



Albany Report - May 2022

Dear Friends,

The Albany session has come to an end and as usual the final weeks were packed with activity. Below is a summary of some of the key legislation that passed the Senate in the last month.

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Gun Violence Prevention:

The Senate passed legislation to strengthen gun safety measures and ensure deadly weapons stay out of the wrong hands. Recent gun violence and mass shootings only highlight the need for additional measures to address this crisis. The legislation updates the criminal code to make the threat of mass harm a crime; require microstamping of ammunition; strengthens measures to prevent those with criminal backgrounds from obtaining guns and ammo; allows health care providers to file extreme risk protection orders, and strengthens regulations for high capacity ammo, feeding devices, and body armor. The legislation package includes:

- **Permit to Purchase a Semi-Automatic Rifle:** [S.9458](#), establishes a permit to purchase or take possession of semiautomatic rifles without affecting currently-owned semi-automatic rifles. Permits are only available to people over the age of 21, and require a safety course and background checks.
- **Establishing New Crimes of Mass Harm:** [S89B](#) establishes the crime of making a threat of mass harm and aggravated threat of mass harm. This legislation clearly defines the criminality of those threats.
- **Act to Microstamp Ammunition:** [S4116A](#) requires semiautomatic pistols manufactured or delivered to any licensed dealer in this state to be capable of microstamping ammunition.
- **Strengthening Background Checks:** [S4970A](#) requires the creation and imposition of restrictive commercial practices and stringent recordkeeping and reporting to prevent gun and ammunition sales to individuals with a criminal record. Additionally, the bill requires firearms recovered by law enforcement to be reported to the criminal gun clearinghouse within 24 hours.
- **Bolstering Extreme Risk Protection Orders:** [S9113A](#) authorizes certain health care providers to apply for an extreme risk protection order against a patient. The bill also requires police and district attorneys to apply for an extreme risk protection order if there is probable cause that a person poses a threat.

- **Penalizing Large Capacity Ammo and Feeding Devices:** [S9229A](#) adjusts the definition of large capacity ammunition feeding device for purposes of the offense of criminal possession of a weapon in the third degree; and repeals section 265.36 of the penal law.
- **Act to Regulate Body Armor:** [S9407B](#) prohibits the unlawful purchase and the unlawful sale or delivery of a body vest.
- **Improving the Definition of Firearm:** [S9456](#) adds to the definition of a firearm; provides that the term firearm shall also include any other weapon that is not otherwise defined containing any component that provides housing or a structure designed to hold or integrate any fire control component that is designed to or may readily be converted to expel a projectile by action of explosive.
- **Reporting Hateful Social Media:** [S.4511A](#) requires social media networks to provide and maintain mechanisms for reporting hateful conduct on their platform.
- **Task Force on Social Media and Violent Extremism:** [S.9465](#) creates a new Task Force on Social Media and Violent Extremism in the Attorney General's office to study and investigate the role of social media companies in promoting and facilitating violent extremism and domestic terrorism online.

Reproductive Rights:

In response to the imminent threat to abortion rights from the Supreme Court and anti-choice legislation passed in other states the Senate advanced legislation to protect the right to choose for New Yorkers and those who travel to New York from states where their rights to obtain a safe and legal abortion has been taken away or is under threat. This suite of legislation protects the rights of individuals seeking abortion care or gender-affirming care in New York State, expands the eligibility of the Address Confidentiality Program to protect New Yorkers who fear for their safety after seeking reproductive health care, and directs the Commissioner of Health to study the impact of limited service pregnancy centers.

This bill package also provides certain legal protections for New York based abortion service providers, including prohibiting medical misconduct charges for performing reproductive health care, forbids New York State from cooperating with out-of-state legal cases involving abortion except in limited circumstances, and prohibits medical malpractice insurers from taking adverse action against a healthcare provider in New York State for providing legal reproductive services. When reproductive rights are being curtailed across the nation, this legislative package ensures that New York State will remain a safe haven for any person seeking abortion healthcare. The legislation passed by the Senate includes:

- **Freedom from Interference with Reproductive Health Advocacy and Travel Exercise:** [S.9039A](#) protects the rights of individuals seeking abortion care or gender affirming care in New York State. This legislation also creates a civil cause of action for unlawful interference with the protected rights to reproductive healthcare.
- **Extradition and Discovery Non-Cooperation:** [S.9077](#) forbids New York State from cooperating with out-of-state legal cases involving abortion except in limited circumstances.
- **Prohibiting Medical Misconduct Charges for Performing Reproductive Health Care:** [S.9079A](#) prohibits professional misconduct charges against licensed medical professionals for providing legal abortion and reproductive health services to patients who reside in states where such services are illegal.

