

FY 2021 Executive Budget Amendments

**Amendments to Senate S.7506; Assembly A.9506  
(ELFA Article VII Bill)**

**Part A**, relating to implementation of the 2020-2021 Executive Budget School Aid proposal, is amended to:

- Make various technical corrections.

**Part D**, relating to extending a predictable funding plan for SUNY and CUNY, is amended to:

- Expand the proposed authorization for the SUNY college of Environmental Science and Forestry to raise non-resident undergraduate tuition rates up to 10 percent annually for a four-year period, providing flexibility to set non-resident tuition rates similar to SUNY university centers, to include other SUNY doctoral degree granting institutions..

**Part J**, relating to guaranteeing sick leave, is amended to:

- Clarify the requirements for employee usage of sick leave and the requirements for employers that already provide comparable benefits.
- Make various technical corrections.

**Part L**, relating to the regulation of surrogacy programs, judgments of parentage of children conceived through surrogacy programs and the legitimacy of children conceived through assisted reproduction:

- Make clarifying changes to conform with existing insurance law.
- Make various technical corrections.

**Part M**, relating to compliance with the Federal Family First Prevention Services Act, is amended to:

- Make a technical correction.

**Part N**, relating to restructuring financing for residential school placements, is amended to:

- Make a clarifying change to ensure that the funding for residential placements is realigned.
- Make a technical correction.

**New Part P**, relating to establishing the Curing Alzheimer's Health Consortium, is added to:

- Establish within the State University of New York the Curing Alzheimer's Health Consortium.

Amends Senate S7506, Assembly A9506, AN ACT to amend the education law...

Page	Line	Amendment
Page 3,	Unnumbered Line 3,	After "(Part N;) strike out "and"
Page 3,	Unnumbered Line 5,	After "(Part O;) insert "; and to amend the education law, in relation to establishing the curing Alzheimer's health consortium (Part P)"
Page 3,	Line 4,	After "through" strike out "O" and insert "P"
Page 19,	Line 21,	After "part B" insert "of"
Page 30,	Line 50,	After "relating to" strike out "the"
Page 35,	Line 37,	After "New York" strike "City" and insert "city"
Page 45,	Line 50,	After "for" insert " <u>the following doctoral degree granting institutions of the state university of New York</u> "
Page 45,	Line 52,	After " <u>chapter</u> " insert " <u>, downstate medical center, upstate medical center, and the college of technology at Utica-Rome/state university polytechnic institute</u> "
Page 64,	Line 6,	Before " <u>sick</u> " strike out " <u>paid</u> "
Page 64,	Between lines 10 and 11,	<p>Insert "<u>4. Employee use of leave. a. Upon the oral or written request of an employee, an employer shall provide sick leave for the following purposes:</u></p> <p><u>i. diagnosis, care, or treatment of an existing health condition of, or preventive care for an employee or an employee's family member, or a ward for which the employee is the guardian; or</u></p> <p><u>ii. for an employee or an employee's family member who is a victim of domestic violence pursuant to subdivision thirty-four of section two hundred ninety-two of the executive law, a sexual offense, stalking, or human trafficking, to avail themselves of services or assistance.</u></p> <p><u>5. Nothing in this section shall be construed to prevent a city with a population of one million or more from enacting or enforcing local laws or ordinances which impose standards or requirements relating to sick leave that are more protective to employees than the accrual, use, payment, and employee</u></p>

Page	Line	Amendment
		<u>eligibility requirements set forth in this section or in any rule or regulation promulgated hereunder."</u>
Page 64,	Line 11,	Strike out " <u>4</u> " and insert " <u>6</u> "
Page 64,	Between lines 13 and 14,	<p><u>Insert "7. An employer is not required to provide additional sick leave pursuant to this section if the employer has a paid leave policy or paid time off policy, the employer makes available an amount of leave applicable to employees that may be used for the same purposes and under the same conditions as specified in this section, and the policy satisfies one of the following:</u></p> <p><u>i. the accrual, carryover, and use requirements of this section or regulations promulgated thereunder;</u></p> <p><u>ii. provided paid sick leave or paid time off to a class of employees before January first, two thousand twenty, pursuant to a paid sick leave policy or paid time off policy that used an accrual method different than that set forth in paragraph a of this subdivision, provided that the accrual is on a regular basis so that an employee, including an employee hired into that class after January first two thousand twenty, has not less than one day of accrued sick leave or paid time off within two months of employment of each calendar year, or each twelve month period, and the employee was eligible to earn at least the applicable number of days set forth in this subdivision within nine months of employment. If an employer modifies the accrual method used in the policy it had in place prior to January first, two thousand twenty, the employer shall comply with any accrual method set forth in this subdivision or provide the full amount of leave at the beginning of each year of employment, calendar year, or twelve month period. This section does not prohibit the employer from increasing the accrual amount or rate for a class of employees covered by this subdivision; or</u></p> <p><u>iii. is pursuant to a collective bargaining agreement that (a) expressly waives the rights afforded under this section and (b) such agreement provides for a comparable</u></p>

Page	Line	Amendment
		<p><u>benefit for the employees covered by such agreement in the form of paid days off; such paid days off shall be in the form of leave, compensation, other employee benefits, or some combination thereof. Comparable benefits shall include, but are not limited to, vacation time, personal time, safe/sick time, and holiday and Sunday time pay at premium rates. Notwithstanding the foregoing, the provisions of this chapter shall not apply to any employee in the construction or grocery industry covered by a valid collective bargaining agreement if such provisions are expressly waived in such collective bargaining agreement.</u></p> <p><u>8. Any paid sick leave benefits provided by a sick leave program enforced by a municipal corporation in effect as of the effective date of this chapter that provides sick leave for domestic workers shall not be diminished or limited as a result of the enactment of this chapter."</u></p>
Page 68,	Line 51,	Before " <u>In</u> " strike out " <u>(3)</u> " and insert " <u>(e) (1)</u> "
Page 68,	Line 53,	After " <u>prior to</u> " insert " <u>the date set for</u> "
Page 68,	Line 53,	After " <u>proceeding</u> " insert " <u>to determine the existence of donative intent</u> "
Page 69,	Line 6,	Before " <u>Notwithstanding</u> " strike out " <u>(4)</u> " and insert " <u>(2)</u> "
Page 69,	Lines 9 and 10,	After " <u>parent</u> " strike out " <u>,the sperm provider is presumed to be a donor and</u> "
Page 69,	Line 11,	Strike out " <u>(e)</u> " and insert " <u>(f)</u> "
Page 69,	Line 14,	Strike out " <u>(f)</u> " and insert " <u>(g)</u> "
Page 69,	Line 18,	After " <u>parent</u> " insert " <u>or parents</u> "
Page 69,	Line 19,	After " <u>is</u> " insert " <u>or are</u> "
Page 69,	Line 19,	After " <u>legal parent</u> " insert " <u>or parents</u> "
Page 69,	Line 20,	After " <u>intended parent</u> " insert " <u>or parents</u> "
Page 69,	Lines 52 to 53,	After " <u>executed and</u> " strike out " <u>shall be jointly filed by all intended parents and the person acting as surrogate</u> " and insert " <u>the person acting as surrogate and all intended parents are necessary parties</u> "
Page 70,	Line 49,	Strike out " <u>(d)</u> " and insert " <u>(e)</u> "



Page	Line	Amendment
Page 70,	Line 54,	After " <u>article.</u> " Insert " <u>In the event that any other requirements of subdivision (c) are not met, the court shall determine parentage according to part four of this article.</u> "
Page 71,	Line 39,	After " <u>reproduction</u> " insert " <u>where there is proof of donative intent under section 581-202(d) of this article</u> "
Page 73,	Line 26,	After " <u>sexual intercourse</u> " insert " <u>, or where the person acting as surrogate contributed the egg used in conception</u> "
Page 74,	Line 7,	After " <u>obtain a</u> " insert " <u>comprehensive</u> "
Page 74,	Line 24,	After " <u>termination</u> " strike out " <u>or</u> " and insert " <u>of</u> "
Page 74,	Line 33,	Before " <u>habitual</u> " insert " <u>other</u> "
Page 74,	Line 33,	Before " <u>resident;</u> " strike out " <u>lawful</u> " and insert " <u>and</u> "
Page 74,	Line 48,	Strike out " <u>(4)</u> " and insert " <u>(c)</u> "
Page 75,	Line 33,	After " <u>If</u> " insert " <u>comprehensive</u> "
Page 75,	Line 35,	After " <u>review</u> " insert " <u>and summary</u> " and after " <u>coverage</u> " insert " <u>and exclusions</u> "
Page 75,	Lines 36 through 39,	After " <u>pregnancy</u> " strike out " <u>,including any possible liability of the person acting as surrogate's third-party liability liens or other insurance coverage, and any notice requirements that could affect coverage or liability of the person acting as surrogate</u> "
Page 76,	Line 3,	After " <u>terminate</u> " insert " <u>or continue</u> "
Page 76,	Line 10,	After " <u>upon</u> " insert " <u>the person acting as surrogate's</u> "
Page 76,	Lines 12 to 13,	After " <u>policy</u> " strike out " <u>or contractual performance indemnity or accidental death</u> " and insert " <u>and disability</u> "
Page 76,	Lines 13 to 14,	After " <u>surrogate</u> " strike out " <u>for the duration of the pregnancy and eight weeks post-birth or termination</u> "
Page 76,	Line 49,	After " <u>agreement.</u> " Insert " <u>After the execution of a surrogacy agreement under this article, the subsequent spousal relationship of the intended parent does not affect the validity of a surrogacy agreement, and the consent of the spouse of the intended parent to the agreement shall not be required.</u> "

Page	Line	Amendment
Page 77,	Line 46,	After " <u>reimbursement</u> " strike out " <u>(a)</u> "
Page 77,	Lines 51 through 53,	Strike out " <u>(b) Premiums paid for insurance against economic losses directly resulting from the retrieval or storage of the gametes or embryos for donation may be reimbursed.</u> "
Page 78,	Line 15,	Strike out " <u>transfer</u> " and insert " <u>transportation</u> "
Page 78,	Line 23,	After " <u>Life</u> " insert " <u>and disability</u> "
Page 78,	Line 47,	After " <u>surrogate</u> " strike out " <u>has a right to</u> " and insert " <u>may obtain</u> "
Page 78,	Line 47,	After " <u>right to a</u> " insert " <u>comprehensive</u> "
Page 79	Line 12	After " <u>Life</u> " insert " <u>and disability</u> "
Page 79,	Lines 12 to 13,	After " <u>surrogate</u> " strike out " <u>has the right to be provided with</u> " and insert " <u>may obtain</u> "
Page 79,	Lines 13 to 14,	After " <u>insurance policy</u> " strike out " <u>or contractual performance indemnity or accidental death</u> " and insert " <u>and disability</u> "
Page 79,	Lines 14 through 16,	After " <u>insurance policy</u> " strike out " <u>for the duration of the pregnancy and eight weeks post-birth or termination, unless the surrogacy agreement specifies a sooner term,</u> "
Page 80,	Line 52,	After "involving a" insert " <u>purported genetic surrogacy parenting agreement,</u> [" and after "between the" strike out "]"
Page 80,	Line 53,	Before "and" strike out "] <u>genetic surrogate</u> " and after "and" strike out "["
Pages 80 to 81,	Lines 55 to 1,	After "genetic mother: strike out "] <u>any party with a claim to legal parentage pursuant to a genetic surrogate parenting agreement</u> "
Page 81,	Line 2,	After "pursuant to a" strike out " <u>genetic</u> "
Page 81,	Line 3,	Before "contract]" strike out "[" and after "contract]" strike out " <u>agreement</u> " and insert " <u>the parentage of the child will be determined based on the laws of New York state and</u> "
Page 81,	Line 54,	After " <u>child and the alleged</u> " insert "["
Page 81,	Line 54,	After "father" insert "] <u>genetic parent</u> "
Page 81,	Line 55,	After "such" insert "["
Page 81,	Line 55,	After "father" insert "] <u>alleged genetic parent</u> "
Page 82,	Line 11,	After "an alleged" insert "["

Page	Line	Amendment
Page 82,	Line 11,	After "father" insert "] genetic parent"
Page 82,	Line 37,	After "(vi) The" strike out " <u>acknowledgement</u> " and insert " <u>acknowledgment</u> "
Page 82,	Lines 39 to 40,	After "assisted reproduction," strike out " <u>but the signatory is not a parent under section 581-303 of the family court act</u> " and insert " <u>but the child was not conceived through assisted reproduction</u> "
Page 82,	Line 51,	After " <u>by the</u> " insert "["
Page 82,	Line 52,	After "father" insert "] <u>alleged genetic parent</u> " and after "that he" insert " <u>or she</u> " and after "is the" insert "[" and after "father" insert "] <u>genetic parent</u> "
Page 83,	Line 4,	After " <u>include the</u> " strike out " <u>known</u> " and insert " <u>name and</u> " and after " <u>address</u> " insert ", <u>if known,</u> "
Page 83,	Line 38,	After " <u>alleged</u> " insert "[" and after " <u>father</u> " insert "] <u>genetic parent</u> "
Page 83,	Line 45,	Before " <u>father</u> " insert "[after " <u>father</u> " insert "] <u>genetic parent</u> "
Page 85,	Line 52,	Before "New York city " insert "the" and after " <u>department of</u> " Strike out " <u>mental</u> "
Page 85	Line 53,	Before " <u>hygiene</u> " insert " <u>mental</u> "
Pages 85 to 86,	Lines 55 and 1,	After "law" underline ". If the acknowledgment includes the name and address of any known gamete donors of a child conceived through assisted reproduction, the state department of health or the New York city department of"
Page 86	Line 1,	Strike out "mental"
Page 86	Line 2,	Before "hygiene" insert " <u>mental</u> " and underline "health and hygiene shall mail a copy to the known donors listed on the form."
Page 86,	Line 31,	After "by the [putative" strike out "] <u>alleged</u> " and after "father and" strike out "[" and after "mother]" strike out "the"
Page 86,	Line 32,	After " <u>gave birth</u> " insert " <u>and the other signatory</u> "
Page 86,	Line 33,	Before "father" insert "[" and after "father" insert "]" and out strike " <u>or</u> "
Page 87,	Line 21,	After " <u>accounts;</u> " insert " <u>and</u> "
Page 87,	Line 23,	After " <u>agreement;</u> " insert " <u>and</u> "

Page	Line	Amendment
Page 87	Line 27	After " <u>agreement;</u> " insert " <u>and</u> "
Page 87,	Line 33,	After " <u>agreement</u> " strike out " <u>."</u> and insert " <u>;</u> <u>and</u> "
Page 87,	Line 37,	After " <u>effective</u> " strike out " <u>."</u> and insert " <u>;</u> <u>and</u> "
Page 91,	Lines 45 to 46,	After " <u>but the</u> " strike out " <u>signatory is not a parent under section 581-303 of the family court act</u> " and insert " <u>child was not conceived through assisted reproduction</u> "
Page 91,	Line 53,	After " <u>also to the</u> " strike out "[" and after " <u>father</u> " strike out "]"
Page 93,	Line 11,	After " <u>with the</u> " strike out "[" and after " <u>father</u> " strike out "]"
Page 93,	Line 40,	After " <u>provided that the</u> " strike out "[" and after " <u>paternal</u> " strike out "]"
Page 95,	Line 43,	After "[ <u>father</u> ]" insert " <u>genetic</u> "
Page 96,	Line 4,	After " <u>establish a</u> " strike out "[" and after " <u>father</u> " strike out "]"
Page 96,	Line 34,	After " <u>contested</u> " insert "[" and after " <u>paternity</u> " insert "]" parentage"
Page 97,	Between lines 2 and 3,	Insert "\$ 22. Subparagraph (D) of paragraph (17) of subsection (a) of section 1113 of the insurance law is amended to read as follows: (D) <u>(i) (I) Indemnifying an adoptive parent for verifiable expenses not prohibited under the law paid to or on behalf of the birth mother when either one or both of the birth parents of the child withdraw or withhold their consent to adoption. Such expenses may include maternity-connected medical or hospital expenses of the birth mother, necessary living expenses of the birth mother preceding and during confinement, travel expenses of the birth mother to arrange for the adoption of the child, legal fees of the birth mother, and any other expenses [which] that an adoptive parent may lawfully pay to or on behalf of the birth mother[.] ; or (II) Indemnifying an intended parent for financial loss incurred as a result of the failure by the person acting as surrogate to perform under the surrogacy contract due to death, bodily injury, sickness, disappearance of the person acting as surrogate, late miscarriage, or stillbirth. Such financial loss shall include medical and hospital expenses, insurance co-payments, deductibles, and coinsurance, necessary living expenses of the person acting as surrogate to arrange for the surrogacy, legal fees of the person acting as surrogate, and any other</u>

