16 a. The term "employer" shall have the same meaning as provided in  
17 subdivision five of section two hundred ninety-two of the executive law.

18 b. The term "sexual harassment" shall include unwelcome sexual  
19 advances, requests for sexual favors, and other verbal or physical  
20 conduct of a sexual nature when: (i) submission to such conduct is made  
21 either explicitly or implicitly a term or condition of an individual's  
22 employment; (ii) submission to or rejection of such conduct by an indi-  
23 vidual is used as the basis for employment decisions affecting such  
24 individual; or (iii) such conduct has the purpose or effect of interfer-  
25 ing with an individual's work performance or creating an intimidating,  
26 hostile, or offensive working environment.

1     2. Prohibition. On or after the effective date of this section, no  
2     employer shall force an employee or prospective employee to enter into a  
3     written contract if such contract would restrict or limit such employ-  
4     ee's ability to bring or adjudicate claims relating to unlawful discri-  
5     minatory practices based on sexual harassment in any forum.

6     3. Where there is a conflict between any collective bargaining agree-  
7     ment and this section, such agreement shall be controlling.

8       § 2. This act shall take effect on the first of January next succeed-  
9       ing the date on which it shall have become a law.

10 SUBPART C

11       Section 1. The executive law is amended by adding a new section 656 to  
12 read as follows:

13     § 656. Individual liability for sexual harassment.     a. For the  
14 purposes of this section, "sexual harassment" shall include unwelcome  
15 sexual advances, requests for sexual favors, or other verbal or physical  
16 conduct of a sexual nature when: (i) submission to such conduct is made  
17 either explicitly or implicitly a term or condition of an individual's  
18 employment; (ii) submission to or rejection of such conduct by an indi-  
19 vidual is used as the basis for employment decisions affecting such  
20 individual; or (iii) such conduct has the purpose or effect of interfer-  
21 ing with an individual's work performance or creating an intimidating,  
22 hostile, or offensive working environment.

b. The office of employee relations shall review any proposed agreed judgment, stipulation, decree, agreement to settle, assurance of discontinuance or other agreement to resolve any internal complaint, complaint to the U.S. equal employment opportunity commission or New York divi-

sion of human rights, or other complaint that has not been filed in  
state or federal court, if the act or omission from which such complaint  
arose involved sexual harassment. The office of employee relations  
shall not approve such agreement to the extent such agreement includes a  
proposal for the state to indemnify and save harmless an employee for  
the employee's individual liability with respect to the complaint.

§ 2. Section 17 of the public officers law is amended by adding a new  
subdivision 12 to read as follows:

12. (a) For the purposes of this section, "sexual harassment" shall  
include unwelcome sexual advances, requests for sexual favors, or other  
verbal or physical conduct of a sexual nature when: (i) submission to  
such conduct is made either explicitly or implicitly a term or condition  
of an individual's employment; (ii) submission to or rejection of such  
conduct by an individual is used as the basis for employment decisions  
affecting such individual; or (iii) such conduct has the purpose or  
effect of interfering with an individual's work performance or creating  
an intimidating, hostile, or offensive working environment.

(b) Notwithstanding any provision of this article or law, the state  
shall not indemnify and save harmless an employee in the amount of any  
judgment obtained against such employee in any state or federal court,  
or in the amount of any settlement of a claim, and shall not pay such  
judgment or settlement if the act or omission from which such judgment  
or settlement arose involved sexual harassment.

§ 3. Paragraph (d) of subdivision 4 of section 18 of the public offi-  
cers law is relettered paragraph (e) and a new paragraph (d) is added to  
read as follows:

(d)(i) For the purposes of this section, "sexual harassment" shall  
include unwelcome sexual advances, requests for sexual favors, or other

1 verbal or physical conduct of a sexual nature when: (A) submission to  
2 such conduct is made either explicitly or implicitly a term or condition  
3 of an individual's employment; (B) submission to or rejection of such  
4 conduct by an individual is used as the basis for employment decisions  
5 affecting such individual; or (C) such conduct has the purpose or effect  
6 of interfering with an individual's work performance or creating an  
7 intimidating, hostile, or offensive working environment.

8 (ii) No public entity shall indemnify or save harmless an employee  
9 with respect to the amount of any judgment obtained against such employ-  
10 ee in any state or federal court, or in the amount of any settlement of  
11 a claim, or pay such judgment or settlement if the act or omission from  
12 which such judgment or settlement arose involved sexual harassment.

13 § 4. This act shall take effect immediately.

14 SUBPART D

15 Section 1. Section 63 of the executive law is amended by adding a new  
16 subdivision 17 to read as follows:

17 17. (a) For the purposes of this section, sexual harassment includes  
18 unwelcome sexual advances, requests for sexual favors, and other verbal  
19 or physical conduct of a sexual nature when: (1) submission to such  
20 conduct is made either explicitly or implicitly a term or condition of  
21 an individual's employment; (2) submission to or rejection of such  
22 conduct by an individual is used as the basis for employment decisions  
23 affecting such individual; or (3) such conduct has the purpose or effect  
24 of interfering with an individual's work performance or creating an  
25 intimidating, hostile, or offensive working environment.

1 (b) Notwithstanding any other law to the contrary, for any claim or  
2 cause of action, whether filed or unfiled, actual or potential, and  
3 whether arising under common law, equity, or any provision of law, the  
4 factual foundation for which involves sexual harassment, in resolving,  
5 by agreed judgment, stipulation, decree, agreement to settle, assurance  
6 of discontinuance or otherwise, a state agency or a state official or  
7 employee acting in their official capacity shall not have the authority  
8 to include or agree to include in such resolution any term or condition  
9 that would prevent the disclosure of any or all factual information  
10 related to the action unless the condition of confidentiality is the  
11 complainant's preference. Any such condition must be provided to the  
12 complainant, who shall have twenty-one days to consider the condition.  
13 If after twenty-one days, such condition is the complainant's prefer-  
14 ence, such preference shall be memorialized in an agreement signed by  
15 the complainant.