- **Protection of Malpractice Coverage:** S.9080B, prohibits medical malpractice insurers from taking adverse action against a healthcare provider in New York State for performing legal healthcare reproductive services, protecting providers and ensuring that people can safely access abortion and related services in New York State.
- **Address Confidentiality Program:** S.9384A, expands the eligibility of the Address Confidentiality Program to include reproductive health care services providers, employees, volunteers, patients, or immediate family members of reproductive health care services providers.
- **Study of the Impact of Limited Service Pregnancy Centers:** S.470, directs the Commissioner of Health to assemble a temporary taskforce to study and issue a report examining the unmet health and resource needs facing pregnant people in New York State and the impact of limited service pregnancy centers on the access and quality of care pregnant people receive.

Protecting the Environment:

The Senate passed the **New York State Build Public Renewables Act (S6453C)**. This bill authorizes the New York Power Authority (NYPA) to develop and own renewable energy projects, phase out its fossil fuel power plants, and provide renewable energy and energy efficiency services to state and municipal buildings and residential customers. This legislation empowers NYPA to ensure our state can meet the goals laid out in the Climate Leadership and Community Protection Act (CLCPA). Under the CLCPA, New York committed to reducing its greenhouse gas emissions by 85% by 2050 and obtaining 70% of its electricity from renewable energy by 2030. In order to achieve these goals, New York needs to leverage NYPA's ability as the largest public utility in the nation to develop renewable energy generation, transmission, and distribution, reduce greenhouse gas emissions from our buildings, and deliver reliable and affordable electricity to our residents. This legislation will:

- Authorize the New York Power Authority to build, own, and operate renewable energy projects.
- Require the New York Power Authority phase out its fossil fuel power plants by 2030 and to provide and deliver only renewable energy to customers.
- Require the New York Power Authority to be the sole provider of renewable energy to all state owned properties by 2030 and municipal owned properties by 2035.
- Authorize the New York Power Authority to offer renewable energy to residential customers, with a requirement to offer low-to-moderate income customers an energy supply rate that is 50% lower than the rate of the customer's local utility.
- Require New York Power Authority projects and programs to pay a prevailing wage and utilize project labor agreements.

Voting Rights:

The Senate passed the **John R. Lewis Voting Rights Act of New York** in its latest effort to strengthen voter protections and enhance democracy in the state of New York. The John R. Lewis Voting Rights Act of New York enacts the most robust voter protections at any state level in the United States and provide legal recourse for denying or abridging any individual's right to vote. This law is named for the late civil rights activist and American statesman Rep. John R. Lewis, who spent his entire life protecting and

expanding the right to vote. His work in Congress paved the way for better representation across America and raised the standard for greater democratic participation. The legislation establishes rights of actions for denying or abridging the right of any member of a protected class to vote, provides assistance to language-minority groups, and requires preclearance of certain voting policies for a select group of jurisdictions with a history of racial discrimination. In addition the Senate passed a number of additional measures to protect voting rights and improve our electoral process, including