Page	Line	Amendment
		<p><u>expenses that an intended parent may lawfully pay to or on behalf of the person acting as surrogate; and (ii) For the purposes of this [section] subparagraph, "adoptive parent" means the parent or his or her spouse seeking to adopt the child, "birth mother" means the biological mother of the child, "birth parent" means the biological mother or biological father of the child, and the terms "donor", "intended parent", "person acting as surrogate", and "surrogacy agreement" shall have the meaning set forth in section 581-102 of the family court act; or</u></p> <p>§ 23. Paragraph (32) of subsection (a) of section 1113 of the insurance law, as renumbered by chapter 626 of the laws of 2006, is renumbered paragraph (33) and a new paragraph (32) is added to read as follows:</p> <p><u>(32) "Donor medical expense insurance" means insurance indemnifying an intended parent for medical or hospital expenses that the intended parent is contractually obligated to pay under a donor agreement when the expenses result from medical complications that occur as a result of the donation of gametes. For the purpose of this paragraph, "donor", "gametes" and "intended parent" shall have the meaning set forth in section 581-102 of the family court act.</u></p> <p><u>(33) "Substantially similar kind of insurance," means such insurance which in the opinion of the superintendent is determined to be substantially similar to one of the foregoing kinds of insurance and thereupon for the purposes of this chapter shall be deemed to be included in that kind of insurance.</u></p> <p>§ 24. Subsection (a) of section 2105 of the insurance law, as amended by section 9 of part I of chapter 61 of the laws of 2011, is amended to read as follows:</p> <p>§ 2105. Excess line brokers; licensing. (a) The superintendent may issue an excess line broker's license to any person, firm, association or corporation who or which is licensed as an insurance broker under section two thousand one hundred four of this article, or who or which is licensed as an excess line broker in the licensee's home state, provided, however, that the applicant's home state grants non-resident licenses to residents of this state on the same basis, except that reciprocity is not required in regard to the placement of liability insurance on behalf of a purchasing group or any of its members; authorizing such person, firm, association or corporation to procure, subject to the restrictions herein provided, policies of insurance from insurers which are</p>

Page	Line	Amendment
		<p>not authorized to transact business in this state of the kind or kinds of insurance specified in paragraphs four through fourteen, sixteen, seventeen, nineteen, twenty, twenty-two, twenty-seven, twenty-eight, <u>and</u> thirty-one, and thirty-two of subsection (a) of section one thousand one hundred thirteen of this chapter and in subsection (h) of this section, provided, however, that the provisions of this section and section two thousand one hundred eighteen of this article shall not apply to ocean marine insurance and other contracts of insurance enumerated in subsections (b) and (c) of section two thousand one hundred seventeen of this article. Such license may be suspended or revoked by the superintendent whenever in his or her judgment such suspension or revocation will best promote the interests of the people of this state.</p> <p>§ 25. Subsection (b) of section 4101 of the insurance law is amended to read as follows:</p> <p>(b) "Non-basic kinds of insurance" means the kinds of insurance described in the following paragraphs of subsection (a) of section one thousand one hundred thirteen of this chapter numbered therein as set forth in parentheses below:</p> <ul style="list-style-type: none"> <li>accident and health (item (i) of (3));</li> <li>non-cancellable disability (item (ii) of (3));</li> <li>miscellaneous property (5);</li> <li>water damage (6);</li> <li>collision (12);</li> <li>property damage liability (14)- non-basic as to mutual companies only;</li> <li>motor vehicle and aircraft physical damage (19);</li> <li>inland marine as specified in marine and inland marine (20);</li> <li>marine protection and indemnity(21)-non basic as to stock companies only;</li> <li>residual value (22);</li> <li>credit unemployment (24);</li> <li>gap (26);</li> <li>prize indemnification (27);</li> <li>service contract reimbursement (28);</li> <li>legal services insurance (29);</li> <li>involuntary unemployment insurance (30);</li> <li>salary protection insurance (31)[.];</li> <li><u>donor medical expense insurance (32).</u></li> </ul> <p>§ 26. Group A of table one as contained in paragraph (1) of subsection (a) of section 4103 of the insurance law, as amended by chapter 626 of the laws of 2006, is amended to read as follows:</p>

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		<p style="text-align: right;">Group A:</p> <table> <tr> <td>7</td><td>\$300,000</td><td>\$150,000</td></tr> <tr> <td>8, 9, 10, 11, or 14 - for each such kind</td><td>\$100,000</td><td>\$50,000</td></tr> <tr> <td>13 or 15 - for each such kind</td><td>\$500,000</td><td>\$250,000</td></tr> <tr> <td>16</td><td>\$900,000</td><td>\$450,000</td></tr> <tr> <td>17</td><td>\$400,000</td><td>\$200,000</td></tr> <tr> <td>Basic additional amount required for any one or more of the above kinds of insurance</td><td>\$100,000</td><td>\$ 50,000</td></tr> <tr> <td>3(i), 3(ii), 6{1} or 12{2} - for each such kind</td><td>\$100,000</td><td>\$50,000</td></tr> <tr> <td>22</td><td>\$2,000,000</td><td>\$1,000,000</td></tr> <tr> <td>24</td><td>\$400,000</td><td>\$200,000</td></tr> <tr> <td>26(B)</td><td>\$200,000</td><td>\$100,000</td></tr> <tr> <td>26(A), 26 (C) or 26{0} - for each such kind</td><td>\$600,000</td><td>\$300,000</td></tr> <tr> <td>27</td><td>\$300,000</td><td>\$150,000</td></tr> <tr> <td>28</td><td>\$2,000,000</td><td>\$1,000,000</td></tr> <tr> <td>30</td><td>\$400,000</td><td>\$200,000</td></tr> <tr> <td>31</td><td>\$100,000</td><td>\$50,000</td></tr> <tr> <td><u>32</u></td><td>\$100,000</td><td>\$50,000</td></tr> </table> <p>§ 27. Group C of table three as contained in subsection (b) of section 4107 of the insurance law, as amended by chapter 626 of the laws of 2006, is amended to read as follows:</p> <p style="text-align: right;">Group C:</p> <table> <tr> <td>3(i) or 3(ii) - for each such kind</td><td>\$100,000</td><td>\$100,000</td></tr> <tr> <td>22</td><td>\$3,000,000</td><td>\$2,000,000</td></tr> <tr> <td>24</td><td>\$300,000</td><td>\$300,000</td></tr> <tr> <td>26(B)</td><td>\$300,000</td><td>\$200,000</td></tr> <tr> <td>26(A), 26{( )} or 26(D) - for eachsuch kind</td><td>\$900,000</td><td>\$600,000</td></tr> <tr> <td>28</td><td>\$3,000,000</td><td>\$2,000,000</td></tr> <tr> <td>6{5}, 12{6} or 14{2} - for each such kind</td><td>\$50,000</td><td>\$50,000</td></tr> <tr> <td>27</td><td>\$300,000</td><td>\$150,000</td></tr> <tr> <td>30</td><td>\$300,000</td><td>\$300,000</td></tr> <tr> <td>31</td><td>\$100,000</td><td>\$100,000</td></tr> <tr> <td><u>32</u></td><td>\$100,000</td><td>\$100,000"</td></tr> </table>	7	\$300,000	\$150,000	8, 9, 10, 11, or 14 - for each such kind	\$100,000	\$50,000	13 or 15 - for each such kind	\$500,000	\$250,000	16	\$900,000	\$450,000	17	\$400,000	\$200,000	Basic additional amount required for any one or more of the above kinds of insurance	\$100,000	\$ 50,000	3(i), 3(ii), 6{1} or 12{2} - for each such kind	\$100,000	\$50,000	22	\$2,000,000	\$1,000,000	24	\$400,000	\$200,000	26(B)	\$200,000	\$100,000	26(A), 26 (C) or 26{0} - for each such kind	\$600,000	\$300,000	27	\$300,000	\$150,000	28	\$2,000,000	\$1,000,000	30	\$400,000	\$200,000	31	\$100,000	\$50,000	<u>32</u>	\$100,000	\$50,000	3(i) or 3(ii) - for each such kind	\$100,000	\$100,000	22	\$3,000,000	\$2,000,000	24	\$300,000	\$300,000	26(B)	\$300,000	\$200,000	26(A), 26{( )} or 26(D) - for eachsuch kind	\$900,000	\$600,000	28	\$3,000,000	\$2,000,000	6{5}, 12{6} or 14{2} - for each such kind	\$50,000	\$50,000	27	\$300,000	\$150,000	30	\$300,000	\$300,000	31	\$100,000	\$100,000	<u>32</u>	\$100,000	\$100,000"
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26(B)	\$200,000	\$100,000																																																																																	
26(A), 26 (C) or 26{0} - for each such kind	\$600,000	\$300,000																																																																																	
27	\$300,000	\$150,000																																																																																	
28	\$2,000,000	\$1,000,000																																																																																	
30	\$400,000	\$200,000																																																																																	
31	\$100,000	\$50,000																																																																																	
<u>32</u>	\$100,000	\$50,000																																																																																	
3(i) or 3(ii) - for each such kind	\$100,000	\$100,000																																																																																	
22	\$3,000,000	\$2,000,000																																																																																	
24	\$300,000	\$300,000																																																																																	
26(B)	\$300,000	\$200,000																																																																																	
26(A), 26{( )} or 26(D) - for eachsuch kind	\$900,000	\$600,000																																																																																	
28	\$3,000,000	\$2,000,000																																																																																	
6{5}, 12{6} or 14{2} - for each such kind	\$50,000	\$50,000																																																																																	
27	\$300,000	\$150,000																																																																																	
30	\$300,000	\$300,000																																																																																	
31	\$100,000	\$100,000																																																																																	
<u>32</u>	\$100,000	\$100,000"																																																																																	
Page 97,	Line 3,	Strike out "\$22" and insert "\$28"																																																																																	
Page 97,	Line 3,	After "shall take effect" strike out "on"																																																																																	

<b>Page</b>	<b>Line</b>	<b>Amendment</b>
Page 103,	Line 50	After "as" strike out "amended" and insert "added"
Page 108,	Line 37	After "the" insert "[" and after "state" insert "] <u>school district</u> "
Page 108,	Line 39	Before "and" insert "[" and after "districts" insert "]"
Page 108	Line 53	After "\$ 2." insert "Paragraph b of subdivision 1 of section 4405 of the education law is REPEALED. § 3."
Page 109	Line 1	After "affect the" strike out "repeal" and insert "expiration"
Page 109	Line 2	After "deemed" strike out "repealed" and insert "to expire"
Page 115,	Between lines 52 and 53,	Insert Part P (LBD #75027-02-0)
Page 116,	Line 7,	After "through" strike out "O" and insert "P"



1 school district in a city with more than one hundred twenty-five thou-  
2 sand inhabitants, and/or the chancellor in a city school district in a  
3 city having a population of one million or more, on or after July first,  
4 two thousand five, or (b) ninety-five hundredths for any other school  
5 building project or school district. For purposes of this clause, the  
6 scaled incentive decimal shall equal (a) one-tenth for a high need  
7 school district, as defined pursuant to regulations of the commissioner  
8 and used for the school aid computer listing produced by the commission-  
9 er in support of the enacted budget for the two thousand seven--two  
10 thousand eight school year and entitled "SA0708", for all school build-  
11 ing projects approved by the voters of the school district or by the  
12 board of education of a city school district in a city with more than  
13 one hundred twenty-five thousand inhabitants, and/or the chancellor in a  
14 city school district in a city having a population of one million or  
15 more, on or after July first, two thousand five or (b) the product of  
16 one-tenth multiplied by the state sharing ratio computed pursuant to  
17 paragraph g of subdivision three of this section for all other school  
18 districts.

19 § 18. Clauses (b) and (c) of subparagraph 2 of paragraph c of subdivi-  
20 sion 6 of section 3602 of the education law, clause (b) as amended by  
21 section 15 of part B chapter 57 of the laws of 2008, and clause (c) as  
22 added by section 12-b of part L of chapter 57 of the laws of 2005, are  
23 amended and a new clause (d) is added to read as follows:

24 (b) For aid payable in the school years two thousand--two thousand one  
25 and thereafter for all school building projects approved by the voters  
26 of the school district or by the board of education of a city school  
27 district in a city with more than one hundred twenty-five thousand  
28 inhabitants, and/or the chancellor in a city school district in a city  
29 having a population of one million or more, on or after July first, two  
30 thousand, and prior to July first, two thousand twenty, any school  
31 district shall compute aid under the provisions of this subdivision  
32 using the sum of the high-need supplemental building aid ratio, if any,  
33 computed pursuant to clause (c) of this subparagraph and the greater of  
34 (i) the building aid ratio computed for use in the current year; or (ii)  
35 a building aid ratio equal to the difference of the aid ratio that was  
36 used or that would have been used to compute an apportionment pursuant  
37 to this subdivision in the nineteen hundred ninety-nine--two thousand  
38 school year as such aid ratio is computed by the commissioner based on  
39 data on file with the department on or before July first of the third  
40 school year following the school year in which aid is first payable,  
41 less one-tenth; or (iii) for all such school building projects approved  
42 by the voters of the school district or by the board of education of a  
43 city school district in a city with more than one hundred twenty-five  
44 thousand inhabitants, and/or the chancellor in a city school district in  
45 a city having a population of one million or more, on or after July  
46 first, two thousand and on or before June thirtieth, two thousand four,  
47 for any school district for which the pupil wealth ratio is greater than  
48 two and five-tenths in the school year in which such school building  
49 project was approved by the voters of the school district or by the  
50 board of education of a city school district in a city with more than  
51 one hundred twenty-five thousand inhabitants, and/or the chancellor in a  
52 city school district in a city having a population of one million or  
53 more and for which the alternate pupil wealth ratio is less than eight-  
54 y-five hundredths in such school year, and for all such school building  
55 projects approved by the voters of the school district or by the board  
56 of education of a city school district in a city with more than one



1 inconsistent provisions of law, the commissioner of education shall  
2 withhold a portion of employment preparation education aid due to the  
3 city school district of the city of New York to support a portion of the  
4 costs of the work force education program. Such moneys shall be credited  
5 to the elementary and secondary education fund-local assistance account  
6 and shall not exceed eleven million five hundred thousand dollars  
7 (\$11,500,000).

8 § 32. Section 6 of chapter 756 of the laws of 1992, relating to fund-  
9 ing a program for work force education conducted by the consortium for  
10 worker education in New York city, as amended by section 37 of part YY  
11 of chapter 59 of the laws of 2019, is amended to read as follows:

12 § 6. This act shall take effect July 1, 1992, and shall be deemed  
13 repealed on June 30, [2020] 2021.

14 § 33. Subdivision 1 of section 167 of chapter 169 of the laws of 1994,  
15 relating to certain provisions related to the 1994-95 state operations,  
16 aid to localities, capital projects and debt service budgets, as amended  
17 by section 32 of part CCC of chapter 59 of the laws of 2018, is amended  
18 to read as follows:

19 1. Sections one through seventy of this act shall be deemed to have  
20 been in full force and effect as of April 1, 1994 provided, however,  
21 that sections one, two, twenty-four, twenty-five and twenty-seven  
22 through seventy of this act shall expire and be deemed repealed on March  
23 31, 2000; provided, however, that section twenty of this act shall apply  
24 only to hearings commenced prior to September 1, 1994, and provided  
25 further that section twenty-six of this act shall expire and be deemed  
26 repealed on March 31, 1997; and provided further that sections four  
27 through fourteen, sixteen, and eighteen, nineteen and twenty-one through  
28 twenty-one-a of this act shall expire and be deemed repealed on March  
29 31, 1997; and provided further that sections three, fifteen, seventeen,  
30 twenty, twenty-two and twenty-three of this act shall expire and be  
31 deemed repealed on March 31, [2020] 2022.

32 § 34. Section 12 of chapter 147 of the laws of 2001, amending the  
33 education law relating to conditional appointment of school district,  
34 charter school or BOCES employees, as amended by section 39 of part YY  
35 of chapter 59 of the laws of 2019, is amended to read as follows:

36 § 12. This act shall take effect on the same date as chapter 180 of  
37 the laws of 2000 takes effect, and shall expire July 1, [2020] 2021 when  
38 upon such date the provisions of this act shall be deemed repealed.

39 § 35. Section 4 of chapter 425 of the laws of 2002, amending the  
40 education law relating to the provision of supplemental educational  
41 services, attendance at a safe public school and the suspension of  
42 pupils who bring a firearm to or possess a firearm at a school, as  
43 amended by section 40 of part YYY of chapter 59 of the laws of 2019, is  
44 amended to read as follows:

45 § 4. This act shall take effect July 1, 2002 and section one of this  
46 act shall expire and be deemed repealed June 30, 2019, and sections two  
47 and three of this act shall expire and be deemed repealed on June 30,  
48 [2020] 2021.

49 § 36. Section 5 of chapter 101 of the laws of 2003, amending the  
50 education law relating to ~~the~~ implementation of the No Child Left Behind  
51 Act of 2001, as amended by section 41 of part YYY of chapter 59 of the  
52 laws of 2019, is amended to read as follows:

53 § 5. This act shall take effect immediately; provided that sections  
54 one, two and three of this act shall expire and be deemed repealed on  
55 June 30, [2020] 2021.