16 § 2. The general municipal law is amended by adding a new section 70-b  
17 to read as follows:

18 § 70-b. Confidential settlements. a. For the purposes of this section,  
19 sexual harassment includes unwelcome sexual advances, requests for sexu-  
20 al favors, and other verbal or physical conduct of a sexual nature when:  
21 (i) submission to such conduct is made either explicitly or implicitly a  
22 term or condition of an individual's employment; (ii) submission to or  
23 rejection of such conduct by an individual is used as the basis for  
24 employment decisions affecting such individual; or (iii) such conduct  
25 has the purpose or effect of interfering with an individual's work  
26 performance or creating an intimidating, hostile, or offensive working  
27 environment.

b. Notwithstanding any other law to the contrary, for any claim or cause of action, whether filed or unfiled, actual or potential, and whether arising under common law, equity, or any provision of law, the factual foundation for which involves sexual harassment, in resolving, by agreed judgment, stipulation, decree, agreement to settle, assurance of discontinuance or otherwise, a municipal corporation, official or employee acting in their official capacity shall not have the authority to include or agree to include in such resolution any term or condition that would prevent the disclosure of any or all factual information related to the action unless the condition of confidentiality is the complainant's preference. Any such condition must be provided to the complainant, who shall have twenty-one days to consider the condition. If after twenty-one days, such condition is the complainant's preference, such preference shall be memorialized in an agreement signed by the complainant.

§ 3. This act shall take effect immediately.

#### SUBPART E

Section 1. Subdivision 3 of section 74 of the public officers law is amended by adding a new paragraph j to read as follows:

j. No officer or employee of a state agency, member of the legislature or legislative employee shall commit an act of sexual harassment while serving in his or her official capacity. For the purposes of this section, "sexual harassment" shall include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,

1 submission to or rejection of such conduct by an individual is used as  
2 the basis for employment decisions affecting such individual or such  
3 conduct has the purpose or effect of interfering with an individual's  
4 work performance or creating an intimidating, hostile, or offensive  
5 working environment.

6 § 2. Subdivision 4 of section 74 of the public officers law, as  
7 amended by chapter 14 of the laws of 2007, is amended to read as  
8 follows:

9 4. a. Violations. In addition to any penalty contained in any other  
10 provision of law any such officer, member or employee who shall knowing-  
11 ly and intentionally violate any of the provisions of this section may  
12 be fined, suspended or removed from office or employment in the manner  
13 provided by law. Any such individual who knowingly and intentionally  
14 violates the provisions of paragraph b, c, d or i of subdivision three  
15 of this section shall be subject to a civil penalty in an amount not to  
16 exceed ten thousand dollars and the value of any gift, compensation or  
17 benefit received as a result of such violation. Any such individual who  
18 knowingly and intentionally violates the provisions of paragraph a, e or  
19 g of subdivision three of this section shall be subject to a civil  
20 penalty in an amount not to exceed the value of any gift, compensation  
21 or benefit received as a result of such violation.

22 b. Sexual harassment violations. In addition to any penalty contained  
23 in any other provision of law any such officer, member or employee who  
24 shall violate the provisions of paragraph j of subdivision three of this  
25 section shall be subject to a civil penalty of up to ten thousand  
26 dollars, and may be subject to proceedings for suspension or removal  
27 from office or employment by the attorney general or in the manner  
28 otherwise provided by law or collective bargaining agreement.



1     § 3. Subdivision 9 of section 94 of the executive law is amended by  
2     adding a new paragraph (o) to read as follows:

(o) Establish a unit to receive and investigate complaints of sexual harassment that constitute violations of paragraph j of subdivision three of section seventy-four of the public officers law. Such unit shall maintain a phone number to receive complaints, and post such number and instructions for filing a complaint of sexual harassment on the commission's publicly accessible website.

9     § 4. Subdivision 13 of section 94 of the executive law is amended by  
10 adding a new paragraph (d) to read as follows:

11     (d) For an alleged or possible violation of paragraph j of subdivision  
12 three of section seventy-four of the public officers law, filing a  
13 complaint shall not constitute an election of remedies. An individual  
14 shall not be required to exhaust other available administrative remedies  
15 to file a complaint. Neither the filing of a complaint of the conclusion  
16 of any investigation by the commission shall restrict a complainant's  
17 right to bring a separate action administratively or in a court of law.  
18 Notice to any complainant shall be provided upon the closure of any  
19 investigation. However, the individual shall notify the commission of  
20 any separate administrative action or action in the court of law relat-  
21 ing to the same complaint. The commission may stay the matter before it  
22 pending the determination/conclusion of the separate action.

23      § 5. This act shall take effect immediately.

## 24 SUBPART F

25       Section 1. The executive law is amended by adding a new section 655 to  
26 read as follows:

1    § 655. Sexual harassment prevention policy. a. Notwithstanding any  
2 other provision of law to the contrary, the office of employee relations  
3 shall develop a sexual harassment prevention policy, applicable to each  
4 agency, office or department, which shall include investigation proce-  
5 dures and a standard complaint form. The sexual harassment prevention  
6 policy shall include, but not be limited to, the following elements:

7    (i) Definitions. For the purposes of this section, the following terms  
8 shall have the following meanings:

9    (A) "sexual harassment" shall include unwelcome sexual advances,  
10 requests for sexual favors, and other verbal or physical conduct of a  
11 sexual nature when: (1) submission to such conduct is made either  
12 explicitly or implicitly a term or condition of an individual's employ-  
13 ment; (2) submission to or rejection of such conduct by an individual is  
14 used as the basis for employment decisions affecting such individual; or  
15 (3) such conduct has the purpose or effect of interfering with an indi-  
16 vidual's work performance or creating an intimidating, hostile, or  
17 offensive working environment.

18    (B) "employee" shall include any agency, office or department employ-  
19 ee, contractor, or employee of any contractor or other individual in the  
20 workplace of any agency, office or department.