- **Act to Penalize Voter Deception and Suppression:** [S1032](#) prohibits deceptive practices and the suppression of voters, and increases penalties for those who deceive voters or threaten their right to vote.
- **Establishing the New York Voting and Elections Database:** [S8202](#) regulates public data maintained by county and city boards of elections and establishes the New York voting and elections database and institute to maintain a statewide database of voting and election data.
- **Preventing Electronic Interference:** [S118](#) establishes the misdemeanor of interfering in the election process by electronic means.
- **Mandatory Training Curriculum:** [S263](#) requires the State Board of Elections to develop a mandatory training curriculum for election commissioners and key staff of boards of elections.
- **Supporting Voters While In Line:** [S7382A](#) allows for the distribution of snacks and refreshments to those waiting in line to vote.
- **Prohibit Commissioners from Holding Office:** [S7442](#) prohibits election commissioners and deputy commissioners from holding a publicly elected office.
- **Pay Raise for Election Inspectors:** [S823A](#) increases compensation of election inspectors to \$300 and coordinators to \$350 in New York City. It also sets minimum pay rate of \$300 per day and increases pay for training sessions from \$25 to \$50.
- **Reforming the NYC Board of Elections:** [S6226E](#) reforms the New York City Board of Elections by reducing its size and delegating more authority to an Executive Director who will be chosen following a nationwide search. The bill also requires the NYCBOE to develop personnel policies with the City's Department of Citywide Administrative Services in order to ensure that staff hired and promoted by the NYCBOE are qualified.
- **Prohibiting Conflicts of Interest:** [S4542A](#) prohibits conflicts of interest among board of elections employees by preventing a board of elections employee from remaining on the board of elections payroll while also running for office with an election overseen by the board at which they are employed.
- **Make Commissioners Full-Time Board Employees:** [S8311](#) requires election commissioners to be full-time employees of each county's Boards of Elections.
- **Model Poll Worker Training Program:** [S5800B](#) requires the State Board of Elections to establish a poll worker training curriculum and a "train-the-trainer" program that emphasizes professionalism, confidence, and comfort in serving a diverse electorate.
- **Full Time Employee Minimums:** [S6684A](#) requires every board of elections to employ a minimum of four full time employees and two additional employees for every twenty thousand active registered voters above forty thousand active registered voters.
- **Appointment Requirements:** [S8289](#) requires the legislative body responsible for appointing election commissioners to hold a public hearing before commissioners can be appointed.

- **Requirements for Commissioner Qualifications:** [S8292](#) requires a Board of Elections commissioner to meet certain qualifications set by the State Board of Elections before his or her appointment.
- **Removal of Commissioners:** [S8337](#) allows the State Board of Elections to remove a local election commissioner an affirmative majority vote of duly confirmed commissioners of the state board of elections for incompetence, misconduct, or other good cause, provided that prior to removal, such election commissioner is given a written copy of the charges against them and have an opportunity to be heard in their defense.
- **Splitting Shifts Among Inspectors and Clerks:** [S424A](#) allows poll clerks to work split shifts with adjusted compensation to reflect the reduced hours worked.

Reducing Prescription Drug Costs:

The Senate passed legislation to improve the accessibility and affordability of prescription drugs for all New Yorkers. The bills reduce the cap on cost-sharing for insulin from \$100 to \$30 per month, assist seniors with prescription fees, and make all third-party discounts, vouchers, and financial assistance for prescription drugs made on behalf of the insured individual applicable to their co-payment, deductible, co-insurance, and out-of-pocket maximum. Given the new legislation, seniors will now be eligible for the Elderly Pharmaceutical Insurance Coverage Program if they have enrolled in the Medicare Part D insurance plan and any other comparable plan. The legislation package includes:

- **Cap On Cost Sharing For Insulin:** [S.1413](#) reduces the cap on cost sharing for insulin from the current \$100 per insulin per month to \$30 per month.
- **Elderly Pharmaceutical Insurance Coverage Program Eligibility:** [S.2535A](#) sets the eligibility criteria for the Elderly Pharmaceutical Insurance Coverage Program. The bill specifies that participants must be enrolled in Medicare part D or any other public or private drug plan that successfully proves the coverage is similar or better than the defined standards coverage under the Medicare Part D prescription drug benefit.
- **Third-Party Payments For Co-Pays:** [S.5299A](#) requires any third-party payments, financial assistance, discount, voucher or other price reduction instrument for out-of-pocket expenses made on behalf of an insured individual for the cost of prescription drugs to be applied to the insured's deductible, copayment, coinsurance, out-of-pocket maximum, or any other cost-sharing requirement when calculating such insured individual's overall contribution to any out-of-pocket maximum or any cost-sharing requirement.
- **Substitution Of Biosimilar Medications:** [S.8465](#) makes the existing temporary law a permanent law that allows pharmacists to substitute biosimilar medications under certain conditions.
- **Sixty-Day Notice Drug Cost Increase:** [S.7499B](#) requires manufacturers to provide at least 60 day notice of their intent to raise wholesale prescription drug costs to the Department of Financial Services if the increase is 10% or more of the total cost of the drug.
- **Wholesale Drug Importation:** [S.1737](#) creates a state program to import prescription drugs from other countries at a lower cost. In this program, a wholesaler is allowed to import drugs that meet U.S. F.D.A. standards from only suppliers who are regulated and authorized under the laws of their country for distribution and sale only in New York.
- **Drug Failure Protocols:** [S.8191](#) requires a utilization review agent to follow certain rules when establishing a step therapy protocol. It requires that the protocol accepts any attestation

submitted by the insured's health care professional stating that a required drug has failed as prima facie evidence that the required drug has failed.