1 Notwithstanding any other provision of law to the contrary the moneys  
2 appropriated for the support of public libraries for the year 2020-2021  
3 by a chapter of the laws of 2020 enacting the education, labor and fami-  
4 ly assistance budget shall fulfill the state's obligation to provide  
5 such aid and, pursuant to a plan developed by the commissioner of educa-  
6 tion and approved by the director of the budget, the aid payable to  
7 libraries and library systems pursuant to such appropriations shall be  
8 reduced proportionately to assure that the total amount of aid payable  
9 does not exceed the total appropriations for such purpose.

10 § 44. Severability. The provisions of this act shall be severable, and  
11 if the application of any clause, sentence, paragraph, subdivision,  
12 section or part of this act to any person or circumstance shall be  
13 adjudged by any court of competent jurisdiction to be invalid, such  
14 judgment shall not necessarily affect, impair or invalidate the applica-  
15 tion of any such clause, sentence, paragraph, subdivision, section, part  
16 of this act or remainder thereof, as the case may be, to any other  
17 person or circumstance, but shall be confined in its operation to the  
18 clause, sentence, paragraph, subdivision, section or part thereof  
19 directly involved in the controversy in which such judgment shall have  
20 been rendered.

21 § 45. This act shall take effect immediately, and shall be deemed to  
22 have been in full force and effect on and after April 1, 2020, provided,  
23 however, that:

24 1. sections one, two, three, four, five, six, seven, eight, nine, ten,  
25 eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eigh-  
26 teen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-  
27 four, twenty-seven, thirty-eight, forty-one and forty-two of this act  
28 shall take effect July 1, 2020;

29 2. the amendments to section 2590-h of the education law made by  
30 section twenty-eight of this act shall not affect the expiration and  
31 reversion of such section and shall expire and be deemed repealed there-  
32 with;

33 3. section twenty-nine of this act shall be deemed to have been in  
34 full force and effect on and after April 1, 2019; and

35 4. the amendments to chapter 756 of the laws of 1992, relating to  
36 funding a program for work force education conducted by a consortium for  
37 worker education in New York ~~city~~ made by sections thirty and thirty-one  
38 of this act shall not affect the repeal of such chapter and shall be  
39 deemed repealed therewith.

40

## PART B

41 Section 1. Legislative intent. The purpose of this act is to establish  
42 the Syracuse Comprehensive Education and Workforce Training Center  
43 focusing on Science, Technology, Engineering, Arts, and Math. The high  
44 school and center shall provide a high school course of instruction for  
45 grades nine through twelve, dedicated to providing expanded learning and  
46 job training opportunities to students residing in the Onondaga, Cort-  
47 land and Madison county board of cooperative educational services region  
48 and central New York, in the areas of science, technology, engineering,  
49 arts and mathematics as well as the core academic areas required for the  
50 issuance of high school diplomas in accordance with the rules and regu-  
51 lations promulgated by the board of regents. The legislature hereby  
52 finds and declares that the establishment of the school is a necessary  
53 component to the development of the greater central New York region of  
54 New York state and a necessary link to fostering the development and



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1 support for operating expenses at the state university and city univer-  
 2 sity may be reduced in a manner proportionate to one another, and the  
 3 aforementioned provisions shall not apply.

4 [(v)] (vi) Beginning in state fiscal year two thousand seventeen--two  
 5 thousand eighteen and ending in state fiscal year two thousand twenty--  
 6 two thousand twenty-one, the state shall appropriate and make available  
 7 general fund operating support, including fringe benefits, for the state  
 8 university in an amount not less than the amount appropriated and made  
 9 available in the prior state fiscal year; provided, however, that if the  
 10 governor declares a fiscal emergency, and communicates such emergency to  
 11 the temporary president of the senate and speaker of the assembly, state  
 12 support for operating expenses at the state university and city univer-  
 13 sity may be reduced in a manner proportionate to one another, and the  
 14 aforementioned provisions shall not apply; provided further, the state  
 15 shall appropriate and make available general fund support to fully fund  
 16 the tuition credit pursuant to subdivision two of section six hundred  
 17 sixty-nine-h of this title.

18 (vii) Beginning in state fiscal year two thousand twenty-one--two  
 19 thousand twenty-two and ending in state fiscal year two thousand twen-  
 20 ty-four--two thousand twenty-five, the state shall appropriate and make  
 21 available general fund operating support, including fringe benefits, for  
 22 the state university in an amount not less than the amount appropriated  
 23 and made available in the prior state fiscal year; provided, however,  
 24 that if the governor declares a fiscal emergency, and communicates such  
 25 emergency to the temporary president of the senate and speaker of the  
 26 assembly, state support for operating expenses at the state university  
 27 and city university may be reduced in a manner proportionate to one  
 28 another, and the aforementioned provisions shall not apply; provided  
 29 further, the state shall appropriate and make available general fund  
 30 support to fully fund the tuition credit pursuant to subdivision two of  
 31 section six hundred sixty-nine-h of this title.

32 [(vi)] (viii) For the state university fiscal years commencing two  
 33 thousand eleven--two thousand twelve and ending two thousand fifteen--  
 34 two thousand sixteen, each university center may set aside a portion of  
 35 its tuition revenues derived from tuition increases to provide increased  
 36 financial aid for New York state resident undergraduate students whose  
 37 net taxable income is eighty thousand dollars or more subject to the  
 38 approval of a NY-SUNY 2020 proposal by the governor and the chancellor  
 39 of the state university of New York. Nothing in this paragraph shall be  
 40 construed as to authorize that students whose net taxable income is  
 41 eighty thousand dollars or more are eligible for tuition assistance  
 42 program awards pursuant to section six hundred sixty-seven of this  
 43 [chapter] title.

44 § 2. Paragraph h of subdivision 2 of section 355 of the education law  
 45 is amended by adding a new paragraph 4-a to read as follows:

46 (4-a) Notwithstanding any law, rule, regulation, or practice to the  
 47 contrary and following the review and approval of the chancellor of the  
 48 state university or his or her designee, the board of trustees may raise  
 49 non-resident undergraduate rates of tuition by not more than ten percent  
 50 over the tuition rates of the prior academic year for the state univer-  
 51 sity of New York college of environmental science and forestry as  
 52 defined in article one hundred twenty-one of this chapter for a four  
 53 year period commencing with the two thousand twenty-two thousand twen-  
 54 ty-one academic year and ending in the two thousand twenty-three--two  
 55 thousand twenty-four academic year provided that such rate change is

the following  
 doctoral  
 degree  
 granting  
 institutions  
 of the  
 state  
 university  
 of New  
 York:

downstate medical center,  
 upstate medical center, and  
 the college of technology  
 at Utica-Rome / state university  
 polytechnic institute



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1 2. The commissioner shall have authority to adopt regulations and  
 2 issue guidance to effectuate any of the provisions of this section.  
 3 Employers shall comply with regulations and guidance promulgated by the  
 4 commissioner for this purpose which may include but are not limited to  
 5 standards for the accrual, use, payment, and employee eligibility of  
 6 paid sick leave.

7 3. Employees shall accrue sick leave at a rate of not less than one  
 8 hour per every thirty hours worked, beginning at the commencement of  
 9 employment or the effective date of this section, whichever is later,  
 10 subject to the use and accrual limitations set forth in this section.

11 4. The provisions of section two hundred fifteen of this chapter shall  
 12 be applicable to the benefits afforded under this section, including,  
 13 but not limited to, requesting sick leave and using sick leave.

14 § 2. This act shall take effect one year after it shall have become a  
 15 law.

Insert A  
ELFA  
64

Insert B  
ELFA  
64

#### PART K

17 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of  
 18 section 131-o of the social services law, as amended by section 1 of  
 19 part L of chapter 56 of the laws of 2019, are amended to read as  
 20 follows:

21 (a) in the case of each individual receiving family care, an amount  
 22 equal to at least [\$148.00] \$150.00 for each month beginning on or after  
 23 January first, two thousand [nineteen] twenty.

24 (b) in the case of each individual receiving residential care, an  
 25 amount equal to at least [\$171.00] \$174.00 for each month beginning on  
 26 or after January first, two thousand [nineteen] twenty.

27 (c) in the case of each individual receiving enhanced residential  
 28 care, an amount equal to at least [\$204.00] \$207.00 for each month  
 29 beginning on or after January first, two thousand [nineteen] twenty.

30 (d) for the period commencing January first, two thousand [twenty]  
 31 twenty-one, the monthly personal needs allowance shall be an amount  
 32 equal to the sum of the amounts set forth in subparagraphs one and two  
 33 of this paragraph:

34 (1) the amounts specified in paragraphs (a), (b) and (c) of this  
 35 subdivision; and

36 (2) the amount in subparagraph one of this paragraph, multiplied by  
 37 the percentage of any federal supplemental security income cost of  
 38 living adjustment which becomes effective on or after January first, two  
 39 thousand [twenty] twenty-one, but prior to June thirtieth, two thousand  
 40 [twenty] twenty-one, rounded to the nearest whole dollar.

41 § 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of  
 42 section 209 of the social services law, as amended by section 2 of part  
 43 L of chapter 56 of the laws of 2019, are amended to read as follows:

44 (a) On and after January first, two thousand [nineteen] twenty, for an  
 45 eligible individual living alone, [\$858.00] \$870.00; and for an eligible  
 46 couple living alone, [\$1,261.00] \$1,279.00.

47 (b) On and after January first, two thousand [nineteen] twenty, for an  
 48 eligible individual living with others with or without in-kind income,  
 49 [\$794.00] \$806.00; and for an eligible couple living with others with or  
 50 without in-kind income, [\$1,203.00] \$1,221.00.

51 (c) On and after January first, two thousand [nineteen] twenty, (i)  
 52 for an eligible individual receiving family care, [\$1,037.48] \$1,049.48  
 53 if he or she is receiving such care in the city of New York or the coun-  
 54 ty of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible



1     § 581-202. Proceeding for judgment of parentage of a child conceived  
2     through assisted reproduction. (a) A proceeding for a judgment of  
3     parentage with respect to a child conceived through assisted repro-  
4     duction may be commenced:  
5     (1) if the intended parent or child resides in New York state, in the  
6     county where the intended parent resides any time after pregnancy is  
7     achieved or in the county where the child was born or resides; or  
8     (2) if the intended parent and child do not reside in New York state,  
9     up to ninety days after the birth of the child in the county where the  
10    child was born.  
11    (b) The petition for a judgment of parentage must be verified.  
12    (c) Where a petition includes the following statements, the court must  
13    adjudicate any intended parent to be the parent of the child:  
14    (1) a statement that an intended parent has been a resident of the  
15    state for at least ninety days or if an intended parent is not a New  
16    York state resident, that the child will be or was born in the state  
17    within ninety days of filing; and  
18    (2) a statement from the gestating intended parent that the gestating  
19    intended parent became pregnant as a result of assisted reproduction;  
20    and  
21    (3) in cases where there is a non-gestating intended parent, a state-  
22    ment from the gestating intended parent and non-gestating intended  
23    parent that the non-gestating intended parent consented to assisted  
24    reproduction pursuant to section 581-304 of this article; and  
25    (4) proof of any donor's donative intent.  
26    (d) The following shall be deemed sufficient proof of a donor's dona-  
27    tive intent for purposes of this section:  
28    (1) in the case of an anonymous donor or where gametes or embryos have  
29    previously been released to a gamete or embryo storage facility or in  
30    the presence of a health care practitioner, either:  
31    (i) a statement or documentation from the gamete or embryo storage  
32    facility or health care practitioner stating or demonstrating that such  
33    gametes or embryos were anonymously donated or had previously been  
34    released; or  
35    (ii) clear and convincing evidence that the gamete or embryo donor  
36    intended to donate gametes or embryos anonymously or intended to release  
37    such gametes or embryos to a gamete or embryo storage facility or health  
38    care practitioner; or  
39    (2) in the case of a donation from a known donor, either: a. a record  
40    from the gamete or embryo donor acknowledging the donation and confirm-  
41    ing that the donor has no parental or proprietary interest in the  
42    gametes or embryos. The record shall be signed by the gestating  
43    intended parent and the gamete or embryo donor. The record may be, but  
44    is not required to be, signed:  
45    (i) before a notary public, or  
46    (ii) before two witnesses who are not the intended parents, or  
47    (iii) before a health care practitioner; or  
48    b. clear and convincing evidence that the gamete or embryo donor  
49    agreed, prior to conception, with the gestating parent that the donor  
50    has no parental or proprietary interest in the gametes or embryos.  
51    ~~or~~ In the absence of evidence pursuant to paragraph two of this  
52    subdivision, notice shall be given to the donor at least twenty days  
53    prior to the proceeding, by delivery of a copy of the petition and  
54    notice. Upon a showing to the court, by affidavit or otherwise, on or  
55    before the date of the proceeding or within such further time as the  
56    court may allow, that personal service cannot be effected at the donor's

(e)(1)

the date  
set for

to determine  
the existence  
of donative  
intent



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1 last known address with reasonable effort, notice may be given, without  
 2 prior court order therefore, at least twenty days prior to the proceed-  
 3 ing by registered or certified mail directed to the donor's last known  
 4 address. Notice by publication shall not be required to be given to a  
 5 donor entitled to notice pursuant to the provisions of this section.  
 6 ~~(4) Notwithstanding the above, where sperm is provided under the~~ (2)  
 7 ~~supervision of a health care practitioner to someone other than the~~  
 8 ~~sperm provider's intimate partner or spouse without a record of the~~  
 9 ~~sperm provider's intent to parent, the sperm provider is presumed to be~~  
 10 ~~a donor and notice is not required.~~  
 11 ~~(e) In cases not covered by subdivision (c) of this section, the court~~ and  
 12 ~~shall adjudicate the parentage of the child consistent with part three~~ (F)  
 13 ~~of this article.~~  
 14 ~~(f) Where the requirements of subdivision (c) of this section are met~~ (g)  
 15 ~~or where the court finds the intended parent to be a parent under subdi-~~  
 16 ~~vision (e) of this section, the court shall issue a judgment of parent-~~  
 17 ~~age:~~  
 18 (1) declaring, that upon the birth of the child, the intended parent or parents  
 19 is the legal parent of the child; and or are  
 20 (2) ordering the intended parent to assume responsibility for the or are  
 21 maintenance and support of the child immediately upon the birth of the or parents  
 22 child; and  
 23 (3) if there is a donor, ordering that the donor is not a parent of or parents  
 24 the child; and  
 25 (4) ordering that:  
 26 (i) Pursuant to section two hundred fifty-four of the judiciary law,  
 27 the clerk of the court shall transmit to the state commissioner of  
 28 health, or for a person born in New York city, to the commissioner of  
 29 health of the city of New York, on a form prescribed by the commission-  
 30 er, a written notification of such entry together with such other facts  
 31 as may assist in identifying the birth record of the person whose  
 32 parentage was in issue and, if such person whose parentage has been  
 33 determined is under eighteen years of age, the clerk shall also transmit  
 34 forthwith to the registry operated by the department of social services  
 35 pursuant to section three hundred seventy-two-c of the social services  
 36 law a notification of such determination; and  
 37 (ii) Pursuant to section forty-one hundred thirty-eight of the public  
 38 health law and NYC Public Health Code section 207.05 that upon receipt  
 39 of a judgment of parentage the local registrar where a child is born  
 40 will report the parentage of the child to the appropriate department of  
 41 health in conformity with the court order. If an original birth certif-  
 42 icate has already been issued, the appropriate department of health will  
 43 amend the birth certificate in an expedited manner and seal the previ-  
 44 ously issued birth certificate.  
 45 § 581-203. Proceeding for judgment of parentage of a child conceived  
 46 pursuant to a surrogacy agreement. (a) The proceeding may be commenced  
 47 (1) in any county where an intended parent resided any time after the  
 48 surrogacy agreement was executed; (2) in the county where the child was  
 49 born or resides; or (3) in the county where the surrogate resided any  
 50 time after the surrogacy agreement was executed.  
 51 (b) The proceeding may be commenced at any time after the surrogacy  
 52 agreement has been executed and shall be jointly filed by all intended  
 53 parents and the person acting as surrogate. and the person  
 54 acting as  
 55 (c) The petition for a judgment of parentage must be verified and surrogate and  
 all intended  
 parents are  
 necessary  
 parties.



