



# State of New York

## Executive Chamber

No. 177

### EXECUTIVE ORDER

#### **PROHIBITING STATE CONTRACTS WITH ENTITIES THAT SUPPORT DISCRIMINATION**

**WHEREAS**, New York State has a proud history of fighting for freedom, justice and equality and is committed to ensuring that no one infringes on the civil rights and liberties of its citizens and residents;

**WHEREAS**, in 1945, New York earned the proud distinction of being the first state in the nation to enact a Human Rights Law, which affords every citizen an equal opportunity to enjoy a full and productive life;

**WHEREAS**, New York State has continuously built upon this legacy with additional protections, which include enacting the Dignity for All Students Act to prohibit discrimination, harassment, and bullying in schools; adopting regulations to prohibit harassment and discrimination on the basis of gender identity, transgender status, or gender dysphoria; and taking action to prohibit health insurers from discriminating or denying coverage based on gender identity;

**WHEREAS**, the federal government has taken steps to roll back fundamental civil rights protections and abdicates its responsibility to protect individuals from discrimination and harassment;

**WHEREAS**, New York State refuses to follow suit with the federal government and will continue to vigorously defend the right of all its citizens and residents to be free from discrimination;

**WHEREAS**, the United States Supreme Court has declared that it is "incontestable that the Constitution established a system of dual sovereignty" wherein the states retain "a residuary and inviolable sovereignty" of their own; and

**WHEREAS**, the protection of the fundamental dignity of New Yorkers is a core sovereign interest of New York State's government;

**NOW, THEREFORE, I, ANDREW M. CUOMO**, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, do hereby order that New York State's government will not do business with entities that promote or tolerate discrimination or infringement on the civil rights and liberties of New Yorkers and direct State governmental entities as follows:

### 1. Definitions.

(a) "Affected State Entities" means (i) all agencies and departments over which the Governor has executive authority, and (ii) all public-benefit corporations, public authorities, boards, and commissions, for which the Governor appoints the Chair, the Chief Executive, or the majority of Board Members, except for the Port Authority of New York and New Jersey.

### 2. New York State Policy.

(a) New York State is dedicated to ensuring that all individuals are treated equally, regardless of their age, race, creed, color, national origin, sexual orientation, gender identity, military status, sex, marital status, disability, or other protected basis. To that end, New York has enacted numerous laws, regulations, and policies, and will continue to aggressively enforce its strong protections against discrimination to the maximum extent allowable by law.

(b) This policy shall be observed with respect to, but shall not be limited to, the provision of public goods, services, and accommodations, the educational environment, the workplace, and the provision of health care and insurance services.

### 3. Agency Responsibilities in State Contracting.

(a) Affected State Entities are hereby directed to amend their procurement procedures to prevent Affected State Entities from entering into contracts with entities that have institutional policies or practices that fail to address the harassment and discrimination of individuals on the basis of their age, race, creed, color, national origin, sexual orientation, gender identity, military status, sex, marital status, disability, or other protected basis.

(b) The Office of General Services and the Division of Human Rights shall jointly issue guidelines no later than May 1, 2018 to assist Affected State Entities in the process of identifying entities that shall be subject to the restriction described herein.

(c) Any contract or contract renewal entered into by Affected State Entities for goods, services, technology, or construction on or after June 1, 2018 shall include a binding agreement consistent with the foregoing, and Affected State Entities shall not enter into a contract with any entity providing such goods, services, technology, or construction, directly or indirectly, without such a binding agreement.

(d) These responsibilities shall be observed and implemented to the maximum extent allowable by law.

4. All anti-discrimination protections and guidelines referenced above shall be interpreted broadly and shall not be affected by unduly narrow federal executive branch interpretations of existing federal statutory anti-discrimination protections.



BY THE GOVERNOR

A handwritten signature in cursive script, appearing to read "Mr. C", written over a horizontal line.

Secretary to the Governor

GIVEN under my hand and the Privy Seal of the

State in the City of Albany this third day

of February in the year two thousand

eighteen.

A handwritten signature in cursive script, appearing to read "Andrew", written over a horizontal line.