- **Patient RX Information and Choice Expansion Act (PRICE Act):** [S.4620C](#) requires health plans to furnish in real-time cost, benefit, and coverage data to the enrollee, his or her health care provider, or the third-party of his or her choosing.
- **Thirty-Day Supply For State Disaster Emergencies:** [S.4856](#) requires policies and contracts that provide coverage for prescription drugs to include coverage of an immediate additional thirty-day supply of a prescription drug during a state disaster emergency.
- **Prescription Drugs From Out Of State:** [S.5489](#) authorizes pharmacies to receive prescription drugs from other pharmacies outside of New York in the case of a public health emergency, guaranteeing patient access to medications.
- **Price-Gouging For Medicine:** [S.3081A](#) prohibits selling a drug subject to a shortage for an unconscionably excessive price. The bill adds medicine to the list of goods and services that can be classified as possibly being subject to price gouging. The classification of medicines falling under this section of law will be determined by the publicly reported drug shortages reported by the U.S. Food and Drug Administration.
- **Prohibits the Application of Fail-First or Step Therapy Protocols:** [S.5909](#) prohibits the application of fail-first or step therapy protocols to coverage for the diagnosis and treatment of mental health conditions.

Rights for People With Disabilities:

The Senate legislation to protect the disabled community, strengthen and streamline resources, and correct historical tropes that are both harmful and inaccurate. The legislation legally recognizes Supported Decision Making Agreements, eliminates derogatory language from the Social Services Law, combats stereotyping and discrimination, improves provisions for those in individualized education programs, and requires same-day notifications to guardians if behavioral interventions are used. The legislation includes:

- **Supported Decision-Making:** [S.7107-B](#) adds a new article to the Mental Hygiene Law, legally recognizing Supported Decision-Making Agreements allowing for decision-making support to be formalized by individuals in need of assistance in making decisions for themselves. This bill will promote self-autonomy and self-determination for people with disabilities as a less restrictive alternative to guardianship.
- **Early Intervention Program:** [S.5676](#), requires the Department of Health to conduct a rate adequacy review and submit a report on the findings and recommendations within one year. The review must include an assessment of the existing payment methodologies and levels, recommendations for maintaining or changing the methodologies, the projected number of children who will need early intervention services over the next five years, and the workforce needed to provide services to all of those children.
- **Individuals With A Developmental Disability:** [S.6195-B](#) modernizes various sections of the Social Services Law to eliminate derogatory language referring to people living with intellectual or developmental disabilities. It will replace instances of the term "mentally retarded" with the term "individuals with developmental disabilities."
- **One Hundred-Twenty Day Application Completion:** [S.8442](#) ensures that applications for eligibility determinations and service authorizations are processed in a timely manner. Specifically, except in a case where the application is not reasonably clear, omits required

information, or when there is a reasonable basis supported by specific information available for review by the office that such application was submitted fraudulently. The office must complete the application within 120 days of receipt of such applications transmitted via the internet or email.

- **Disability Educational Awareness Program:** S.6300-C establishes a public awareness program that combats the discrimination, stigma, and stereotyping individuals with intellectual and developmental disabilities in New York.
- **Continuing Individualized Education Program:** S.7866-A allows students enrolled in an individualized education program during certain school years may continue to receive educational services until the student completes the services pursuant to the individualized education program or turns 23, whichever is sooner.
- **Parental Same-Day Notification:** S.7548-A requires same-day notification of a parent or person in parental relation of a student with a disability where certain behavioral interventions are used.
- **Electronic Formats For College Students With Disabilities:** S.8945 extends the law that provides college students with disabilities with electronic formats of printed instructional materials.
- **Civil Service Employment Accessibility:** S.7662-A enhances access to employment opportunities in the civil service by requiring open positions, examination announcements, and application instructions be posted on a publicly accessible website maintained by the department of civil service.
- **Accessible Websites By State Agencies:** S.7912 codifies the requirement for the Office of Information and Technology Services to develop a protocol for state agencies and entities to maintain accessible websites.