1     (1) a statement that the person acting as surrogate or at least one of  
2 the intended parents has been a resident of the state for at least nine-  
3 ty days at the time the surrogacy agreement was executed; and  
4     (2) a certification from the attorney representing the intended parent  
5 or parents and the attorney representing the person acting as surrogate  
6 that the requirements of part four of this article have been met; and  
7     (3) a statement from all parties to the surrogacy agreement that they  
8 knowingly and voluntarily entered into the surrogacy agreement and that  
9 the parties are jointly requesting the judgment of parentage.  
10    (d) Where a petition satisfies subdivision (c) of this section the  
11 court shall issue a judgment of parentage, without additional  
12 proceedings or documentation:  
13     (1) declaring, that upon the birth of the child born during the term  
14 of the surrogacy agreement, the intended parent or parents are the only  
15 legal parent or parents of the child;  
16     (2) declaring, that upon the birth of the child born during the term  
17 of the surrogacy agreement, the person acting as surrogate, and the  
18 spouse of the person acting as surrogate, if any, is not the legal  
19 parent of the child;  
20     (3) declaring that upon the birth of the child born during the term of  
21 the surrogacy agreement, the donors, if any, are not the parents of the  
22 child;  
23     (4) ordering the person acting as surrogate and the spouse of the  
24 person acting as surrogate, if any, to transfer the child to the  
25 intended parent or parents if this has not already occurred;  
26     (5) ordering the intended parent or parents to assume responsibility  
27 for the maintenance and support of the child immediately upon the birth  
28 of the child; and  
29     (6) ordering that:  
30        (i) Pursuant to section two hundred fifty-four of the judiciary law,  
31 the clerk of the court shall transmit to the state commissioner of  
32 health, or for a person born in New York city, to the commissioner of  
33 health of the city of New York, on a form prescribed by the commission-  
34 er, a written notification of such entry together with such other facts  
35 as may assist in identifying the birth record of the person whose  
36 parentage was in issue and, if the person whose parentage has been  
37 determined is under eighteen years of age, the clerk shall also transmit  
38 to the registry operated by the department of social services pursuant  
39 to section three hundred seventy-two-c of the social services law a  
40 notification of the determination; and  
41        (ii) Pursuant to section forty-one hundred thirty-eight of the public  
42 health law and NYC Public Health Code section 207.05 that upon receipt  
43 of a judgement of parentage the local registrar where a child is born  
44 will report the parentage of the child to the appropriate department of  
45 health in conformity with the court order. If an original birth certif-  
46 icate has already been issued, the appropriate department of health will  
47 amend the birth certificate in an expedited manner and seal the previ-  
48 ously issued birth certificate.  
49     ~~(d)~~ In the event the certification required by paragraph two of subdivi-  
50 vision (c) of this section cannot be made because of a technical or  
51 non-material deviation from the requirements of this article; the court  
52 may nevertheless enforce the agreement and issue a judgment of parentage  
53 if the court determines the agreement is in substantial compliance with  
54 the requirements of this article.  
55     § 581-204. Judgment of parentage for intended parents who are spouses.  
56 Notwithstanding or without limitation on presumptions of parentage that

(e)



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In the event that any other requirements  
of subdivision (c) are not met, the  
court shall determine parentage according  
to part four of this article.



1 apply, a judgment of parentage may be obtained under this part by  
2 intended parents who are each other's spouse. Nothing in this section  
3 requires intended parents to be married to each other in order to be  
4 jointly declared the parents of the child.

5 § 581-205. Inspection of records. Court records relating to  
6 proceedings under this article shall be sealed, provided, however, that  
7 the office of temporary and disability assistance, a child support unit  
8 of a social services district or a child support agency of another state  
9 providing child support services pursuant to title IV-d of the federal  
10 social security act, to the extent necessary to provide child support  
11 services or for the administration of the program pursuant to title IV-d  
12 of the federal social security act, may obtain a copy of a judgment of  
13 parentage. The parties to the proceeding and the child shall have the  
14 right to inspect the entire court record, including, but not limit-  
15 ed to, the name of the person acting as surrogate and any known donors.

16 § 581-206. Jurisdiction, and exclusive continuing jurisdiction. (a)  
17 Proceedings pursuant to this article may be instituted in the supreme or  
18 family court or surrogates court.

19 (b) Subject to the jurisdictional standards of section seventy-six of  
20 the domestic relations law, the court conducting a proceeding under this  
21 article has exclusive, continuing jurisdiction of all matters relating  
22 to the determination of parentage until the child attains the age of one  
23 hundred eighty days.

### 24 PART 3

#### 25 CHILD OF ASSISTED REPRODUCTION

26 Section 581-301. Scope of article.

27 581-302. Status of donor.

28 581-303. Parentage of child of assisted reproduction.

29 581-304. Consent to assisted reproduction.

30 581-305. Limitation on spouses' dispute of parentage of child of  
31 assisted reproduction.

32 581-306. Effect of embryo disposition agreement between intended  
33 parents which transfers legal rights and disposi-  
34 tional control to one intended parent.

35 581-307. Effect of death of intended parent.

36 § 581-301. Scope of article. This article does not apply to the birth  
37 of a child conceived by means of sexual intercourse.

38 § 581-302. Status of donor. A donor is not a parent of a child  
39 conceived by means of assisted reproduction.

40 § 581-303. Parentage of child of assisted reproduction. (a) An indi-  
41 vidual who provides gametes for, or who consents to, assisted reprod-  
42 uction with the intent to be a parent of the child with the consent of  
43 the gestating parent as provided in section 581-304 of this part, is a  
44 parent of the resulting child for all legal purposes.

45 (b) The court shall issue a judgment of parentage pursuant to this  
46 article upon application by any participant.

47 § 581-304. Consent to assisted reproduction. (a) Where the intended  
48 parent who gives birth to a child by means of assisted reproduction is a  
49 spouse, the consent of both spouses to the assisted reproduction is  
50 presumed and neither spouse may challenge the parentage of the child,  
51 except as provided in section 581-305 of this part.

52 (b) Where the intended parent who gives birth to a child by means of  
53 assisted reproduction is not a spouse, the consent to the assisted  
54 reproduction must be in a record in such a manner as to indicate the

where there is  
proof of  
donative intent  
under section  
581-202(d) of  
this article



1 before the transfer of eggs, sperm, or embryos, the deceased individual  
2 is not a parent of the resulting child unless the deceased individual  
3 consented in a signed record that if assisted reproduction were to occur  
4 after death, the deceased individual would be a parent of the child,  
5 provided that the record complies with the estates, powers and trusts  
6 law.

7 PART 4

8 SURROGACY AGREEMENT

9 Section 581-401. Surrogacy agreement authorized.

10 581-402. Eligibility to enter surrogacy agreement.

11 581-403. Requirements of surrogacy agreement.

12 581-404. Surrogacy agreement: effect of subsequent spousal  
13 relationship.

14 581-405. Termination of surrogacy agreement.

15 581-406. Parentage under compliant surrogacy agreement.

16 581-407. Insufficient surrogacy agreement.

17 581-408. Absence of surrogacy agreement.

18 581-409. Dispute as to surrogacy agreement.

19 § 581-401. Surrogacy agreement authorized. (a) If eligible under this  
20 article to enter into a surrogacy agreement, a person acting as surro-  
21 gate, the spouse of the person acting as surrogate, if applicable, and  
22 the intended parent or parents may enter into a surrogacy agreement  
23 which will be enforceable provided the surrogacy agreement meets the  
24 requirements of this article.

25 (b) A surrogacy agreement shall not apply to the birth of a child  
26 conceived by means of sexual intercourse.

27 (c) A surrogacy agreement may provide for payment of compensation  
28 under part five of this article.

29 § 581-402. Eligibility to enter surrogacy agreement. (a) A person  
30 acting as surrogate shall be eligible to enter into an enforceable  
31 surrogacy agreement under this article if the person acting as surrogate  
32 has met the following requirements at the time the surrogacy agreement  
33 is executed:

34 (1) the person acting as surrogate is at least twenty-one years of  
35 age; and

36 (2) the person acting as surrogate is a United States citizen or a  
37 lawful permanent resident or other habitual resident;

38 (3) the person acting as surrogate has not provided the egg used to  
39 conceive the resulting child; and

40 (4) the person acting as surrogate has completed a medical evaluation  
41 with a health care practitioner relating to the anticipated pregnancy;  
42 and

43 (5) the person acting as surrogate, and the spouse of the person  
44 acting as surrogate, if applicable, have been represented throughout the  
45 contractual process and the duration of the contract and its execution  
46 by independent legal counsel of their own choosing who is licensed to  
47 practice law in the state of New York which shall be paid for by the  
48 intended parent or parents except that a person acting as surrogate who  
49 is receiving no compensation may waive the right to have the intended  
50 parent or parents pay the fee for such legal counsel. Where the intended  
51 parent or parents are paying for the independent legal counsel of the  
52 person acting as surrogate, and the spouse of the person acting as  
53 surrogate, if applicable, a separate retainer agreement shall be  
54 prepared clearly stating that such legal counsel will only represent the  
55 person acting as surrogate and the spouse of the person acting as surro-  
56 gate, if applicable, in all matters pertaining to the surrogacy agree-

or where the  
person acting  
as surrogate  
contributed the  
egg used in  
conception



1 ment, that such legal counsel will not offer legal advice to any other  
2 parties to the surrogacy agreement, and that the attorney-client  
3 relationship lies with the person acting as surrogate and the spouse of  
4 the person acting as surrogate, if applicable; and

5 (6) the person acting as surrogate has, or the surrogacy agreement  
6 stipulates that prior to the embryo transfer, the person acting as  
7 surrogate will obtain a health insurance policy that covers major  
8 medical treatments and hospitalization as well as a surrogate pregnancy;  
9 the policy shall be paid for, whether directly or through reimbursement  
10 or other means, by the intended parent or parents on behalf of the  
11 person acting as surrogate pursuant to the surrogacy agreement, if such  
12 policy comes at an additional cost to the person acting as a surrogate,  
13 except that a person acting as surrogate who is receiving no compen-  
14 sation may waive the right to have the intended parent or parents pay  
15 for the health insurance policy. The intended parent or parents shall  
16 also pay for or reimburse the person acting as surrogate for all co-pay-  
17 ments, deductibles and any other out-of-pocket medical costs associated  
18 with the medical evaluation, psychological screening, embryo transfers,  
19 pregnancy and post-natal care, that accrue through twelve weeks after  
20 the birth of the child or termination of the pregnancy, except that such  
21 responsibility shall be extended for up to six months after the birth of  
22 the child or termination of the pregnancy in the event a medical compli-  
23 cation related to the pregnancy is diagnosed within twelve weeks after  
24 the birth of the child or termination of the pregnancy. A person acting  
25 as surrogate who is receiving no compensation may waive the right to  
26 have the intended parent or parents make such payments or reimburse-  
27 ments.

28 (b) The intended parent or parents shall be eligible to enter into an  
29 enforceable surrogacy agreement under this article if he, she or they  
30 have met the following requirements at the time the surrogacy agreement  
31 was executed:

32 (1) at least one intended parent is a United States citizen or a  
33 lawful permanent resident or ~~habitual lawful resident;~~ and

34 (2) the intended parent or parents has been represented throughout the  
35 contractual process and the duration of the contract and its execution  
36 by independent legal counsel of his, her or their own choosing who is  
37 licensed to practice law in the state of New York; and

38 (3) he or she is an adult person who is not in a spousal relationship,  
39 or adult spouses together, or any two adults who are intimate partners  
40 together, except an adult in a spousal relationship is eligible to enter  
41 into an enforceable surrogacy agreement without his or her spouse if:

42 (i) they are living separate and apart pursuant to a decree or judg-  
43 ment of separation or pursuant to a written agreement of separation  
44 subscribed by the parties thereto and acknowledged or proved in the form  
45 required to entitle a deed to be recorded; or

46 (ii) they have been living separate and apart for at least three years  
47 prior to execution of the surrogacy agreement.

48 (4) where the spouse of an intended parent is not a required party to  
49 the agreement, the spouse is not an intended parent and shall not have  
50 rights or obligations to the child.

51 § 581-403. Requirements of surrogacy agreement. A surrogacy agreement  
52 shall be deemed to have satisfied the requirements of this article and  
53 be enforceable if it meets the following requirements:

54 (a) it shall be in a signed record verified or executed before two  
55 non-party witnesses by:

56 (1) each intended parent, and

comprehensive  
of

other

(c)



1 (2) the person acting as surrogate, and the spouse of the person  
2 acting as surrogate, if any, unless:  
3 (i) the person acting as surrogate and the spouse of the person acting  
4 as surrogate are living separate and apart pursuant to a decree or judg-  
5 ment of separation or pursuant to a written agreement of separation  
6 subscribed by the parties thereto and acknowledged or proved in the form  
7 required to entitle a deed to be recorded; or  
8 (ii) have been living separate and apart for at least three years  
9 prior to execution of the surrogacy agreement; and  
10 (b) it shall be executed prior to the embryo transfer; and  
11 (c) it shall be executed by a person acting as surrogate meeting the  
12 eligibility requirements of subdivision (a) of section 581-402 of this  
13 part and by the spouse of the person acting as surrogate, unless the  
14 signature of the spouse of the person acting as surrogate is not  
15 required as set forth in this section; and  
16 (d) it shall be executed by intended parent or parents who met the  
17 eligibility requirements of subdivision (b) of section 581-402 of this  
18 part; and  
19 (e) the person acting as surrogate and the spouse of the person acting  
20 as surrogate, if applicable, and the intended parent or parents shall  
21 have been represented throughout the contractual process and the dura-  
22 tion of the contract and its execution by separate, independent legal  
23 counsel of their own choosing; and  
24 (f) if the surrogacy agreement provides for the payment of compen-  
25 sation to the person acting as surrogate, the funds for base compen-  
26 sation and reasonable anticipated additional expenses shall have been  
27 placed in escrow with an independent escrow agent prior to the person  
28 acting as surrogate commencing with any medical procedure other than  
29 medical evaluations necessary to determine the person acting as surro-  
30 gate's eligibility; and  
31 (g) the surrogacy agreement must include information disclosing how  
32 the intended parent or parents will cover the medical expenses of the *comprehensive*  
33 person acting as surrogate and the child. If health care coverage is *and summary*  
34 used to cover the medical expenses, the disclosure shall include a *and exclusions*  
35 review of the health care policy provisions related to coverage, for the  
36 person acting as surrogate's pregnancy, ~~including any possible liability~~  
37 ~~of the person acting as surrogate's third-party liability liens or other~~  
38 ~~insurance coverage, and any notice requirements that could affect cover-~~  
39 ~~age or liability of the person acting as surrogate.~~  
40 (h) the surrogacy agreement must comply with all of the following  
41 terms:  
42 (i) As to the person acting as surrogate and the spouse of the person  
43 acting as surrogate, if applicable:  
44 (i) the person acting as surrogate agrees to undergo embryo transfer  
45 and attempt to carry and give birth to the child; and  
46 (ii) the person acting as surrogate and the spouse of the person  
47 acting as surrogate, if applicable, agree to surrender custody of all  
48 resulting children to the intended parent or parents immediately upon  
49 birth; and  
50 (iii) the surrogacy agreement shall include the name of the attorney  
51 representing the person acting as surrogate and, if applicable, the  
52 spouse of the person acting as surrogate; and  
53 (iv) the surrogacy agreement must permit the person acting as surro-  
54 gate to make all health and welfare decisions regarding themselves and  
55 their pregnancy including but not limited to, whether to consent to a  
56 cesarean section or multiple embryo transfer, and notwithstanding any





1 other provisions in this chapter, provisions in the agreement to the  
 2 ~~contrary are void and unenforceable. This article does not diminish the~~ *or continue*  
 3 ~~right of the person acting as surrogate to terminate a pregnancy; and~~

4 (v) the surrogacy agreement shall permit the person acting as a surro-  
 5 gate to utilize the services of a health care practitioner of the  
 6 person's choosing; and

7 (vi) the surrogacy agreement shall not limit the right of the person  
 8 acting as surrogate to terminate or continue the pregnancy or reduce or  
 9 retain the number of fetuses or embryos the person is carrying; and

*and  
disability*

10 (vii) the surrogacy agreement shall provide that, upon request, the  
 11 intended parent or parents have or will procure and pay for a life  
 12 insurance policy ~~or contractual performance indemnity or accidental~~ *the person acting as surrogate's*  
 13 ~~death insurance policy for the person acting as surrogate for the dura-~~  
 14 ~~tion of the pregnancy and eight weeks post birth or termination; the~~  
 15 person acting as surrogate may designate the beneficiary of the person's  
 16 choosing; and

17 (viii) the surrogacy agreement shall provide for the right of the  
 18 person acting as surrogate, upon request, to obtain counseling to  
 19 address issues resulting from the person's participation in the surroga-  
 20 cy agreement. The cost of that counseling shall be paid by the intended  
 21 parent or parents.

22 (2) As to the intended parent or parents:

23 (i) the intended parent or parents agree to accept custody of all  
 24 resulting children immediately upon birth regardless of number, gender,  
 25 or mental or physical condition and regardless of whether the intended  
 26 embryos were transferred due to a laboratory error without diminishing  
 27 the rights, if any, of anyone claiming to have a superior parental  
 28 interest in the child; and

29 (ii) the intended parent or parents agree to assume responsibility for  
 30 the support of all resulting children immediately upon birth; and

31 (iii) the surrogacy agreement shall include the name of the attorney  
 32 representing the intended parent or parents; and

33 (iv) the surrogacy agreement shall provide that the rights and obli-  
 34 gations of the intended parent or parents under the surrogacy agreement  
 35 are not assignable; and

36 (v) the intended parent or parents agree to execute a will, prior to  
 37 the embryo transfer, designating a guardian for all resulting children  
 38 and authorizing their executor to perform the intended parent's or  
 39 parents' obligations pursuant to the surrogacy agreement.

40 § 581-404. Surrogacy agreement: effect of subsequent spousal relation-  
 41 ship. (a) After the execution of a surrogacy agreement under this arti-  
 42 cle, the subsequent spousal relationship of the person acting as surro-  
 43 gate does not affect the validity of a surrogacy agreement, the consent  
 44 of the spouse of the person acting as surrogate to the agreement shall  
 45 not be required, and the spouse of the person acting as surrogate shall  
 46 not be the presumed parent of any resulting children.