21    (ii) Instructions to file a complaint. (A) Complaints may be filed by  
22 an employee to any supervisor, managerial employee, personnel adminis-  
23 trator, or affirmative action administrator. Any supervisory or manage-  
24 rial employee who observes or otherwise becomes aware of conduct of a  
25 sexually harassing nature, must report such conduct as set forth in the  
26 complaint procedure so that it can be investigated. If the office of  
27 employment relations otherwise becomes aware of conduct of a sexually

1 harassing nature, it shall ensure an investigation is opened immediate-  
2 ly.

3 (B) A standard complaint form. A standard complaint form shall be  
4 available to every employee on the agency, office, or department's  
5 intranet. If an employee makes an oral complaint, the person receiving  
6 such complaint shall encourage the employee to fill out a standard  
7 complaint form. If the employee does not fill out the complaint form,  
8 the person shall fill out such form based on the oral reporting.

9 (iii) Investigation procedure. (A) The office of employee relations  
10 shall designate an individual to investigate complaints of sexual  
11 harassment for each agency, office, and department. Upon receipt of a  
12 complaint of sexual harassment, a supervisor, managerial employee,  
13 personnel administrator, or affirmative action administrator shall imme-  
14 diately report such complaint to the designated individual, who shall  
15 open an investigation. The designated individual shall ensure that he or  
16 she does not have a conflict of interest in the allegations in the  
17 complaint, and if there is any suspected conflict of interest, the indi-  
18 vidual shall immediately notify the office of employee relations, which  
19 shall designate a new individual to conduct the investigation.

20 (B) An investigation into a complaint of sexual harassment shall take  
21 no more than ninety days from the filing of the complaint. If additional  
22 time is needed to complete an investigation due to its complexity, a  
23 request for an extension may be submitted to the office of employee  
24 relations.

25 (C) Any complaint of sexual harassment will be kept confidential,  
26 including the identity of the complainant, witnesses and the identity of  
27 the alleged harasser to the extent practicable during the course of the  
28 investigations.

1 (D) Any appropriate remedial steps may be taken to prevent intim-  
2 idation, retaliation, or coercion of the complainant by the alleged  
3 harasser. Such steps may include, but not be limited to, preventing the  
4 alleged harasser from contacting the complainant or from discussing the  
5 substance of the complaint with the complainant, or removing the alleged  
6 harasser from the workplace.

7 (E) Such procedures shall also include, at a minimum:

8 (1) the development of a preliminary investigation plan, which shall  
9 include at a minimum:

10 (I) an examination of: the circumstances surrounding the allegations;  
11 the employment history of the parties; the place, date, location, time,  
12 and duration of the incident in question; and prior relevant incidents  
13 or allegations, whether reported or unreported;

14 (II) identification of the complainant, alleged harasser, and any  
15 relevant witnesses;

16 (III) identification and communication of any legal hold request on  
17 any relevant documents, emails or phone records to legal counsel; and

18 (IV) a determination of any necessary site visits;

19 (2) an interview of the complainant, where necessary;

20 (3) an interview of the alleged harasser, where necessary, which shall  
21 conform to the requirements of any applicable collective bargaining  
22 agreement or law; and

23 (4) any other relevant information relating to the allegations.

24 (iv) Completion of the investigation. (A) After the completion of an  
25 investigation, the individual who conducted the investigation shall  
26 draft a report, using a standard format developed by the office of  
27 employee relations. Such report shall contain, at minimum, a summary of  
28 relevant documents; a list of all individuals interviewed and a summary

1 of their statements; a timeline of events; a summary of prior relevant  
2 incidents; and an analysis of the allegations and evidence.

3 (B) The report shall be submitted to the counsel at the agency,  
4 office, or department for review and recommendation. No more than thirty  
5 days after the completion of such investigation, a legal determination  
6 shall be issued. If there is a determination that the complaint or a  
7 component of such complaint is substantiated, appropriate administrative  
8 action shall be taken, which shall conform to any applicable collective  
9 bargaining agreement or law.

10 b. Such policy shall also include, but not be limited to the follow-  
11 ing:

12 (i) Contain a statement that sexual harassment is unlawful pursuant to  
13 state and federal civil rights laws, and shall be prohibited conduct in  
14 all state agencies, offices, and departments;

15 (ii) Contain a statement that retaliation against a complainant,  
16 witness or any other individual participating in the investigation proc-  
17 ess is unlawful and will not be tolerated;

18 (iii) Contain a statement that employees also have the right to file a  
19 complaint with the U.S. Equal Employment Opportunity Commission, and the  
20 New York division of human rights;

21 (iv) Contain a statement that employees of state entities also have a  
22 right to file a complaint with the joint commission on public ethics,  
23 which shall include the contact information for employees to use to file  
24 such a complaint;

25 (v) Copies of the sexual harassment policy, as well as directions for  
26 filing a complaint, shall be distributed to all employees of state agen-  
27 cies, offices, departments, including the executive department upon  
28 commencing employment and annually thereafter; and

1 (vi) Provisions for appropriate annual interactive training for all  
2 employees of state agencies, offices, and departments, including the  
3 executive department.

4 c. Nothing in this section shall grant any additional legal rights to  
5 any employee and nothing herein abrogates compliance with any law, rule,  
6 or regulation that grants rights to an employee. Where there is a  
7 conflict between any collective bargaining agreement and this section,  
8 such agreement shall be controlling.

9 § 2. Article 5 of the legislative law is amended by adding a new  
10 section 81 to read as follows:

11 § 81. Sexual harassment prevention policy. 1. Notwithstanding any  
12 other provision of law to the contrary, the legislative ethics commis-  
13 sion shall develop a sexual harassment prevention policy, applicable to  
14 the legislature and all legislative employees, which shall include  
15 investigation procedures and a standard complaint form. The sexual  
16 harassment prevention policy shall include, but not be limited to, the  
17 following elements:

18 (a) Definitions. The following terms shall have the following mean-  
19 ings:

20 (i) "sexual harassment" shall include unwelcome sexual advances,  
21 requests for sexual favors, and other verbal or physical conduct of a  
22 sexual nature when: (A) submission to such conduct is made either  
23 explicitly or implicitly a term or condition of an individual's employ-  
24 ment; (B) submission to or rejection of such conduct by an individual is  
25 used as the basis for employment decisions affecting such individual; or  
26 (C) such conduct has the purpose or effect of interfering with an indi-  
27 vidual's work performance or creating an intimidating, hostile, or  
28 offensive working environment.