Oversight of Economic Development Programs:

The Senate passed legislation to make necessary reforms to protect taxpayers dollars in publicly supported economic development projects. The legislation increases transparency through open meeting laws, protects against IDAs incentivizing companies with tax benefits to relocate within the state, requires Empire State Development to proactively post all materials provided to community advisory committees on its website and requires these bodies to meet publicly. Additionally, this bill package restores Comptroller review over contracts and prohibits confidentiality and non-disclosure provisions in contracts pertaining to economic development. the legislative package includes:

- **Empire State Development Transparency:** S.8419A requires the Empire State Development to publicly post the listing of community advisory committee members, and community advisory committee meeting agendas, materials, and minutes, on the corporation's website.
- **Restoration of Comptroller Review Over Contracts:** S.6809A restores the Office of the State Comptroller's oversight for certain state contracts. Some of these contracts include OGS centralized contracts that exceed \$85,000, as well as purchase orders and other procurement transactions issued under such centralized contracts, as well as certain SUNY contracts.
- **State Disaster Emergency Contract Review:** S.8062 ensures the Office of the State Comptroller's authority to review state contracts prior to ratification, under sections 112 and 163 of the state finance law, remains intact during a state disaster emergency that extends beyond 30 days.

- **Ban On Incentivized Movements Within The State:** [S.1656A](#) prohibits industrial development agencies from incentivizing movements within the state where any plant, facility, or personnel of the project occupant are abandoned or removed.
- **State Non-Disclosure Act:** [S.1196](#) prohibits confidentiality and non-disclosure provisions from inclusion in contracts pertaining to economic development entered into by the state or a municipality.
- **New York State Authorities Control Board Voting:** [S.7337](#), restores the PACB's independence from the Governor. It will repeal changes to the PACB statute enacted by demand of the former Governor in 2019.
- **Cost Comparison For Consultant Services:** [S.535](#) sets forth conditions when an agency shall enter into a contract for consultant services. The bill requires agencies to conduct a cost comparison prior to entering into a contract for consultant services to determine if there is a less expensive alternative.

Animal Rights:

The Senate passed legislation to improve the health and safety of domestic animals. The legislative package establishes a ban on the sale of puppy mill animals, bans the sale of cosmetic products tested on animals, better defines the crime of aggravated cruelty to animals, and prevents insurance companies from discriminating against homeowners based on the breed of dog that they own. Additionally, the Senate passed legislation to require veterinarians to notify owners in writing of any and all side effects of prescribed medications, require landlords to inspect vacated properties to ensure no animals were left abandoned, and bans the importation, transportation and possession of certain African wildlife species and products by enacting the "Big Five African Trophies Act." The legislation passed by the Senate includes:

- **Ban On Manufacture and Sale of Animal Tested Cosmetics:** [S.4839B](#) prohibits the sale of cosmetics that have been tested on animals. The sale or manufacture of such products will be punishable by a fine amounting up to but no more than \$5,000 for the first violation, and no more than \$1,000 per day if the offense continues.
- **Clarifies Aggravated Cruelty to Animals:** [S.960](#) eliminates the word "serious" from the "serious physical injury" language of the crime of aggravated cruelty to animals, to ensure appropriate penalties when a person intends to cause extreme physical pain to an animal, even if the animal makes a full recovery.
- **Abandoned Animal Property Inspections:** [S.4081A](#) requires landlords of vacated properties to inspect the property for abandoned animals within three days if they knew or should have known that the property had been vacated.
- **Puppy Mill Sales Ban:** [S.1130](#) prohibits the sale of dogs, cats, and rabbits by retail pet shops. By creating a barrier against the puppy mill supply chain, the bill encourages pet shops to partner with local animal shelters to showcase animals available for adoption.
- **Insurance Discrimination by Dog Breed:** [S.8315A](#), bars insurance companies from excluding, limiting, restricting, or reducing coverage on an insurance policy for homeowners' based on the breed of dog they own.
- **Veterinarian Drug Information:** [S.1289B](#) requires veterinarians to provide more information to animal owners regarding the drugs dispensed to an animal. Such information includes the name and description of the drug, the directions for use, actions to be taken in the event of a missed dose, instructions for proper storage, any common reasonably anticipated adverse

effects associated with the use of such drug, and manufacturer precautions and relevant warnings.

- **Big Five African Trophies Act:** S.2814 bans the importation, transportation, and possession of certain African wildlife species and products. The five species include lions, leopards, elephants, black and white rhinos, and giraffes. All five species are facing extinction due to illegal poaching and trade.

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