47 (b) The subsequent separation or divorce of the intended parents does  
 48 not affect the rights, duties and responsibilities of the intended  
 49 parents as outlined in the surrogacy agreement.

50 § 581-405. Termination of surrogacy agreement. After the execution of  
 51 a surrogacy agreement but before the person acting as surrogate becomes  
 52 pregnant by means of assisted reproduction, the person acting as surro-  
 53 gate, the spouse of the person acting as surrogate, if applicable, or  
 54 any intended parent may terminate the surrogacy agreement by giving  
 55 notice of termination in a record to all other parties. Upon proper  
 56 termination of the surrogacy agreement the parties are released from all

*After the execution of a surrogacy agreement under this article, the subsequent spouse relationship of the intended parent does not affect the validity of a surrogacy agreement, and the consent of the spouse of the intended parent to the agreement shall not be required.*



1 obligations recited in the surrogacy agreement except that the intended  
2 parent or parents remains responsible for all expenses that are reim-  
3 bursable under the agreement which have been incurred by the person  
4 acting as surrogate through the date of termination. Unless the agree-  
5 ment provides otherwise, the person acting as surrogate is entitled to  
6 keep all payments received and obtain all payments to which the person  
7 is entitled up until the date of termination. Neither a person acting as  
8 surrogate nor the spouse of the person acting as surrogate, if any, is  
9 liable to the intended parent or parents for terminating a surrogacy  
10 agreement as provided in this section.

11 § 581-406. Parentage under compliant surrogacy agreement. Upon the  
12 birth of a child conceived by assisted reproduction under a surrogacy  
13 agreement that complies with this part, each intended parent is, by  
14 operation of law, a parent of the child and neither the person acting as  
15 a surrogate nor the person's spouse, if any, is a parent of the child.

16 § 581-407. Insufficient surrogacy agreement. If a surrogacy agreement  
17 does not meet the material requirements of this article, the agreement  
18 is not enforceable and the court shall determine parentage based on the  
19 intent of the parties, taking into account the best interests of the  
20 child. An intended parent's absence of genetic connection to the child  
21 is not a sufficient basis to deny that individual a judgment of legal  
22 parentage.

23 § 581-408. Absence of surrogacy agreement. Where there is no surrogacy  
24 agreement, the parentage of the child will be determined based on other  
25 laws of this state.

26 § 581-409. Dispute as to surrogacy agreement. (a) Unless the surroga-  
27 cy agreement provides for mandatory mediation or arbitration, any  
28 dispute which is related to a surrogacy agreement other than disputes as  
29 to parentage shall be resolved by the supreme court, which shall deter-  
30 mine the respective rights and obligations of the parties. Any  
31 provision that purports to require mandatory mediation or arbitration of  
32 disputes as to parentage shall be void and unenforceable.

33 (b) Except as expressly provided in the surrogacy agreement, the  
34 intended parent or parents and the person acting as surrogate shall be  
35 entitled to all remedies available at law or equity in any dispute  
36 related to the surrogacy agreement.

37 (c) There shall be no specific performance remedy available for a  
38 breach by the person acting as surrogate of a surrogacy agreement term  
39 that requires the person acting as surrogate to be impregnated or to  
40 terminate or continue the pregnancy or to reduce or retain the number of  
41 fetuses or embryos the person acting as surrogate is carrying.

#### PART 5

#### PAYMENT TO DONORS AND PERSONS ACTING AS SURROGATES

##### Section 581-501. Reimbursement.

##### 581-502. Compensation.

46 § 581-501. Reimbursement. (a) A donor who has entered into a valid  
47 agreement to be a donor may receive reimbursement from an intended  
48 parent or parents for economic losses incurred in connection with the  
49 donation which result from the retrieval or storage of gametes or embr-  
50 yos.

51 (b) Premiums paid for insurance against economic losses directly  
52 resulting from the retrieval or storage of gametes or embryos for  
53 donation may be reimbursed.

54 § 581-502. Compensation. (a) Compensation may be paid to a donor or  
55 person acting as surrogate based on medical risks, physical discomfort,



1 inconvenience and the responsibilities they are undertaking in  
2 connection with their participation in the assisted reproduction. Under  
3 no circumstances may compensation be paid to purchase gametes or embryos  
4 or for the release of a parental interest in a child.  
5 (b) The compensation, if any, paid to a donor or person acting as  
6 surrogate must be reasonable and negotiated in good faith between the  
7 parties, and said payments to a person acting as surrogate shall not  
8 exceed the duration of the pregnancy and recuperative period of up to  
9 eight weeks after the birth of any resulting children.  
10 (c) Compensation may not be conditioned upon the purported quality or  
11 genome-related traits of the gametes or embryos.  
12 (d) Compensation may not be conditioned on actual genotypic or pheno-  
13 typic characteristics of the donor or of any resulting children.  
14 (e) Compensation to an embryo donor shall be limited to storage fees,  
15 transfer costs and attorneys' fees. *transportation*

## PART 6

## SURROGATES' BILL OF RIGHTS

## Section 581-601. Applicability.

581-602. Health and welfare decisions.

581-603. Independent legal counsel.

581-604. Health insurance and medical costs.

581-605. Counseling.

581-606. Life insurance.

581-607. Termination of surrogacy agreement.

§ 581-601. Applicability. The rights enumerated in this part shall  
apply to any person acting as surrogate in this state, notwithstanding  
any surrogacy agreement, judgment of parentage, memorandum of under-  
standing, verbal agreement or contract to the contrary. Except as  
otherwise provided by law, any written or verbal agreement purporting to  
waive or limit any of the rights in this part is void as against public  
policy. The rights enumerated in this part are not exclusive, and are  
in addition to any other rights provided by law, regulation, or a surro-  
gacy agreement that meets the requirements of this article.

§ 581-602. Health and welfare decisions. A person acting as surrogate  
has the right to make all health and welfare decisions regarding them-  
self and their pregnancy, including but not limited to whether to  
consent to a cesarean section or multiple embryo transfer, to utilize  
the services of a health care practitioner of their choosing, whether to  
terminate or continue the pregnancy, and whether to reduce or retain the  
number of fetuses or embryos they are carrying.

§ 581-603. Independent legal counsel. A person acting as surrogate has  
the right to be represented throughout the contractual process and the  
duration of the surrogacy agreement and its execution by independent  
legal counsel of their own choosing who is licensed to practice law in  
the state of New York, to be paid for by the intended parent or parents.

§ 581-604. Health insurance and medical costs. A person acting as  
surrogate has the right to a health insurance policy that covers major  
medical treatments and hospitalization as well as a surrogate pregnancy;  
the policy shall be paid for, whether directly or through reimbursement  
or other means, by the intended parent or parents on behalf of the  
person acting as surrogate pursuant to the surrogacy agreement, if such  
policy comes at an additional cost to the person acting as a surrogate.  
The intended parent or parents shall also pay for or reimburse the  
person acting as surrogate for all co-payments, deductibles and any  
other out-of-pocket medical costs associated with pregnancy, medical

*and disability**may obtain**comprehensive*

1 evaluation, psychological screening or embryo transfers that accrue  
2 through twelve weeks after the birth of the child or termination of the  
3 pregnancy, except that such responsibility shall be extended for up to  
4 six months after the birth of the child or termination of the pregnancy  
5 in the event a medical complication related to the pregnancy is diag-  
6 nosed within twelve weeks after the birth of the child or termination of  
7 the pregnancy.

8 § 581-605. Counseling. A person acting as surrogate has the right to  
9 obtain counseling to address issues resulting from their participation  
10 in a surrogacy agreement, to be paid for by the intended parent or  
11 parents.

12 § 581-606. Life insurance. A person acting as surrogate has the right  
13 to be provided with a life insurance policy or contractual performance  
14 indemnity or accidental death insurance policy for the duration of the  
15 pregnancy and eight weeks post-birth or termination, unless the surroga-  
16 cy agreement specifies a sooner term, with a beneficiary or benefici-  
17 aries of their choosing, to be paid for by the intended parent or  
18 parents.

and disability  
may obtain  
and disability

19 § 581-607. Termination of surrogacy agreement. A person acting as  
20 surrogate has the right to terminate a surrogacy agreement prior to  
21 becoming pregnant by means of assisted reproduction pursuant to section  
22 581-405 of this article.

#### 23 PART 7

#### 24 MISCELLANEOUS PROVISIONS

25 Section 581-701. Remedial.

26 581-702. Severability.

27 581-703. Parent under section seventy of the domestic relations  
28 law.

29 581-704. Interpretation.

30 § 581-701. Remedial. This legislation is hereby declared to be a  
31 remedial statute and is to be construed liberally to secure the benefi-  
32 cial interests and purposes thereof for the best interests of the child.

33 § 581-702. Severability. The invalidation of any part of this legis-  
34 lation by a court of competent jurisdiction shall not result in the  
35 invalidation of any other part.

36 § 581-703. Parent under section seventy of the domestic relations law.  
37 The term "parent" in section seventy of the domestic relations law shall  
38 include a person established to be a parent under this article or any  
39 other relevant law.

40 § 581-704. Interpretation. Unless the context indicates otherwise,  
41 words importing the singular include and apply to several persons,  
42 parties, or things; words importing the plural include the singular.

43 § 2. Section 73 of the domestic relations law is REPEALED.

44 § 3. Section 121 of the domestic relations law, as added by chapter  
45 308 of the laws of 1992, is amended to read as follows:

46 § 121. Definitions. When used in this article, unless the context or  
47 subject matter manifestly requires a different interpretation:

48 1. ["Birth mother"] "Genetic surrogate" shall mean a [woman] person  
49 who gives birth to a child who is the person's genetic child pursuant to  
50 a genetic surrogate parenting [contract] agreement.

51 2. ["Genetic father" shall mean a man who provides sperm for the birth  
52 of a child born pursuant to a surrogate parenting contract.

53 3. "Genetic mother" shall mean a woman who provides an ovum for the  
54 birth of a child born pursuant to a surrogate parenting contract.



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1 4. "Surrogate parenting contract"] "Genetic surrogate parenting agree-  
2 ment" shall mean any agreement, oral or written, in which:

3 (a) a [woman] genetic surrogate agrees either to be inseminated with  
4 the sperm of a [man] person who is not [her husband] their spouse or to  
5 be impregnated with an embryo that is the product of [an] the genetic  
6 surrogate's ovum fertilized with the sperm of a [man] person who is not  
7 [her husband] their spouse; and

8 (b) the [woman] genetic surrogate agrees to, or intends to, surrender  
9 or consent to the adoption of the child born as a result of such insemi-  
10 nation or impregnation.

11 § 4. Section 122 of the domestic relations law, as added by chapter  
12 308 of the laws of 1992, is amended to read as follows:

13 § 122. Public policy. [Surrogate] Genetic surrogate parenting  
14 [contracts] agreements are hereby declared contrary to the public policy  
15 of this state, and are void and unenforceable.

16 § 5. Section 123 of the domestic relations law, as added by chapter  
17 308 of the laws of 1992, is amended to read as follows:

18 § 123. Prohibitions and penalties. [1.] No person or other entity  
19 shall knowingly request, accept, receive, pay or give any fee, compen-  
20 sation or other remuneration, directly or indirectly, in connection with  
21 any genetic surrogate parenting [contract] agreement, or induce, arrange  
22 or otherwise assist in arranging a genetic surrogate parenting  
23 [contract] agreement for a fee, compensation or other remuneration,  
24 except for:

25 (a) payments in connection with the adoption of a child permitted by  
26 subdivision six of section three hundred seventy-four of the social  
27 services law and disclosed pursuant to subdivision eight of section one  
28 hundred fifteen of this chapter; or

29 (b) payments for reasonable and actual medical fees and hospital  
30 expenses for artificial insemination or in vitro fertilization services  
31 incurred by the [mother] genetic surrogate in connection with the birth  
32 of the child.

33 [2. (a) A birth mother or her husband, a genetic father and his wife,  
34 and, if the genetic mother is not the birth mother, the genetic mother  
35 and her husband who violate this section shall be subject to a civil  
36 penalty not to exceed five hundred dollars.

37 (b) Any other person or entity who or which induces, arranges or  
38 otherwise assists in the formation of a surrogate parenting contract for  
39 a fee, compensation or other remuneration or otherwise violates this  
40 section shall be subject to a civil penalty not to exceed ten thousand  
41 dollars and forfeiture to the state of any such fee, compensation or  
42 remuneration in accordance with the provisions of subdivision (a) of  
43 section seven thousand two hundred one of the civil practice law and  
44 rules, for the first such offense. Any person or entity who or which  
45 induces, arranges or otherwise assists in the formation of a surrogate  
46 parenting contract for a fee, compensation or other remuneration or  
47 otherwise violates this section, after having been once subject to a  
48 civil penalty for violating this section, shall be guilty of a felony.]

49 § 6. Section 124 of the domestic relations law, as added by chapter  
50 308 of the laws of 1992, is amended to read as follows:

51 § 124. Proceedings regarding parental rights, status or obligations.

52 In any action or proceeding involving a dispute between the birth moth-  
53 er genetic surrogate and (i) the genetic father, (ii) the genetic  
54 mother, (iii) both the genetic father and genetic mother, or (iv) the  
55 parent or parents of the genetic father or genetic mother any party  
56 with a claim to legal parentage pursuant to a genetic surrogate parent-

purported  
genetic  
surrogacy  
parenting  
agreement



1 ~~ing agreement~~, regarding parental rights, status or obligations with  
 2 respect to a child born pursuant to a ~~genetic~~ surrogate parenting  
 3 ~~[contract] agreement~~.

4 1. the court shall not consider the [birth mother's] genetic surro-  
 5 gate's participation in a genetic surrogate parenting [contract] agree-  
 6 ment as adverse to [her] their parental rights, status, or obligations;  
 7 and

8 2. the court, having regard to the circumstances of the case and of  
 9 the respective parties including the parties' relative ability to pay  
 10 such fees and expenses, in its discretion and in the interests of  
 11 justice, may award to either party reasonable and actual counsel fees  
 12 and legal expenses incurred in connection with such action or proceed-  
 13 ing. Such award may be made in the order or judgment by which the  
 14 particular action or proceeding is finally determined, or by one or  
 15 more orders from time to time before the final order or judgment, or by  
 16 both such order or orders and the final order or judgment; provided,  
 17 however, that in any dispute involving a [birth mother] genetic surro-  
 18 gate who has executed a valid surrender or consent to the adoption,  
 19 nothing in this section shall empower a court to make any award that it  
 20 would not otherwise be empowered to direct.

21 § 7. Section 4135 of the public health law, subdivision 1 as amended  
 22 by chapter 201 of the laws of 1972, subdivision 2 as amended by chapter  
 23 398 of the laws of 1997 and subdivision 3 as added by chapter 342 of the  
 24 laws of 1980, is amended to read as follows:

25 § 4135. Birth certificate; child born out of wedlock. 1. (a) There  
 26 shall be no specific statement on the birth certificate as to whether  
 27 the child is born in wedlock or out of wedlock or as to the marital name  
 28 or status of the mother.

29 (b) The phrase "child born out of wedlock" when used in this article,  
 30 refers to a child whose father is not its mother's husband.

31 2. The name of the [putative] alleged father of a child born out of  
 32 wedlock shall not be entered on the certificate of birth prior to filing  
 33 without (i) an acknowledgment of [paternity] parentage pursuant to  
 34 section one hundred eleven-k of the social services law or section four  
 35 thousand one hundred thirty-five-b of this article executed by both the  
 36 mother and [putative] alleged father, and filed with the record of  
 37 birth; or (ii) notification having been received by, or proper proof  
 38 having been filed with, the record of birth by the clerk of a court of  
 39 competent jurisdiction or the parents, or their attorneys of a judgment,  
 40 order or decree relating to parentage.

41 3. Orders relating to parentage shall be held confidential by the  
 42 commissioner and shall not be released or otherwise divulged except by  
 43 order of a court of competent jurisdiction.

44 § 8. Section 4135-b of the public health law, as added by chapter 59  
 45 of the laws of 1993, subdivisions 1 and 2 as amended by chapter 402 of  
 46 the laws of 2013, and subdivision 3 as amended by chapter 170 of the  
 47 laws of 1994, is amended to read as follows:

48 § 4135-b. Voluntary acknowledgments of [paternity; child born out of  
 49 wedlock] parentage. 1. (a) Immediately preceding or following the  
 50 in-hospital birth of a child to an unmarried [woman] person or to a  
 51 person who gave birth to a child conceived through assisted  
 52 reproduction, the person in charge of such hospital or his or her desig-  
 53 nated representative shall provide to the [child's mother and putative]  
 54 unmarried person who gave birth to the child and the alleged [father]; if  
 55 such [father] is readily identifiable and available, or to the person who  
 56 gave birth and the other intended parent of a child conceived through

the parentage  
of the child  
will be determin  
based on the  
laws of New  
York State and

genetic  
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alleged  
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parent



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1 assisted reproduction if such person is readily identifiable and avail-  
 2 able, the documents and written instructions necessary for such [mother]  
 3 person or to a person who gave birth to a child conceived through  
 4 assisted reproduction and [putative father] alleged persons to complete  
 5 an acknowledgment of [paternity] parentage witnessed by two persons not  
 6 related to the signatory. Such acknowledgment, if signed by both  
 7 parties, at any time following the birth of a child, shall be filed with  
 8 the registrar at the same time at which the certificate of live birth is  
 9 filed, if possible, or anytime thereafter. Nothing herein shall be  
 10 deemed to require the person in charge of such hospital or his or her  
 11 designee to seek out or otherwise locate [a putative] an alleged father  
 12 or intended parent of a child conceived through assisted reproduction  
 13 who is not readily identifiable or available.