1     (ii) "employee" shall include any legislative employee, contractor, or  
2 employee of any contractor or other individual in the workplace of the  
3 legislature.

4     (b) Instructions to file a complaint. (i) Complaints may be filed by  
5 an employee to any supervisor, managerial employee, personnel adminis-  
6 trator, or affirmative action administrator. Any supervisory or manage-  
7 rial employee who observes or otherwise becomes aware of conduct of a  
8 sexually harassing nature, must report such conduct as set forth in the  
9 complaint procedure so that it can be investigated. If the legislative  
10 ethics commission otherwise becomes aware of conduct of a sexually  
11 harassing nature, it shall ensure an investigation is opened immediate-  
12 ly.

13     (ii) A standard complaint form. A standard complaint form shall be  
14 available to every employee of the legislature. If an employee makes an  
15 oral complaint, the person receiving such complaint shall encourage the  
16 employee to fill out a standard complaint form. If the employee does not  
17 fill out the complaint form, the person shall fill out such form based  
18 on the oral reporting.

19     (c) Investigation procedure. (i) The legislative ethics commission  
20 shall designate an individual to investigate complaints of sexual  
21 harassment. Upon receipt of a complaint of sexual harassment, a super-  
22 visor, managerial employee, personnel administrator, or affirmative  
23 action administrator shall immediately report such complaint to the  
24 designated individual, who shall open an investigation. The designated  
25 individual shall ensure that he or she does not have a conflict of  
26 interest in the allegations in the complaint, and if there is any  
27 conflict of interest, the individual shall immediately notify the legis-

1 lative ethics commission, which shall designate a new individual to  
2 conduct the investigation.

3 (ii) An investigation into a complaint of sexual harassment shall take  
4 no more than ninety days from the filing of the complaint. If additional  
5 time is needed to complete an investigation due to its complexity, a  
6 request for an extension may be submitted to the legislative ethics  
7 commission.

8 (iii) Any complaint of sexual harassment will be kept confidential,  
9 including the identity of complainant, witnesses and the identity of the  
10 alleged harasser to the extent practicable during the course of the  
11 investigations.

12 (iv) Any appropriate remedial steps may be taken to prevent intim-  
13 idation, retaliation, or coercion of the complainant by the alleged  
14 harasser. Such steps may include, but not be limited to, preventing the  
15 alleged harasser from contacting the complainant or from discussing the  
16 substance of the complaint with the complainant.

17 (v) Such procedures shall also include, at a minimum:

18 (A) the development of a preliminary investigation plan, which shall  
19 include at a minimum:

20 (1) an examination of: the circumstances surrounding the allegations;  
21 the employment history of the parties; the place, date, location, time,  
22 and duration of the incident in question; and prior relevant incidents  
23 or allegations, whether reported or unreported;

24 (2) identification of the complainant, alleged harasser, and any rele-  
25 vant witnesses;

26 (3) identification and communication of any legal hold request on any  
27 relevant documents, emails or phone records to legal counsel; and

28 (4) a determination of any necessary site visits;



1 (B) an interview of the complainant, where necessary;

2 (C) an interview of the alleged harasser, where necessary, which shall  
3 conform to the requirements of any applicable collective bargaining  
4 agreement or law; and

5 (D) any other relevant information relating to the allegations.

6 (d) Completion of the investigation. (i) After the completion of an  
7 investigation, the individual who conducted the investigation shall  
8 draft a report, using a standard format developed by the legislative  
9 ethics commission. Such report shall contain, at a minimum, a summary of  
10 relevant documents; a list of all individuals interviewed and a summary  
11 of their statements; a timeline of events; a summary of prior relevant  
12 incidents; and an analysis of the allegations and evidence.

13 (ii) The report shall be submitted to an individual designated by the  
14 legislative ethics commission to review the report and make a legal  
15 recommendation. No more than thirty days after the completion of such  
16 investigation, a legal determination shall be issued. If there is a  
17 determination that the complaint or a component of such complaint is  
18 substantiated, appropriate administrative action shall be taken, which  
19 shall conform to any applicable collective bargaining agreement or law.

20 2. Such policy shall also include, but not be limited to the follow-  
21 ing:

22 (a) Contain a statement that sexual harassment is unlawful pursuant to  
23 state and federal civil rights laws, and shall be prohibited conduct in  
24 the legislature;

25 (b) Contain a statement that retaliation against a complainant,  
26 witness or any other individual participating in the investigation proc-  
27 ess is unlawful and will not be tolerated;

1 (c) Contain a statement that employees also have the right to file a  
2 complaint with the U.S. Equal Employment Opportunity Commission, and the  
3 New York division of human rights;

4 (d) Contain a statement that employees of state entities also have a  
5 right to file a complaint with the joint commission on public ethics,  
6 which shall include the contact information for employees to use to file  
7 such a complaint;

8 (e) Copies of the sexual harassment policy, as well as directions for  
9 filing a complaint, shall be distributed to all employees of the legis-  
10 lature upon commencing employment and annually thereafter; and

11 (f) Provisions for appropriate annual interactive training for all  
12 employees of the legislature.

13 3. Nothing in this section shall grant any additional legal rights to  
14 any employee and nothing in this section abrogates compliance with any  
15 law, rule, or regulation that grants rights to an employee. Where there  
16 is a conflict between any collective bargaining agreement and this  
17 section, such agreement shall be controlling.

