

STATE OF NEW YORK

1096--B

2025-2026 Regular Sessions

IN ASSEMBLY

January 8, 2025

Introduced by M. of A. MAGNARELLI, HEVESI, EPSTEIN, ZINERMAN, RAGA, SANTABARBARA -- Multi-Sponsored by -- M. of A. DAVILA -- read once and referred to the Committee on Consumer Affairs and Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to the disclosure of pricing changes for online grocery delivery and online pick-up services

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

1 Section 1. The general business law is amended by adding a new article
2 38-C to read as follows:

ARTICLE 38-C

ONLINE SALE OF GROCERIES

Section 840. Definitions.

841. Disclosure of pricing policy.

7 § 840. Definitions. As used in this article, the following terms shall
8 have the following meanings:

9 (a) "Food retailer" shall mean a supermarket, grocery store or other
10 retailer that operates on a self-service basis and sell a minimum
11 percentage, as determined by the secretary of state, of produce, meat,
12 poultry, seafood, baked goods and/or dairy products.

13 (b) "In store price" shall mean the price charged to the consumer for
14 a particular product when purchased within the grocery store's physical
15 store location.

16 (c) "Online price" shall mean the price charged to the consumer for a
17 product purchased or ordered through any website, mobile application or
18 other internet service.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (d) "Third-party delivery platform" shall mean any website, mobile
2 application or other internet service that offers or arranges the sale,
3 purchase, delivery or pickup of any products from a grocery store or
4 food retailer online.

5 § 841. Disclosure of pricing policy. 1. Any food retailer, or third-
6 party delivery platform shall clearly and conspicuously provide a pric-
7 ing policy that discloses whether the online price of products is the
8 same as the in store price, or if it is not the same. The disclosure
9 shall indicate whether the online price is higher or lower than the in
10 store price. For third-party delivery platforms, this disclosure shall
11 use the prices most recently provided to it by the food retailer. If
12 food retailers listed on a third-party delivery platform have different
13 pricing policies, a third-party delivery platform may satisfy the
14 requirements of this section by prominently including a pricing policy
15 disclosure on the primary landing page for that food retailer. If a food
16 retailer has a website, the third-party delivery platform must post a
17 link to the website on their platform in a manner that is easily notice-
18 able to the consumer.

19 2. In addition to any other penalties provided by law, a violation of
20 the provisions of this section shall constitute an offense punishable by
21 a fine of not more than one hundred dollars for the first offense and
22 not more than two hundred fifty dollars for a second or each subsequent
23 offense.

24 3. The secretary of state shall promulgate such rules and regulations
25 as are necessary and appropriate to carry out the provisions of this
26 section.

27 § 2. This act shall take effect on the ninetieth day after it shall
28 have become a law. Effective immediately, the addition, amendment and/or
29 repeal of any rule or regulation necessary for the implementation of
30 this act on its effective date are authorized to be made and completed
31 on or before such effective date.