[ genetic  
parent

14 (b) The following persons may sign an acknowledgment of parentage to  
 15 establish the parentage of the child:

16 (i) An unmarried person who gave birth to the child and another person  
 17 who is a genetic parent.

18 (ii) A married or unmarried person who gave birth to the child and  
 19 another person who is an intended parent under section 581-303 of the  
 20 family court act of a child conceived through assisted reproduction.

21 (c) An acknowledgment of parentage shall be in a record signed by the  
 22 person who gave birth to the child and by either the genetic parent  
 23 other than the person who gave birth to the child or a person who is a  
 24 parent under section 581-303 of the family court act of the child  
 25 conceived through assisted reproduction.

26 (d) An acknowledgment of parentage is void if, at the time of signing,  
 27 any of the following are true:

28 (i) A person other than the signatories is a presumed parent of the  
 29 child under section twenty-four of the domestic relations law;

30 (ii) A court has entered a judgment of parentage of the child;

31 (iii) Another person has signed a valid acknowledgment of parentage  
 32 with regard to the child;

33 (iv) The child has a parent under section 581-303 of the family court  
 34 act other than the signatories;

35 (v) A signatory is a gamete donor under section 581-302 of the family  
 36 court act;

37 (vi) The acknowledgment is signed by a person who asserts that they  
 38 are a parent under section 581-303 of the family court act of a child  
 39 conceived through assisted reproduction, but the signatory is not a  
 40 parent under section 581-303 of the family court act.

acknowledgmer  
but the child  
was not conceiv  
through assisted  
reproduction

41 (e) The acknowledgment shall be executed on a form provided by the  
 42 commissioner developed in consultation with the [appropriate] commis-  
 43 sioner of the [department of family assistance] office of temporary and  
 44 disability assistance, which shall: (i) include the social security  
 45 number of the [mother and of the putative father and] signatories; (ii)  
 46 provide in plain language [(i)] (A) a statement by the [mother] person  
 47 who gave birth to the child consenting to the acknowledgment of [pater-  
 48 nity] parentage and a statement that the [putative father] other signa-  
 49 tory is the only possible [father] other genetic parent or that the  
 50 other signatory is an intended parent and the child was conceived  
 51 through assisted reproduction, [(ii)] (B) a statement by the [putative  
 52 father] if any, that he is the biological father of the child, and  
 53 [(iii)] (C) a statement that the signing of the acknowledgment of  
 54 [paternity] parentage by both parties shall have the same force and  
 55 effect as an order of parentage or filiation entered after a court hear-  
 56 ing by a court of competent jurisdiction, including an obligation to

alleged  
genetic  
parent

[ or she  
genetic  
parent



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1 provide support for the child except that, only if filed with the  
2 registrar of the district in which the birth certificate has been filed,  
3 will the acknowledgment have such force and effect with respect to  
4 inheritance rights; and (iii) include the known address of any gamete, if known,  
5 donors.

6 [(b)] (f) Prior to the execution of an acknowledgment of [paternity] name and  
7 parentage, the [mother] person who gave birth to the child and the  
8 [putative father] other signatory shall be provided orally, which may be  
9 through the use of audio or video equipment, and in writing with such  
10 information as is required pursuant to this section with respect to  
11 their rights and the consequences of signing a voluntary acknowledgment  
12 of [paternity] parentage including, but not limited to:

13 (i) that the signing of the acknowledgment of [paternity] parentage  
14 shall establish the [paternity] parentage of the child and shall have  
15 the same force and effect as an order of [paternity] parentage or filia-  
16 tion issued by a court of competent jurisdiction establishing the duty  
17 of both parties to provide support for the child;

18 (ii) that if such an acknowledgment is not made, the [putative father]  
19 signatory other than the person who gave birth to the child can be held  
20 liable for support only if the family court, after a hearing, makes an  
21 order declaring that the [putative father] person is the [father] parent  
22 of the child whereupon the court may make an order of support which may  
23 be retroactive to the birth of the child;

24 (iii) that if made a respondent in a proceeding to establish [paterni-  
25 ty] parentage the [putative father] signatory other than the person who  
26 gave birth to the child has a right to free legal representation if  
27 indigent;

28 (iv) that [the putative father] an alleged genetic parent has a right  
29 to a genetic marker test or to a DNA test when available;

30 (v) that by executing the acknowledgment, the [putative father]  
31 alleged genetic parent waives [his] their right to a hearing, to which  
32 [he] they would otherwise be entitled, on the issue of [paternity]  
33 parentage;

34 (vi) that a copy of the acknowledgment of [paternity] parentage shall  
35 be filed with the [putative father] registry [pursuant to] created by  
36 section three hundred seventy-two-c of the social services law, and that  
37 such filing may establish the child's right to inheritance from the  
38 [putative] alleged father, or the other intended parent of a child  
39 conceived through assisted reproduction pursuant to clause (B) of  
40 subparagraph two of paragraph (a) of section 4-1.2 of the estates,  
41 powers and trusts law;

42 (vii) that, if such acknowledgment is filed with the registrar of the  
43 district in which the birth certificate has been filed, such acknowledg-  
44 ment will establish inheritance rights from the [putative] alleged  
45 father or the other intended parent of a child conceived through  
46 assisted reproduction pursuant to clause (A) of subparagraph two of  
47 paragraph (a) of section 4-1.2 of the estates, powers and trusts law;  
48 (viii) that no further judicial or administrative proceedings are  
49 required to ratify an unchallenged acknowledgment of [paternity] parent-  
50 age provided, however, that:

51 (A) A signatory to an acknowledgment of [paternity] parentage, who had  
52 attained the age of eighteen at the time of execution of the acknowledg-  
53 ment, shall have the right to rescind the acknowledgment within the  
54 earlier of sixty days from the date of signing the acknowledgment or the  
55 date of an administrative or a judicial proceeding (including, but not  
56 limited to, a proceeding to establish a support order) relating to the

[  
] genetic  
parent

[  
] genetic  
parent



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1 2. (a) When a child's [paternity] parentage is acknowledged voluntar-  
2 ily pursuant to section one hundred eleven-k of the social services law,  
3 the social services official shall file the executed acknowledgment with  
4 the registrar of the district in which the birth occurred and in which  
5 the birth certificate has been filed.

6 (b) Where a child's [paternity] parentage has not been acknowledged  
7 voluntarily pursuant to paragraph (a) of subdivision one of this section  
8 or paragraph (a) of this subdivision, the [child's mother and the puta-  
9 tive father] person who gave birth to the child and the other signatory  
10 may voluntarily acknowledge a child's [paternity] parentage pursuant to  
11 this paragraph by signing the acknowledgment of [paternity] parentage.

12 (c) A signatory to an acknowledgment of [paternity] parentage, who has  
13 attained the age of eighteen at the time of execution of the acknowledg-  
14 ment shall have the right to rescind the acknowledgment within the  
15 earlier of sixty days from the date of signing the acknowledgment or the  
16 date of an administrative or a judicial proceeding (including, but not  
17 limited to, a proceeding to establish a support order) relating to the  
18 child in which either signatory is a party; provided that for purposes  
19 of this section, the "date of an administrative or a judicial proceed-  
20 ing" shall be the date by which the respondent is required to answer the  
21 petition.

22 (d) A signatory to an acknowledgment of [paternity] parentage, who has  
23 not attained the age of eighteen at the time of execution of the  
24 acknowledgment, shall have the right to rescind the acknowledgment  
25 anytime up to sixty days after the signatory's attaining the age of  
26 eighteen years or sixty days after the date on which the respondent is  
27 required to answer a petition (including, but not limited to, a petition  
28 to establish a support order) relating to the child in which the signa-  
29 tory is a party, whichever is earlier; provided, however, that the  
30 signatory must have been advised at such proceeding of his or her right  
31 to file a petition to vacate the acknowledgment within sixty days of the  
32 date of such proceeding.

33 (e) After the expiration of the time limits set forth in paragraphs  
34 (c) and (d) of this subdivision, any of the signatories may challenge  
35 the acknowledgment of [paternity] parentage in court only on the basis  
36 of fraud, duress, or material mistake of fact, with the burden of proof  
37 on the party challenging the voluntary acknowledgment. The acknowledg-  
38 ment shall have full force and effect once so signed. The original or a  
39 copy of the acknowledgment shall be filed with the registrar of the  
40 district in which the birth certificate has been filed.

41 3. (a) An acknowledgment of [paternity] parentage executed by [the  
42 mother and father of a child born out of wedlock] any two people eligi-  
43 ble to sign such an acknowledgment under paragraph (b) of subdivision  
44 one of this section, married or unmarried, shall establish the [paterni-  
45 ty] parentage of a child and shall have the same force and effect as an  
46 order of [paternity] parentage or filiation issued by a court of compe-  
47 tent jurisdiction. Such acknowledgement shall thereafter be filed with  
48 the registrar pursuant to subdivision one or two of this section.

49 (b) A registrar with whom an acknowledgment of [paternity] parentage  
50 has been filed pursuant to subdivision one or two of this section shall  
51 file the acknowledgment with the state department of health [and the  
52 putative father registry], New York city department of mental health and *the*  
53 hygiene and the registry operated by the department of social services  
54 pursuant to section three hundred seventy-two-c of the social services  
55 law. If the acknowledgment includes the name and address of any known  
56 gamete donors of a child conceived through assisted reproduction, the *(underline)*

*mental*



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Mental

1 state department of health or the New York city department of mental  
 2 health and hygiene shall mail a copy to the known donors listed on the  
 3 form.

4 4. The court shall give full faith and credit to an acknowledgment of  
 5 parentage effective in another state if the acknowledgment was in a  
 6 signed record and otherwise complies with the law of the other state.

7 5. A new certificate of birth shall be issued if the certificate of  
 8 birth of [a] the child [born out of wedlock] as defined in paragraph (b)  
 9 of subdivision one of section four thousand one hundred thirty-five of  
 10 this article has been filed without entry of the name of the [father]  
 11 signatory other than the person who gave birth, and the commissioner  
 12 thereafter receives a notarized acknowledgment of [paternity] parentage  
 13 accompanied by the written consent of the [putative father and mother]  
 14 person who gave birth to the child and other signatory to the entry of  
 15 the name of such [father] person, which consent may also be to a change  
 16 in the surname of the child.

17 6. Any reference to an acknowledgment of paternity in any law of this  
 18 state shall be interpreted to mean an acknowledgment of parentage signed  
 19 pursuant to this section or signed in another state consistent with the  
 20 law of that state.

21 § 9. Paragraph (e) of subdivision 1 of section 4138 of the public  
 22 health law, as amended by chapter 214 of the laws of 1998, is amended to  
 23 read as follows:

and the  
other  
signatory

24 (e) the certificate of birth of a child born out of wedlock as defined  
 25 in paragraph (b) of subdivision one of section four thousand one hundred  
 26 thirty-five of this article has been filed without entry of the name of  
 27 the [father] signatory other than the person who gave birth and the  
 28 commissioner thereafter receives the acknowledgment of [paternity]  
 29 parentage pursuant to section one hundred eleven-k of the social  
 30 services law or section four thousand one hundred thirty-five-b of this  
 31 article executed by the [putative] ~~alleged~~ father and ~~mother~~ ~~the~~  
 32 ~~person who gave birth~~ which authorizes the entry of the name of such  
 33 ~~father~~ ~~or~~ other signatory, and which may also authorize a conforming  
 34 change in the surname of the child.

35 § 10. The article heading of article 8 of the domestic relations law,  
 36 as added by chapter 308 of the laws of 1992, is amended to read as  
 37 follows:

#### GENETIC SURROGATE PARENTING CONTRACTS

39 § 11. The general business law is amended by adding a new article 44  
 40 to read as follows:

#### ARTICLE 44

##### REGULATION OF SURROGACY PROGRAMS

##### Section 1400. Definitions.

1401. Programs regulated under this article.

1402. Conflicts of interest; prohibition on payments; funds in  
 escrow; licensure; notice of surrogates' bill of rights.

1403. Regulations.

§ 1400. Definitions. As used in this section:

(a) The definitions in section 581-102 of the family court act shall  
 apply.

(b) "Payment" means any type of monetary compensation or other valu-  
 able consideration including but not limited to a rebate, refund,  
 commission, unearned discount, or profit by means of credit or other  
 valuable consideration.



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1 (c) "Surrogacy program" does not include any party to a surrogacy  
2 agreement or any person licensed to practice law and representing a  
3 party to the surrogacy agreement, but does include and is not limited to  
4 any agency, agent, business, or individual engaged in, arranging, or  
5 facilitating transactions contemplated by a surrogacy agreement, regard-  
6 less of whether such agreement ultimately comports with the requirements  
7 of article five-C of the family court act.

8 § 1401. Programs regulated under this article. The provisions of this  
9 article apply to surrogacy programs arranging or facilitating trans-  
10 actions contemplated by a surrogacy agreement under part four of article  
11 five-C of the family court act if:

12 (a) The surrogacy program does business in New York state;

13 (b) A person acting as surrogate who is party to a surrogacy agreement  
14 resides in New York state during the term of the surrogacy agreement; or

15 (c) Any medical procedures under the surrogacy agreement are performed  
16 in New York state.

17 § 1402. Conflicts of interest; prohibition on payments; funds in  
18 escrow; licensure; notice of surrogates' bill of rights. A surrogacy  
19 program to which this article applies:

20 (a) Shall keep all funds paid by or on behalf of the intended parent  
21 or parents in an escrow account separate from its operating accounts; *and*

22 (b) May not be owned or managed, in any part, directly or indirectly,  
23 by any attorney representing a party to the surrogacy agreement; *and*

24 (c) May not pay or receive payment, directly or indirectly, to or from  
25 any person licensed to practice law and representing a party to the  
26 surrogacy agreement in connection with the referral of any person or  
27 party for the purpose of a surrogacy agreement; *and*

28 (d) May not pay or receive payment, directly or indirectly, to or from  
29 any health care provider providing any health services, including  
30 assisted reproduction, to a party to the surrogacy agreement; and

31 (e) May not be owned or managed, in any part, directly or indirectly,  
32 by any health care provider providing any health services, including  
33 assisted reproduction, to a party to the surrogacy agreement. *; and*

34 (f) Shall be licensed to operate in New York state pursuant to regu-  
35 lations promulgated by the department of health in consultation with the  
36 department of financial services, once such regulations are promulgated  
37 and become effective. *; and*

38 (g) Shall ensure that all potential parties to a surrogacy agreement,  
39 at the time of consultation with such surrogacy program, are provided  
40 with written notice of the surrogates' bill of rights enumerated in part  
41 six of article five-C of the family court act.

42 § 1403. Regulations. The department of health, in consultation with  
43 the department of financial services, shall promulgate regulations to  
44 implement the requirements of this article, and shall annually report to  
45 the state legislature regarding the practices of surrogacy programs and  
46 all business transactions related to surrogacy in New York state, with  
47 recommendations for any necessary amendments to this article.

48 § 12. The public health law is amended by adding a new article 25-B to  
49 read as follows:

50 ARTICLE 25-B

51 GESTATIONAL SURROGACY

52 Section 2599-cc. Gestational surrogacy.

53 § 2599-cc. Gestational surrogacy. 1. The commissioner shall promulgate  
54 regulations on the practice of gestational surrogacy. Such regulations  
55 shall include, but not be limited to:



1 [filiation] parentage. If the court determines that the person who  
2 signed the acknowledgment is not the [father] parent of the child, the  
3 acknowledgment shall be vacated.

4 (iv) After the expiration of the time limits set forth in paragraphs  
5 (i) and (ii) of this subdivision, any of the signatories to an acknowl-  
6 edgment of [paternity] parentage may challenge the acknowledgment in  
7 court by alleging and proving fraud, duress, or material mistake of  
8 fact. If the petitioner proves to the court that the acknowledgment of  
9 [paternity] parentage was signed under fraud, duress, or due to a mate-  
10 rial mistake of fact, the court shall then order genetic marker tests or  
11 DNA tests for the determination of the child's [paternity] parentage.  
12 No such test shall be ordered, however, where the acknowledgment was  
13 signed by the intended parent of a child born through assisted reprod-  
14 uction pursuant to subparagraph (ii) of paragraph (b) of subdivision one  
15 of section four thousand one hundred thirty-five-b of the public health  
16 law, or upon a written finding by the court that it is not in the best  
17 interests of the child on the basis of res judicata, equitable estoppel,  
18 or the presumption of legitimacy of a child born to a married [woman]  
19 person. If the court determines, following the test, that the person who  
20 signed the acknowledgment is the [father] parent of the child, the court  
21 shall make a finding of [paternity] parentage and enter an order of  
22 [filiation] parentage. If the court determines that the person who  
23 signed the acknowledgment is not the [father] parent of the child, the  
24 acknowledgment shall be vacated.