18 § 3. The judiciary law is amended by adding a new section 219-d to  
19 read as follows:

20 § 219-d. Sexual harassment prevention policy. 1. Notwithstanding any  
21 other provision of law to the contrary, the office of court adminis-  
22 tration shall develop a sexual harassment prevention policy, applicable  
23 to the judiciary and all judiciary employees, which shall include inves-  
24 tigation procedures and a standard complaint form. The sexual harassment  
25 prevention policy shall include, but not be limited to, the following  
26 elements:

27 (a) Definitions. For the purposes of this section, the following terms  
28 shall have the following meanings:

1     (i) "sexual harassment" shall include unwelcome sexual advances,  
2 requests for sexual favors, and other verbal or physical conduct of a  
3 sexual nature when: (A) submission to such conduct is made either  
4 explicitly or implicitly a term or condition of an individual's employ-  
5 ment; (B) submission to or rejection of such conduct by an individual is  
6 used as the basis for employment decisions affecting such individual; or  
7 (C) such conduct has the purpose or effect of interfering with an indi-  
8 vidual's work performance or creating an intimidating, hostile, or  
9 offensive working environment.

10    (ii) "employee" shall include any employee, contractor, or employee of  
11 any contractor or other individual in the work place of the judiciary.

12    (b) Instructions to file a complaint. (i) Complaints may be filed by  
13 an employee to any supervisor, managerial employee, personnel adminis-  
14 trator, or affirmative action administrator. Any supervisory or manage-  
15 rial employee who observes or otherwise becomes aware of conduct of a  
16 sexually harassing nature, must report such conduct as set forth in the  
17 complaint procedure so that it can be investigated. If the office of  
18 court administration otherwise becomes aware of conduct of a sexually  
19 harassing nature, it shall ensure an investigation is opened immediate-  
20 ly.

21    (ii) A standard complaint form. A standard complaint form shall be  
22 available to every employee in the judiciary. If an employee makes an  
23 oral complaint, the person receiving such complaint shall encourage the  
24 employee to fill out a standard complaint form. If the employee does not  
25 fill out the complaint form, the person shall fill out such form based  
26 on the oral reporting.

27    (c) Investigation procedure. (i) The office of court administration  
28 shall designate an individual to investigate complaints of sexual

1 harassment. Upon receipt of a complaint of sexual harassment, a supervi-  
2 sor, managerial employee, personnel administrator, or affirmative action  
3 administrator shall immediately report such complaint to the designated  
4 individual, who shall open an investigation. The designated individual  
5 shall ensure that he or she does not have a conflict of interest in the  
6 allegations in the complaint, and if there is any conflict of interest,  
7 the individual shall immediately notify the office of court adminis-  
8 tration, which shall designate a new individual to conduct the investi-  
9 gation.

10 (ii) An investigation into a complaint of sexual harassment shall take  
11 no more than ninety days from the filing of the complaint. If additional  
12 time is needed to complete an investigation due to its complexity, a  
13 request for an extension may be submitted to the office of court admin-  
14 istration.

15 (iii) Any complaint of sexual harassment will be kept confidential,  
16 including the identity of the complainant, witnesses and the identity of  
17 the alleged harasser to the extent practicable during the course of the  
18 investigations.

19 (iv) Any appropriate remedial steps may be taken to prevent intim-  
20 idation, retaliation, or coercion of the complainant by the alleged  
21 harasser. Such steps may include, but not be limited to, preventing the  
22 alleged harasser from contacting the complainant or from discussing the  
23 substance of the complaint with the complainant.

24 (v) Such procedures shall also include, at a minimum:

25 (A) the development of a preliminary investigation plan, which shall  
26 include at a minimum:

27 (1) an examination of: the circumstances surrounding the allegations;  
28 the employment history of the parties; the place, date, location, time,

and duration of the incident in question; and prior relevant incidents or allegations, whether reported or unreported;

(2) identification of the complainant, alleged harasser, and any relevant witnesses;

(3) identification and communication of any legal hold request on any relevant documents, emails or phone records to legal counsel; and

(4) a determination of any necessary site visits;

(B) an interview of the complainant, where necessary;

(C) an interview of the alleged harasser, where necessary, which shall conform to the requirements of any applicable collective bargaining agreement or law; and

(D) any other relevant information relating to the allegations.

(d) Completion of the investigation. (i) After the completion of an investigation, the individual who conducted the investigation shall draft a report, using a standard format developed by the office of court administration. Such report shall contain, at a minimum, a summary of relevant documents; a list of all individuals interviewed and a summary of their statements; a timeline of events; a summary of prior relevant incidents; and an analysis of the allegations and evidence.

(ii) The report shall be submitted to an individual designated by the legislative ethics commission to review the report and make a legal recommendation. No more than thirty days after the completion of such investigation, a legal determination shall be issued. If there is a determination that the complaint or a component of such complaint is substantiated, appropriate administrative action shall be taken, which shall conform to any applicable collective bargaining agreement or law.

2. Such policy shall also include, but not be limited to the following:

1 (a) Contain a statement that sexual harassment is unlawful pursuant to  
2 state and federal civil rights laws, and shall be prohibited conduct in  
3 the judiciary;

4 (b) Contain a statement that retaliation against a complainant,  
5 witness or any other individual participating in the investigation proc-  
6 ess is unlawful and will not be tolerated;

7 (c) Contain a statement that employees also have the right to file a  
8 complaint with the U.S. Equal Employment Opportunity Commission, and the  
9 New York division of human rights;

10 (d) Contain a statement that employees of state entities also have a  
11 right to file a complaint with the joint commission on public ethics,  
12 which shall include the contact information for employees to use to file  
13 such a complaint;

14 (e) Copies of the sexual harassment policy, as well as directions for  
15 filing a complaint, shall be distributed to all employees of the legis-  
16 lature upon commencing employment and annually thereafter; and

17 (f) Provisions for appropriate annual interactive training for all  
18 employees of the judiciary.

19 3. Nothing in this section shall grant any additional legal rights to  
20 any employee and nothing in this section abrogates compliance with any  
21 law, rule, or regulation that grants rights to an employee. Where there  
22 is a conflict between any collective bargaining agreement and this  
23 section, such agreement shall be controlling.