25 (v) If, at any time before or after a signatory has filed a petition  
26 to vacate an acknowledgment of [paternity] parentage pursuant to this  
27 subdivision, the signatory dies or becomes mentally ill or cannot be  
28 found within the state, neither the proceeding nor the right to commence  
29 the proceeding shall abate but may be commenced or continued by any of  
30 the persons authorized by this article to commence a [paternity] parent-  
31 age proceeding.

32 (c) An acknowledgment of parentage is void if, at the time of signing,  
33 any of the following are true:

34 (i) a person other than the signatories is a presumed parent of the  
35 child pursuant to section twenty-four of the domestic relations law;

36 (ii) a court has entered a judgment of parentage of the child;

37 (iii) another person has signed a valid acknowledgment of parentage  
38 with regard to the child;

39 (iv) the child has a parent pursuant to section 581-303 of the family  
40 court act other than the signatories;

41 (v) a signatory is a gamete donor under section 581-302 of the family  
42 court act; or

43 (vi) the acknowledgment is signed by a person who asserts that they  
44 are a parent under section 581-303 of the family court act of a child  
45 conceived through assisted reproduction, but the signatory is not a  
46 parent under section 581-303 of the family court act.

child was  
not conceived  
through  
assisted  
reproduction

47 (d) Neither signatory's legal obligations, including the obligation  
48 for child support arising from the acknowledgment, may be suspended  
49 during the challenge to the acknowledgment except for good cause as the  
50 court may find. If the court vacates the acknowledgment of [paternity]  
51 parentage, the court shall immediately provide a copy of the order to  
52 the registrar of the district in which the child's birth certificate is  
53 filed and also to the (putative father) registry operated by the depart-  
54 ment of social services pursuant to section three hundred seventy-two-c  
55 of the social services law. In addition, if the [mother] parent of the  
56 child who is the subject of the acknowledgment is in receipt of child





1 with the registrar of the district in which the birth certificate has  
2 been filed or;

3 (B) the father of the child has signed an instrument acknowledging  
4 [paternity] parentage, provided that

5 (i) such instrument is acknowledged or executed or proved in the form  
6 required to entitle a deed to be recorded in the presence of one or more  
7 witnesses and acknowledged by such witness or witnesses, in either case,  
8 before a notary public or other officer authorized to take proof of  
9 deeds and

10 (ii) such instrument is filed within sixty days from the making there-  
11 of with the ~~(putative father)~~ registry established by the state depart-  
12 ment of social services pursuant to section three hundred seventy-two-c  
13 of the social services law, as added by chapter six hundred sixty-five  
14 of the laws of nineteen hundred seventy-six and

15 (iii) the department of social services shall, within seven days of  
16 the filing of the instrument, send written notice by registered mail to  
17 the mother and other legal guardian of such child, notifying them that  
18 an acknowledgment of [paternity] parentage instrument acknowledged or  
19 executed by such [father] parent has been duly filed or;

20 (C) [paternity] parentage has been established by clear and convincing  
21 evidence, which may include, but is not limited to: (i) evidence derived  
22 from a genetic marker test, or (ii) evidence that the [father] parent  
23 openly and notoriously acknowledged the child as his or her own, however  
24 nothing in this section regarding genetic marker tests shall be  
25 construed to expand or limit the current application of subdivision four  
26 of section forty-two hundred ten of the public health law.

27 (3) The existence of an agreement obligating the father to support the  
28 non-marital child does not qualify such child or his issue to inherit  
29 from the father in the absence of an order of filiation made or acknowl-  
30 edgement of [paternity] parentage as prescribed by subparagraph (2).

31 (4) A motion for relief from an order of filiation may be made only by  
32 the father and a motion for relief from an acknowledgement of [paterni-  
33 ty] parentage may be made by [the father, mother] a parent or other  
34 legal guardian of such child, or the child, provided however, such  
35 motion must be made within one year from the entry of such order or from  
36 the date of written notice as provided for in subparagraph (2).

37 (b) If a non-marital child dies, his or her surviving spouse, issue,  
38 mother, maternal kindred, father and paternal kindred inherit and are  
39 entitled to letters of administration as if the decedent was a marital  
40 child, provided that the ~~(father and paternal)~~ kindred may inherit or  
41 obtain such letters only if the [paternity] parentage of the non-marital  
42 child has been established pursuant to any of the provisions of subpara-  
43 graph (2) of paragraph (a).

44 § 18. Subdivision 1, paragraph g of subdivision 2, subdivision 3, and  
45 subdivision 4 of section 111-c of the social services law, subdivision 1  
46 as added by chapter 685 of the laws of 1975, paragraph g of subdivision  
47 2 as added by chapter 809 of the laws of 1985, subdivision 3 as amended  
48 by chapter 398 of the laws of 1997, and subdivision 4 as added by chap-  
49 ter 343 of the laws of 2009, are amended to read as follows:

50 1. Each social services district shall establish a single organiza-  
51 tional unit which shall be responsible for such district's activities in  
52 assisting the state in the location of absent parents, establishment of  
53 [paternity] parentage and enforcement and collection of support in  
54 accordance with the regulations of the department.

55 g. obtain from respondent, when appropriate and in accordance with the  
56 procedures established by section one hundred eleven-k of this chapter,



1 pursuant to section four hundred twenty-five of the family court act;  
2 and that by executing the agreement, the respondent waives any right to  
3 a hearing regarding any matter contained in such agreement.

4 2. (a) When the paternity of a child is contested, a social services  
5 official or designated representative may order the mother, the child,  
6 and the alleged father to submit to one or more genetic marker or DNA  
7 tests of a type generally acknowledged as reliable by an accreditation  
8 body designated by the secretary of the federal department of health and  
9 human services and performed by a laboratory approved by such an accred-  
10 itation body and by the commissioner of health or by a duly qualified  
11 physician to aid in the determination of whether or not the alleged  
12 father is the father of the child. The order may be issued prior or  
13 subsequent to the filing of a petition with the court to establish  
14 paternity, shall be served on the parties by certified mail, and shall  
15 include a sworn statement which either (i) alleges [paternity] parentage  
16 and sets forth facts establishing a reasonable possibility of the requi-  
17 site sexual contact between the parties, or (ii) denies [paternity]  
18 parentage and sets forth facts establishing a reasonable possibility  
19 that the party is not the father. The parties shall not be required to  
20 submit to the administration and analysis of such tests if they sign a  
21 voluntary acknowledgment of [paternity] parentage in accordance with  
22 paragraph (a) of subdivision one of this section, or if there has been a  
23 written finding by the court that it is not in the best interests of the  
24 child on the basis of res judicata, equitable estoppel, the child was  
25 conceived through assisted reproduction or the presumption of legitimacy  
26 of a child born to a married [woman] person.

27 (b) The record or report of the results of any such genetic marker or  
28 DNA test may be submitted to the family court as evidence pursuant to  
29 subdivision (e) of rule forty-five hundred eighteen of the civil prac-  
30 tice law and rules where no timely objection in writing has been made  
31 thereto.

32 (c) The cost of any test ordered pursuant to this section shall be  
33 paid by the social services district provided however, that the alleged  
34 father shall reimburse the district for the cost of such test at such  
35 time as the alleged father's [paternity] parentage is established by a  
36 voluntary acknowledgment of [paternity] parentage or an order of filia-  
37 tion. If either party contests the results of genetic marker or DNA  
38 tests, an additional test may be ordered upon written request to the  
39 social services district and advance payment by the requesting party.

40 (d) The parties shall be required to submit to such tests and appear  
41 at any conference scheduled by the social services official or designee  
42 to discuss the notice of the allegation of paternity or to discuss the  
43 results of such tests. If the alleged [father] parent fails to appear  
44 at any such conference or fails to submit to such genetic marker or DNA  
45 tests, the social services official or designee shall petition the court  
46 to establish [paternity] parentage, provide the court with a copy of the  
47 records or reports of such tests if any, and request the court to issue  
48 an order for temporary support pursuant to section five hundred forty-  
49 two of the family court act.

50 3. Any reference to an acknowledgment of paternity in any law of this  
51 state or any similar instrument signed in another state consistent with  
52 the law of that state shall be interpreted to mean an acknowledgment of  
53 parentage executed pursuant to this section, section four thousand one  
54 hundred thirty-five-b of the public health law or signed in another  
55 state consistent with the law of that state.

genetic



1 § 20. Subdivisions 1 and 2 of section 372-c of the social services  
2 law, as amended by chapter 139 of the laws of 1979, are amended to read  
3 as follows:

4 1. The department shall establish a ~~putative father~~ registry which  
5 shall record the names and addresses of: (a) any person adjudicated by  
6 a court of this state to be the ~~[father]~~ parent of a child born ~~[out-of-~~  
7 ~~wedlock]~~ out of wedlock; (b) any person who has filed with the registry  
8 before or after the birth of a child ~~[out-of-wedlock]~~ out of wedlock, a  
9 notice of intent to claim ~~[paternity]~~ parentage of the child; (c) any  
10 person adjudicated by a court of another state or territory of the  
11 United States to be the father of an ~~[out-of-wedlock]~~ out of wedlock  
12 child, where a certified copy of the court order has been filed with the  
13 registry by such person or any other person; (d) any person who has  
14 filed with the registry an instrument acknowledging paternity pursuant  
15 to section 4-1.2 of the estates, powers and trusts law.

16 2. A person filing a notice of intent to claim ~~[paternity]~~ parentage  
17 of a child or an acknowledgement of paternity shall include therein his  
18 current address and shall notify the registry of any change of address  
19 pursuant to procedures prescribed by regulations of the department.

20 § 21. Subdivision (a) of section 439 of the family court act, as  
21 amended by section 1 of chapter 468 of the laws of 2012, is amended to  
22 read as follows:

23 (a) The chief administrator of the courts shall provide, in accordance  
24 with subdivision (f) of this section, for the appointment of a suffi-  
25 cient number of support magistrates to hear and determine support  
26 proceedings. Except as hereinafter provided, support magistrates shall  
27 be empowered to hear, determine and grant any relief within the powers  
28 of the court in any proceeding under this article, articles five,  
29 five-A, ~~[and] five-B, and five-C~~ and sections two hundred thirty-four  
30 and two hundred thirty-five of this act, and objections raised pursuant  
31 to section five thousand two hundred forty-one of the civil practice law  
32 and rules. Support magistrates shall not be empowered to hear, determine  
33 and grant any relief with respect to issues specified in section four  
34 hundred fifty-five of this article, issues of contested parentage ←  
35 involving claims of equitable estoppel, custody, visitation including  
36 visitation as a defense, and orders of protection or exclusive  
37 possession of the home, which shall be referred to a judge as provided  
38 in subdivision (b) or (c) of this section. Where an order of filiation  
39 is issued by a judge in a paternity proceeding and child support is in  
40 issue, the judge, or support magistrate upon referral from the judge,  
41 shall be authorized to immediately make a temporary or final order of  
42 support, as applicable. A support magistrate shall have the authority to  
43 hear and decide motions and issue summonses and subpoenas to produce  
44 persons pursuant to section one hundred fifty-three of this act, hear  
45 and decide proceedings and issue any order authorized by subdivision (g)  
46 of section five thousand two hundred forty-one of the civil practice law  
47 and rules, issue subpoenas to produce prisoners pursuant to section two  
48 thousand three hundred two of the civil practice law and rules and make  
49 a determination that any person before the support magistrate is in  
50 violation of an order of the court as authorized by section one hundred  
51 fifty-six of this act subject to confirmation by a judge of the court  
52 who shall impose any punishment for such violation as provided by law. A  
53 determination by a support magistrate that a person is in willful  
54 violation of an order under subdivision three of section four hundred  
55 fifty-four of this article and that recommends commitment shall be tran-  
56 smitted to the parties, accompanied by findings of fact, but the deter-



Insert  
97  
§28

1 mination shall have no force and effect until confirmed by a judge of  
2 the court.  
3 ~~§ 22.~~ This act shall take effect ~~on~~ January 1, 2021, provided, howev-  
4 er, that the amendments to subdivision (a) of section 439 of the family  
5 court act made by section twenty-one of this act shall not affect the  
6 expiration of such subdivision and shall be deemed to expire therewith.  
7 Effective immediately, the addition, amendment and/or repeal of any rule  
8 or regulation necessary for the implementation of this act on its effec-  
9 tive date are authorized to be made and completed on or before such  
10 effective date.

11

## PART M

12 Section 1. The opening paragraph of paragraph (g) of subdivision 3 of  
13 section 358-a of the social services law is designated subparagraph (i)  
14 and a new subparagraph (ii) is added to read as follows:

15 (ii) When a child whose legal custody was transferred to the commis-  
16 sioner of a local social services district in accordance with this  
17 section resides in a qualified residential treatment program, as defined  
18 in section four hundred nine-h of this chapter, and where such child's  
19 placement in such program commenced on or after September twenty-ninth,  
20 two thousand twenty-one, upon receipt of notice required pursuant to  
21 paragraph (a) of this subdivision, the court shall schedule a hearing in  
22 accordance with section three hundred ninety-three of this chapter.  
23 Notwithstanding any other provision of law to the contrary, such hearing  
24 shall occur no later than sixty days from the date the placement of the  
25 child in the qualified residential treatment program commenced.

26 § 2. The social services law is amended by adding a new section 393 to  
27 read as follows:

28 § 393. Court approval of placement in a qualified residential treat-  
29 ment program. 1. The provisions of this section shall apply when a child  
30 is placed on or after September twenty-ninth, two thousand twenty-one  
31 and resides in a qualified residential treatment program, as defined in  
32 section four hundred nine-h of this article, and whose care and custody  
33 were transferred to the commissioner of a local social services district  
34 in accordance with section three hundred fifty-eight-a of this chapter,  
35 or whose custody and guardianship were transferred to the commissioner  
36 of a local social services district in accordance with section three  
37 hundred eighty-three-c, or three hundred eighty-four-b of this title.

38 2. (a) Within sixty days of the start of a placement of a child refer-  
39 enced in subdivision one of this section in a qualified residential  
40 treatment program, the court shall:

41 (i) Consider the assessment, determination, and documentation made by  
42 the qualified individual pursuant to section four hundred nine-h of this  
43 article;

44 (ii) Determine whether the needs of the child can be met through  
45 placement in a foster home and, if not, whether placement of the child  
46 in a qualified residential treatment program provides the most effective  
47 and appropriate level of care for the child in the least restrictive  
48 environment and whether that placement is consistent with the short-term  
49 and long-term goals for the child, as specified in the child's permanen-  
50 cy plan; and

51 (iii) Approve or disapprove the placement of the child in a qualified  
52 residential treatment program. Provided that, notwithstanding any other  
53 provision of law to the contrary, where the qualified individual deter-  
54 mines that the placement of the child in a qualified residential treat-





1 hearing shall occur no later than sixty days from the date the placement  
2 of the child in the qualified residential treatment program commenced.

3 § 10. The family court act is amended by adding a new section 1055-c  
4 to read as follows:

5 § 1055-c. Court approval of placement in a qualified residential  
6 treatment program. 1. The provisions of this section shall apply when a  
7 child is placed on or after September twenty-ninth, two thousand twen-  
8 ty-one and resides in a qualified residential treatment program, as  
9 defined in section four hundred nine-h of the social services law, and  
10 whose care and custody were transferred to the commissioner of a local  
11 social services district in accordance with this article.

12 2. Within sixty days of the start of a placement of a child referenced  
13 in subdivision one of this section in a qualified residential treatment  
14 program, the court shall:

15 (a) Consider the assessment, determination, and documentation made by  
16 the qualified individual pursuant to section four hundred nine-h of the  
17 social services law;

18 (b) Determine whether the needs of the child can be met through place-  
19 ment in a foster home and, if not, whether placement of the child in a  
20 qualified residential treatment program provides the most effective and  
21 appropriate level of care for the child in the least restrictive envi-  
22 ronment and whether that placement is consistent with the short-term and  
23 long-term goals for the child, as specified in the child's permanency  
24 plan; and

25 (c) Approve or disapprove the placement of the child in a qualified  
26 residential treatment program. Provided that, notwithstanding any other  
27 provision of law to the contrary, where the qualified individual deter-  
28 mines that the placement of the child in a qualified residential treat-  
29 ment program is not appropriate under the standards set forth in the  
30 regulations of the office of children and family services in accordance  
31 with 42 United States Code section 672, the court shall disapprove the  
32 placement of the child in the qualified residential treatment program.

33 3. Notwithstanding any other provision of law to the contrary, if the  
34 existing governing placement order of the court regarding the child  
35 would not permit the local social services district to move the child  
36 from the qualified residential treatment program as required by section  
37 four hundred nine-h of the social services law, the court shall issue a  
38 new order which shall not preclude such child from being placed in a  
39 residential setting approved in the regulations of the office of chil-  
40 dren and family services in accordance with 42 United States Code  
41 section 672 for children whose placement in a qualified residential  
42 treatment program has been determined to be inappropriate in accordance  
43 with section four hundred nine-h of the social services law.