24 § 4. The general municipal law is amended by adding a new section 686  
25 to read as follows:

26 § 686. Sexual harassment prevention policy. 1. Notwithstanding any  
27 other provision of law to the contrary, every county, city, town,  
28 village, school district and other political subdivision shall require

1 its legal counsel to develop a sexual harassment prevention policy,  
2 applicable to all employees of such political subdivision, which shall  
3 include investigation procedures and a standard complaint form. The  
4 sexual harassment prevention policy shall include, but not be limited  
5 to, the following elements:

6 (a) Definitions. For the purposes of this section, the following terms  
7 shall have the following meanings:

8 (i) "sexual harassment" shall include unwelcome sexual advances,  
9 requests for sexual favors, and other verbal or physical conduct of a  
10 sexual nature when: (A) submission to such conduct is made either  
11 explicitly or implicitly a term or condition of an individual's employ-  
12 ment; (B) submission to or rejecting of such conduct by an individual is  
13 used as the basis for employment decisions affecting such individual; or  
14 (C) such conduct has the purpose or effect of interfering with an indi-  
15 vidual's work performance or creating an intimidating, hostile, or  
16 offensive working environment.

17 (ii) "employee" shall include any employee or contractor of the poli-  
18 tical subdivision or any employee, contractor, or employee of any  
19 contractor or other individual in the workplace of the political subdivi-  
20 vision.

21 (b) Instructions to file a complaint. (i) Complaints may be filed by  
22 an employee with any supervisor, managerial employee, personnel adminis-  
23 trator, or affirmative action administrator. Any supervisory or manage-  
24 rial employee who observes or otherwise becomes aware of conduct of a  
25 sexually harassing nature, must report such conduct as set forth in the  
26 complaint procedure so that it can be investigated. If the legal counsel  
27 of the political subdivision becomes aware of conduct of a sexually

1 harassing nature, it shall ensure an investigation is opened immediate-  
2 ly.

3 (ii) A standard complaint form. A standard complaint form shall be  
4 available to every employee in the political subdivision. If an employee  
5 makes an oral complaint, the person receiving such complaint shall  
6 encourage the employee to fill out a standard complaint form. If the  
7 employee does not fill out the complaint form, the person shall fill out  
8 such form based on the oral reporting.

9 (c) Investigation procedure. (i) The legal counsel shall designate an  
10 individual or office to investigate complaints of sexual harassment.  
11 Upon receipt of a complaint of sexual harassment, a supervisor, manage-  
12 rial employee, personnel administrator, or affirmative action adminis-  
13 trator shall immediately report such complaint to the designated indi-  
14 vidual, who shall open an investigation. The designated individual shall  
15 ensure that he or she does not have a conflict of interest in the alle-  
16 gations in the complaint, and if there is any conflict of interest, the  
17 individual shall immediately notify the legal counsel, which shall  
18 designate a new individual to conduct the investigation.

19 (ii) An investigation into a complaint of sexual harassment shall take  
20 no more than ninety days from the filing of the complaint. If additional  
21 time is needed to complete an investigation due to its complexity, a  
22 request for an extension may be submitted to the legal counsel.

23 (iii) Any complaint of sexual harassment will be kept confidential,  
24 including the identity of complainant, witnesses and the identity of the  
25 alleged harasser to the extent practicable during the course of the  
26 investigations.

27 (iv) Any appropriate remedial steps may be taken to prevent intim-  
28 idation, retaliation, or coercion of the complainant by the alleged



1 harasser. Such steps may include, but not be limited to, preventing the  
2 alleged harasser from contacting the complainant or from discussing the  
3 substance of the complaint with the complainant.

4 (v) Such procedures shall also include, at a minimum:

5 (1) the development of a preliminary investigation plan, which shall  
6 include at a minimum:

7 (I) an examination of: the circumstances surrounding the allegations;  
8 the employment history of the parties; the place, date, location, time,  
9 and duration of the incident in question; and prior relevant incidents  
10 or allegations, whether reported or unreported;

11 (II) identification of the complainant, alleged harasser, and any  
12 relevant witnesses;

13 (III) identification and communication of any legal hold request on  
14 any relevant documents, emails or phone records to legal counsel; and

15 (IV) a determination of any necessary site visits;

16 (2) an interview of the complainant, where necessary;

17 (3) an interview of the alleged harasser, where necessary, which shall  
18 conform to the requirements of any applicable collective bargaining  
19 agreement or law; and

20 (4) any other relevant information relating to the allegations.

21 (d) Completion of the investigation. (i) After the completion of an  
22 investigation, the individual who conducted the investigation shall  
23 draft a report, using a standard format developed by the legal counsel.  
24 Such report shall contain, at minimum, a summary of relevant documents;  
25 a list of all individuals interviewed and a summary of their statements;  
26 a timeline of events; a summary of prior relevant incidents; and an  
27 analysis of the allegations and evidence.

(ii) The report shall be submitted to an individual designated by the legal counsel to review the report and make a legal recommendation. No more than thirty days after the completion of such investigation, a legal determination shall be issued. If there is a determination that the complaint or a component of such complaint is substantiated, appropriate administrative action shall be taken, which shall conform to any applicable collective bargaining agreement or law.

2. Such policy shall also include, but not be limited to the following:

(a) Contain a statement that sexual harassment is unlawful pursuant to state and federal civil rights laws, and shall be prohibited conduct;

(b) Contain a statement that retaliation against a complainant, witness or any other individual participating in the investigation process is unlawful and will not be tolerated;

(c) Contain a statement that employees also have the right to file a complaint with the U.S. Equal Employment Opportunity Commission, and the New York division of human rights;

(d) Copies of the sexual harassment policy, as well as directions for filing a complaint, shall be distributed to all employees of the political subdivision upon commencing employment and annually thereafter; and

(e) Provisions for appropriate annual interactive training for all employees of the political subdivision.

3. Nothing in this section shall grant any additional legal rights to any employee and nothing in this section abrogates compliance with any law, rule, or regulation that grants rights to an employee. Where there is a conflict between any collective bargaining agreement and this section, such agreement shall be controlling.