44 4. The scope of the court's consideration and determination shall be  
45 limited to the provisions set forth in subdivisions two and three of  
46 this section.

47 5. Documentation of the court's determination pursuant to this section  
48 shall be recorded in the child's case record.

49 § 11. Clause (C) of subparagraph (ix) of paragraph 5 of subdivision  
50 (c) of section 1089 of the family court act, as ~~amended~~ by section 27 of *added*  
51 part A of chapter 3 of the laws of 2005, is amended and a new paragraph  
52 6 is added to read as follows:

53 (C) if the child is over age fourteen and has voluntarily withheld his  
54 or her consent to an adoption, the facts and circumstances regarding the  
55 child's decision to withhold consent and the reasons therefor[.]; and



1 furtherance of effectuating the provisions of section 44 of the legisla-  
2 tive law and section 70-b of the public officers law;

3 (c) if chapter 732 of the laws of 2019 shall not have taken effect on  
4 or before such effective date, then sections one, eight, nine and twelve  
5 of this act shall take effect on the same date and same manner as chap-  
6 ter 732 of the laws of 2019, takes effect;

7 (d) for the purposes of this act, the term "placement" shall refer  
8 only to placements made on or after the effective date of the Title IV-E  
9 state plan to establish the 30-day assessment, 60-day court review and  
10 permanency hearing requirements set forth in this act that occur on or  
11 after its effective date; and

12 (e) the office of children and family services and the office of court  
13 administration are hereby authorized to promulgate such rules and regu-  
14 lations as may be necessary to implement the provisions of this act on  
15 or before such effective date.

16

## PART N

17 Section 1. Subdivision 10 of section 153 of the social services law,  
18 as amended by section 1 of subpart B of part K of chapter 56 of the laws  
19 of 2017, is amended to read as follows:

20 10. Expenditures made by a social services district for the mainte-  
21 nance of children with disabilities, placed by school districts, pursu-  
22 ant to section forty-four hundred five of the education law shall, if  
23 approved by the office of children and family services, be subject to  
24 [eighteen and four hundred twenty-four thousandths percent reimbursement  
25 by the state and thirty-eight and four hundred twenty-four thousandths  
26 percent reimbursement by school districts, except for social services  
27 districts located within a city with a population of one million or  
28 more, where such expenditures shall be subject to] fifty-six and eight  
29 hundred forty-eight thousandths percent reimbursement by the school  
30 district, in accordance with paragraph c of subdivision one of section  
31 forty-four hundred five of the education law, after first deducting  
32 therefrom any federal funds received or to be received on account of  
33 such expenditures, except that in the case of a student attending a  
34 state-operated school for the deaf or blind pursuant to article eighty-  
35 seven or eighty-eight of the education law who was not placed in such  
36 school by a school district such expenditures shall be subject to fifty  
37 percent reimbursement by the [state] after first deducting therefrom any  
38 federal funds received or to be received on account of such expenditures  
39 [and there shall be no reimbursement by school districts]. Such expendi-  
40 tures shall not be subject to the limitations on state reimbursement  
41 contained in subdivision two of section one hundred fifty-three-k of  
42 this title. In the event of the failure of the school district to make  
43 the maintenance payment pursuant to the provisions of this subdivision,  
44 the state comptroller shall withhold state reimbursement to any such  
45 school district in an amount equal to the unpaid obligation for mainte-  
46 nance and pay over such sum to the social services district upon certifi-  
47 cation of the commissioner of the office of children and family  
48 services and the commissioner of education that such funds are overdue  
49 and owed by such school district. The commissioner of the office of  
50 children and family services, in consultation with the commissioner of  
51 education, shall promulgate regulations to implement the provisions of  
52 this subdivision.

53 § 2. This act shall take effect immediately; provided however that the  
54 amendments to subdivision 10 of section 153 of the social services law,

Paragraph b of subdivision  
1 of section 4405 of the  
education law is REPEALED.

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§ 3.

school  
district

1 by section one of this act, shall not affect the ~~repeal~~ of such subdivi-  
2 sion and shall be deemed ~~repealed~~ therewith.

to expire

## PART 0

4 Section 1. Subdivisions 2, 3, 4 and 5 of section 365 of the executive  
5 law, as added by section 5 of part W of chapter 57 of the laws of 2013,  
6 the opening paragraph of paragraph (a), the opening paragraph of para-  
7 graph (b), paragraph (g), the opening paragraph of subparagraph (ii) and  
8 clause 6 of subparagraph (ii) of paragraph (h) of subdivision 2 as  
9 amended by section 11 of part AA of chapter 56 of the laws of 2019, are  
10 amended to read as follows:

11 2. The establishment of the first New York state veterans cemetery.

12 (a) The division, in cooperation with the United States department of  
13 veterans affairs, and in consultation with, and upon the support of the  
14 department of state division of cemeteries, is hereby directed to  
15 conduct an investigation and study on the issue of the construction and  
16 establishment of the first New York state veterans' cemetery. Such  
17 investigation and study shall include, but not be limited to:

18 (i) Potential site locations for such cemetery, with full consider-  
19 ation as to the needs of the veterans population;

20 (ii) The size of the cemetery and types of grave sites;

21 (iii) The number of annual interments at the cemetery;

22 (iv) Transportation accessibility to the cemetery by veterans, their  
23 families and the general public;

24 (v) Costs for construction of the cemetery;

25 (vi) Costs of operation of the cemetery, including but not limited to  
26 staffing costs to maintain the cemetery;

27 (vii) Scalability of the cemetery for future growth and expansion;

28 (viii) Potential for funding for the cemetery from federal, local and  
29 private sources;

30 (ix) Cost of maintenance;

31 (x) Data on the population that would be served by the site;

32 (xi) The average age of the population in the area covered;

33 (xii) The mortality rate of the veteran population for the area;

34 (xiii) Surrounding land use;

35 (xiv) Topography of the land;

36 (xv) Site characteristics;

37 (xvi) Cost of land acquisition;

38 (xvii) The location of existing cemeteries including but not limited  
39 to national veterans' cemeteries, county veterans' cemeteries, ceme-  
40 teries that have plots devoted to veterans, not-for-profit cemeteries  
41 and any other burial ground devoted to veterans and any other type of  
42 burial grounds devoted to the interment of human remains that is of  
43 public record; and

44 (xviii) Such other and further items as the director of the division  
45 deems necessary for the first state veterans cemetery to be successful.

46 A report of the investigation and study conclusions shall be delivered  
47 to the governor, the temporary president of the senate, the speaker of  
48 the assembly and the chair of the senate committee on veterans, homeland  
49 security and military affairs, and the chair of the assembly committee  
50 on veterans' affairs by no later than one hundred eighty days after the  
51 division has commenced the conduct of the investigation and study.

52 (b) [Prior to the commencement of the investigation and study pursuant  
53 to paragraph (a) of this subdivision, the director of the division of  
54 veterans' services, the director of the division of the budget, the



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#### **Insert A ELFA 64**

4. Employee use of leave. a. Upon the oral or written request of an employee, an employer shall provide sick leave for the following purposes:

i. diagnosis, care, or treatment of an existing health condition of, or preventive care for an employee or an employee's family member, or a ward for which the employee is the guardian;

or

ii. for an employee or an employee's family member who is a victim of domestic violence pursuant to subdivision thirty-four of section two hundred ninety-two of the executive law, a sexual offense, stalking, or human trafficking, to avail themselves of services or assistance.

5. Nothing in this section shall be construed to prevent a city with a population of one million or more from enacting or enforcing local laws or ordinances which impose standards or requirements relating to sick leave that are more protective to employees than the accrual, use, payment, and employee eligibility requirements set forth in this section or in any rule or regulation promulgated hereunder.

#### **Insert B ELFA 64**

7. An employer is not required to provide additional sick leave pursuant to this section if the employer has a paid leave policy or paid time off policy, the employer makes available an amount of leave applicable to employees that may be used for the same purposes and under the same conditions as specified in this section, and the policy satisfies one of the following:

i. the accrual, carryover, and use requirements of this section or regulations promulgated thereunder;

ii. provided paid sick leave or paid time off to a class of employees before January first, two thousand twenty, pursuant to a paid sick leave policy or paid time off policy that used an accrual method different than that set forth in paragraph a of this subdivision, provided that the accrual is on a regular basis so that an employee, including an employee hired into that class after January first two thousand twenty, has not less than one day of accrued sick leave or paid time off within two months of employment of each calendar year, or each twelve month period, and the employee was eligible to earn at least the applicable number of days set forth in this subdivision within nine months of employment. If an employer modifies the accrual method used in the policy it had in place prior to January first, two thousand twenty, the employer shall comply with any accrual method set forth in this subdivision or provide the full amount of leave at the beginning of each year of employment, calendar year, or twelve month period. This section does not prohibit the employer from increasing the accrual amount or rate for a class of employees covered by this subdivision; or

iii. is pursuant to a collective bargaining agreement that (a) expressly waives the rights afforded under this section and (b) such agreement provides for a comparable benefit for the employees covered by such agreement in the form of paid days off; such paid days off shall be in the form



of leave, compensation, other employee benefits, or some combination thereof. Comparable benefits shall include, but are not limited to, vacation time, personal time, safe/sick time, and holiday and Sunday time pay at premium rates. Notwithstanding the foregoing, the provisions of this chapter shall not apply to any employee in the construction or grocery industry covered by a valid collective bargaining agreement if such provisions are expressly waived in such collective bargaining agreement.

8. Any paid sick leave benefits provided by a sick leave program enforced by a municipal corporation in effect as of the effective date of this chapter that provides sick leave for domestic workers shall not be diminished or limited as a result of the enactment of this chapter.

#### **INSERT ELFA 97**

§ 22. Subparagraph (D) of paragraph (17) of subsection (a) of section 1113 of the insurance law is amended to read as follows:

(D) (i)(1) Indemnifying an adoptive parent for verifiable expenses not prohibited under the law paid to or on behalf of the birth mother when either one or both of the birth parents of the child withdraw or withhold their consent to adoption. Such expenses may include maternity-connected medical or hospital expenses of the birth mother, necessary living expenses of the birth mother preceding and during confinement, travel expenses of the birth mother to arrange for the adoption of the child, legal fees of the birth mother, and any other expenses [which] that an adoptive parent may lawfully pay to or on behalf of the birth mother[.]; or (II) Indemnifying an intended parent for financial loss incurred as a result of the failure by the person acting as surrogate to perform under the surrogacy contract due to death, bodily injury, sickness, disappearance of the person acting as surrogate, late miscarriage, or stillbirth. Such financial loss shall include medical and hospital expenses, insurance co-payments, deductibles, and coinsurance, necessary living expenses of the person acting as surrogate during the term of the surrogacy contract, travel expenses of the person acting as surrogate to arrange for the surrogacy, legal fees of the person acting as surrogate, and any other expenses that an intended parent may lawfully pay to or on behalf of the person acting as surrogate; and (ii) For the purposes of this [section] subparagraph "adoptive parent" means the parent or his or her spouse seeking to adopt a child, "birth mother" means the biological mother of the child, "birth parent" means the biological mother or biological father of the child, and the terms "donor", "intended parent", "person acting as surrogate", and "surrogacy agreement" shall have the meaning set forth in section 581-102 of the family court act; or

§ 23. Paragraph (32) of subsection (a) of section 1113 of the insurance law, as renumbered by chapter 626 of the laws of 2006, is renumbered paragraph (33) and a new paragraph (32) is added to read as follows:

(32) "Donor medical expense insurance" means insurance indemnifying an intended parent for medical or hospital expenses that the intended parent is contractually obligated to pay under a donor agreement when the expenses result from medical complications that occur as result of the donation of gametes. For the purpose of this paragraph, "donor", "gametes" and "intended parent" shall have the meaning set forth in section 581-102 of the family court act.

§ 24. Subsection (a) of section 2105 of the insurance law, as amended by section 9 of part I of chapter 61 of the laws of 2011, is amended to read as follows:

(a) The superintendent may issue an excess line broker's license to any person, firm, association or corporation who or which is licensed as an insurance broker under section two thousand one hundred four of this article, or who or which is licensed as an excess line broker in the licensee's home state, provided, however, that the applicant's home state grants non-resident licenses to residents of this state on the same basis, except that reciprocity is not required in regard to the placement of liability insurance on behalf of a purchasing group or any of its members; authorizing such person, firm, association or corporation to procure, subject to the restrictions herein provided, policies of insurance from insurers which are not authorized to transact business in this state of the kind or kinds of insurance specified in paragraphs four through fourteen, sixteen, seventeen, nineteen, twenty, twenty-two, twenty-seven, twenty-eight, [and] thirty-one, and thirty-two of subsection (a) of section one thousand one hundred thirteen of this chapter and in subsection (h) of this section, provided, however, that the provisions of this section and section two thousand one hundred eighteen of this article shall not apply to ocean marine insurance and other contracts of insurance enumerated in subsections (b) and (c) of section two thousand one hundred seventeen of this article. Such license may be suspended or revoked by the superintendent whenever in his or her judgment such suspension or revocation will best promote the interests of the people of this state.

§ 25. Subsection (b) of section 4101 of the insurance law is amended to read as follows:

(b) "Non-basic kinds of insurance" means the kinds of insurance described in the following paragraphs of subsection (a) of section one thousand one hundred thirteen of this chapter numbered therein as set forth in parentheses below:

- accident and health (item (i) of (3));
- non-cancellable disability (item (ii) of (3));
- miscellaneous property (5);
- water damage (6);
- collision (12);
- property damage liability (14) - non-basic as to mutual companies only;
- motor vehicle and aircraft physical damage (19);
- inland marine as specified in marine and inland marine (20);
- marine protection and indemnity (21) - non-basic as to stock companies only;
- residual value (22);
- credit unemployment (24);
- gap (26);
- prize indemnification (27);
- service contract reimbursement (28);
- legal services insurance (29);
- involuntary unemployment insurance (30);
- salary protection insurance (31)[.];
- donor medical expense insurance (32).

§ 26. Group A of table one as contained in paragraph (1) of subsection (a) of section 4103 of the insurance law, as amended by chapter 626 of the laws of 2006, is amended to read as follows:

Group A:

7	\$300,000	\$150,000
8, 9, 10, 11, or 14 - for each such kind	\$100,000	\$ 50,000
13 or 15 - for each such kind	\$500,000	\$250,000
16	\$900,000	\$450,000
17	\$400,000	\$200,000
Basic additional amount required for any one or more of the above kinds of insurance	\$100,000	\$ 50,000
3(i), 3(ii), 6{1} or 12{2} - for each such kind	\$100,000	\$ 50,000
22	\$2,000,000	\$1,000,000
24	\$400,000	\$200,000
26(B)	\$200,000	\$100,000
26(A), 26 (C) or 26(D) - for each such kind	\$600,000	\$300,000
27	\$300,000	\$150,000
28	\$2,000,000	\$1,000,000
30	\$400,000	\$200,000
31	\$100,000	\$ 50,000
<u>32</u>	<u>\$100,000</u>	<u>\$50,000</u>

§ 27. Group C of table three as contained in subsection (b) of section 4107 of the insurance law, as amended by chapter 626 of the laws of 2006, is amended to read as follows:

Group C:

3(i) or 3(ii) - for each such kind	\$100,000	\$100,000
22	\$3,000,000	\$2,000,000
24	\$300,000	\$300,000
26(B)	\$300,000	\$200,000
26(A), 26(C) or 26(D) - for each such kind	\$900,000	\$600,000
28	\$3,000,000	\$2,000,000
6{5}, 12{6} or 14{2} - for each such kind	\$50,000	\$50,000
27	\$300,000	\$150,000
30	\$300,000	\$300,000
31	\$100,000	\$100,000
<u>32</u>	<u>\$100,000</u>	<u>\$100,000</u>

DRAFT LBDC

A BUDGET BILL submitted by the Governor  
in accordance with Article VII of the Constitution

AN ACT to amend the education law, in relation to establishing  
the curing Alzheimer's health consortium (Part );

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

1 PART \_\_\_\_

2 Section 1. The education law is amended by adding a new section 363 to  
3 read as follows:

4 § 363. Curing Alzheimer's health consortium. 1. There is hereby estab-  
5 lished within the state university of New York the curing Alzheimer's  
6 health consortium. The consortium shall have as its purpose to identify  
7 genes that predict an increased risk for developing the disease, collab-  
8 orating with research institutions within the state university of New  
9 York system, and the department of health, in research projects and  
10 studies to identify opportunities to develop new therapeutic treatment  
11 and cures for Alzheimer's.

12 2. The state university of New York shall issue a request for  
13 proposals to partner with hospitals both within the state university of  
14 New York and other not-for-profit article twenty-eight of the public  
15 health law hospitals and non-profit higher education research insti-  
16 tutions to map the genomes of individuals suffering from or at risk of  
17 Alzheimer's.

18 § 2. This act shall take effect immediately.