1     § 5. The public authorities law is amended by adding a new section  
2 2854 to read as follows:

3     § 2854. Sexual harassment prevention policy. 1. Notwithstanding any  
4 other provision of law to the contrary, every state and local authority  
5 shall require its legal counsel to develop a sexual harassment  
6 prevention policy, applicable to all employees of such authority, which  
7 shall include investigation procedures and a standard complaint form.  
8 The sexual harassment prevention policy shall include, but not be limit-  
9 ed to, the following elements:

10     (a) Definitions. For the purposes of this section, the following terms  
11 shall have the following meanings:

12     (i) "sexual harassment" shall include unwelcome sexual advances,  
13 requests for sexual favors, and other verbal or physical conduct of a  
14 sexual nature when: (A) submission to such conduct is made either  
15 explicitly or implicitly a term or condition of an individual's employ-  
16 ment; (B) submission to or rejection of such conduct by an individual is  
17 used as the basis for employment decisions affecting such individual; or  
18 (C) such conduct has the purpose or effect of interfering with an indi-  
19 vidual's work performance or creating an intimidating, hostile, or  
20 offensive working environment.

21     (ii) "employee" shall include any employee or contractor of the  
22 authority, or any employee, contractor, or employee of any contractor or  
23 other individual in the workplace of the authority.

24     (b) Instructions to file a complaint. (i) Complaints may be filed by  
25 an employee with any supervisor, managerial employee, personnel adminis-  
26 trator, or affirmative action administrator. Any supervisory or manage-  
27 rial employee who observes or otherwise becomes aware of conduct of a  
28 sexually harassing nature, must report such conduct as set forth in the

1 complaint procedure so that it can be investigated. If the legal counsel  
2 becomes aware of conduct of a sexually harassing nature, it shall ensure  
3 an investigation is opened immediately.

4 (ii) A standard complaint form. A standard complaint form shall be  
5 available to every employee of the authority. If an employee makes an  
6 oral complaint, the person receiving such complaint shall encourage the  
7 employee to fill out a standard complaint form. If the employee does not  
8 fill out the complaint form, the person shall fill out such form based  
9 on the oral reporting.

10 (c) Investigation procedure. (i) The legal counsel shall designate an  
11 individual to investigate complaints of sexual harassment for the  
12 authority. Upon receipt of a complaint of sexual harassment, a supervi-  
13 sor, managerial employee, personnel administrator, or affirmative action  
14 administrator shall immediately report such complaint to the designated  
15 individual, who shall open an investigation. The designated individual  
16 shall ensure that he or she does not have a conflict of interest in the  
17 allegation in the complaint, and if there is any conflict of interest,  
18 the individual shall immediately notify the legal counsel, which shall  
19 designate a new individual to conduct the investigation.

20 (ii) An investigation into a complaint of sexual harassment shall take  
21 no more than ninety days from the filing of the complaint. If additional  
22 time is needed to complete an investigation due to its complexity, a  
23 request for an extension may be submitted to the authority.

24 (iii) Any complaint of sexual harassment will be kept confidential,  
25 including the identity of the complainant, witnesses and the identity of  
26 the alleged harasser to the extent practicable during the course of the  
27 investigations.

1 (iv) Any appropriate remedial steps may be taken to prevent intim-  
2 idation, retaliation, or coercion of the complainant by the alleged  
3 harasser. Such steps may include, but not be limited to, preventing the  
4 alleged harasser from contacting the complainant or from discussing the  
5 substance of the complaint with the complainant.

6 (v) Such procedures shall also include, at a minimum:

7 (A) the development of a preliminary investigation plan, which shall  
8 include at a minimum:

9 (1) an examination of: the circumstances surrounding the allegations;  
10 the employment history of the parties; the place, date, location, time,  
11 and duration of the incident in question; and prior relevant incidents  
12 or allegations, whether reported or unreported;

13 (2) identification of the complainant, alleged harasser, and any rele-  
14 vant witnesses;

15 (3) identification and communication of any legal hold request on any  
16 relevant documents, emails or phone records to legal counsel; and

17 (4) a determination of any necessary site visits;

18 (B) an interview of the complainant, where necessary;

19 (C) an interview of the alleged harasser, where necessary, which shall  
20 conform to the requirements of any applicable collective bargaining  
21 agreement or law;

22 (D) any other relevant information relating to the allegations.

23 (d) Completion of the investigation. (i) After the completion of an  
24 investigation, the individual who conducted the investigation shall  
25 draft a report, using a standard format developed by the legal counsel.  
26 Such report shall contain, at minimum, a summary of relevant documents;  
27 a list of all individuals interviewed and a summary of their statements;

1 a timeline of events; a summary of prior relevant incidents; and an  
2 analysis of the allegations and evidence.

3 (ii) The report shall be submitted to an individual designated to  
4 review the report and make a legal recommendation. No more than thirty  
5 days after the completion of such investigation, a legal determination  
6 shall be issued. If there is a determination that the complaint or a  
7 component of such complaint is substantiated, appropriate administrative  
8 action shall be taken, which shall conform to any applicable collective  
9 bargaining agreement or law.

10 2. Such policy shall also include, but not be limited to the follow-  
11 ing:

12 (a) Contain a statement that sexual harassment is unlawful pursuant to  
13 state and federal civil rights laws, and shall be prohibited conduct;

14 (b) Contain a statement that retaliation against a complainant,  
15 witness or any other individual participating in the investigation proc-  
16 ess is unlawful and will not be tolerated;

17 (c) Contain a statement that employees also have the right to file a  
18 complaint with the U.S. Equal Employment Opportunity Commission, and  
19 the New York division of human rights;

20 (d) Contain a statement that employees of state entities also have a  
21 right to file a complaint with the joint commission on public ethics,  
22 which shall include the contact information for employees to use to file  
23 such a complaint;

24 (e) Copies of the sexual harassment policy, as well as directions for  
25 filing a complaint, shall be distributed to all employees of the author-  
26 ity upon commencing employment and annually thereafter; and

27 (f) Provisions for appropriate annual interactive training for all  
28 employees of the authority.

3. Nothing in this section shall grant any additional legal rights to any employee and nothing in this section abrogates compliance with any law, rule, or regulation that grants rights to an employee. Where there is a conflict between any collective bargaining agreement and this section, such agreement shall be controlling.

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

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or subpart 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 subject 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.

20     § 3. This act shall take effect immediately; provided, however, that  
21 the applicable effective date of Subparts A through F of this act shall  
22 be as specifically set forth in the last section of such Subparts.

## 23 PART J

24      Section 1. Computer science education standards. 1.      The governor  
25 shall convene a working group of educators, industry experts, insti-  
26 tutions of higher education and employers to review, develop or adapt

existing frameworks for model kindergarten through grade 12 computer science standards. In conducting such reviews, the governor shall seek the recommendations of teachers, school administrators, teacher educators and others with educational or technological expertise on improvements to the standards in order to ensure that students are prepared, in appropriate progression, for postsecondary education or employment.

2. On or before March 1, 2019, the working group shall deliver a report detailing the findings of the working group and model kindergarten through grade 12 computer science standards to the commissioner of education.

§ 2. This act shall take effect immediately.

#### PART K

Section 1. Section 305 of the education law is amended by adding a new subdivision 58 to read as follows:

58. The commissioner shall establish and develop a "Be Aware, Be Informed" awareness, prevention and education program within the department. Such program shall be defined by the commissioner in regulations after consultation with the department of health and be designed to educate students about healthy relationships. Such program shall include, but not be limited to:

(a) age-appropriate model curriculum, exemplar lesson plans, and best practice instructional resources for the Be Aware, Be Informed program. Such model curriculum, lesson plans and instructional resources shall be inclusive and respectful of all pupils regardless of race, ethnicity, gender, disability, sexual orientation, or gender identity and include but not be limited to:



(1) Model provisions developed by the commissioner after consultation with experts in the field, including the New York state coalition against domestic violence, or its successor, and the National Sexuality Education Standards;

(2) For students in grades kindergarten through fourth grade:

(i) identification and examination of ideas about healthy relationships and behaviors learned from home, family and the media;

(ii) self-esteem and self-worth;

(iii) friendship and empathy; and

(iv) age-appropriate medically accurate sexual health.

(3) For students in fifth grade through twelfth grade: (i) a definition of teen dating violence; (ii) recognition of warning signs established by a dating partner; (iii) characteristics of a healthy relationship; (iv) links between bullying and teen dating violence; (v) safe use of technology; (vi) a discussion of local community resources for those in a teen dating violence relationship; (viii) an overview of the school's policies and procedures on teen dating violence; (ix) an age-appropriate definition of affirmative consent consistent with that used in section sixty-four hundred forty-one of this chapter; and (x) age appropriate, medically accurate sexual health. Provided that for the purposes of Be Aware, Be Informed "age appropriate" shall mean topics, messages, and teaching methods suitable to particular age and developmental levels, based on cognitive, emotional, social and experience level of most students at that age level, and "medically accurate" shall mean information supported by peer reviewed, evidence-based research recognized as accurate by leading professional organizations and agencies with relevant experience such as the American Medical Association and the Centers for Disease Control and Prevention.

1 (b) public availability of all materials for the Be Aware, Be Informed  
2 program on a dedicated webpage on the department's internet website, and  
3 provided at no cost to every school district, board of cooperative  
4 educational services, charter school and nonpublic school upon request.

5 § 2. This act shall take effect immediately.

6 PART L

7 Section 1. Title 6 of article 2 of the public health law, as added by  
8 chapter 342 of the laws of 2014, is amended by adding a new section 267  
9 to read as follows:

10 § 267. Feminine hygiene products in schools. All elementary and  
11 secondary public schools in the state serving students in any grade from  
12 grade six through grade twelve shall provide feminine hygiene products  
13 in the restrooms of such school building or buildings. Such products  
14 shall be provided at no charge to students.

15 § 2. This act shall take effect July 1, 2018.

16 PART M

17 Section 1. Subdivision 15 of section 378 of the executive law is  
18 renumbered as subdivision 18.

19 § 2. Subdivision 16 of section 378 of the executive law is renumbered  
20 subdivision 15 and two new subdivisions 16 and 17 are added to read as  
21 follows:

22 16. Standards requiring the installation and maintenance of at least  
23 one safe, sanitary, and convenient diaper changing station, deck, table,  
24 or similar amenity which shall be available for use by both male and

female occupants and which shall comply with section 603.5 (Diaper Changing Tables) of the two thousand nine edition of the publication entitled ICC A117.1, Accessible and Usable Buildings and Facilities, published by the International Code Council, Inc., on each floor level containing a public toilet room in all newly constructed buildings in the state that have one or more areas classified as assembly group A occupancies or mercantile group M occupancies and in all existing buildings in the state that have one or more areas classified as assembly group A occupancies or mercantile group M occupancies and undergo a substantial renovation. The council shall prescribe the type of renovation to be deemed to be a substantial renovation for the purposes of this subdivision. The council may exempt historic buildings from the requirements of this subdivision.

17. Standards requiring that, in each building that has one or more areas classified as assembly group A occupancies or mercantile group M occupancies and in which at least one diaper changing station, deck, table, or similar amenity is installed, a sign shall be posted in a conspicuous place in each public toilet room indicating the location of the nearest diaper changing station, deck, table, or similar amenity that is available for use by the gender using such public toilet room. The requirements of this subdivision shall apply without regard to whether the diaper changing station, deck, table, or similar amenity was installed voluntarily or pursuant to subdivision sixteen of this section or any other applicable law, statute, rule, or regulation. No such sign shall be required in a public toilet room in which any diaper changing station, deck, table, or similar amenity is located.

§ 3. This act shall take effect January 1, 2019; provided, however, that effective immediately, the addition, amendment and/or repeal of any

1 rules or regulations by the secretary of state and/or by the state fire  
2 prevention and building code council necessary for the implementation of  
3 section two of this act on its effective date are authorized and  
4 directed to be made and completed on or before such effective date.

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

14 § 3. This act shall take effect immediately provided, however, that  
15 the applicable effective date of Parts A through M of this act shall be  
16 as specifically set forth in the last section of such Parts.