

STATE OF NEW YORK

255

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. ROZIC -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to prohibiting price gouging with respect to fuel, energy, and transportation goods and services

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

1 Section 1. Subdivisions 2 and 5 of section 396-r of the general busi-
2 ness law, subdivision 2 as amended by chapter 725 of the laws of 2023
3 and subdivision 5 as added by chapter 90 of the laws of 2020, are
4 amended to read as follows:

5 2. (a) During any abnormal disruption of the market for goods and
6 services vital and necessary for the health, safety and welfare of
7 consumers or the general public, no party within the chain of distrib-
8 ution of such goods or services or both shall sell or offer to sell any
9 such goods or services or both for an amount which represents an uncon-
10 scionably excessive price.

11 (b) For purposes of this section, the phrase "abnormal disruption of
12 the market" shall mean any change in the market, whether actual or immi-
13 nently threatened, resulting from stress of weather, convulsion of
14 nature, failure or shortage of electric power or other source of energy,
15 product recall leading to supply shortages, strike, civil disorder, war,
16 military action, national or local emergency, drug shortage, or other
17 cause of an abnormal disruption of the market which results in the
18 declaration of a state of emergency by the governor.

19 (c) For purposes of this section, the term "drug shortage" shall mean,
20 with respect to any drug or medical product intended for human use, that
21 such drug or medical product is publicly reported as being subject to a
22 shortage by the U.S. Food and Drug Administration.

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

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1 (d) For the purposes of this section, the term "goods and services"
2 shall include all goods and services sold in or into the state that are
3 (i) consumer goods and services used, bought or rendered primarily for
4 personal, family or household purposes, (ii) essential medical supplies
5 and services used for the care, cure, mitigation, treatment or
6 prevention of any illness or disease, (iii) fuel, energy, and transpor-
7 tation goods and services, and [~~(iii)~~] (iv) any other essential goods
8 and services used to promote the health or welfare of the public.

9 (e) This prohibition shall apply to all parties within the chain of
10 distribution for any good or service that is sold in or into the state,
11 including any manufacturer, supplier, wholesaler, distributor or retail
12 seller of goods or services or both [~~sold by one party to another when~~
13 ~~the product sold was located in the state prior to the sale~~]. For the
14 purposes of this subdivision, the term "goods and services" shall also
15 include any repairs made by any party within the chain of distribution
16 of goods on an emergency basis as a result of such abnormal disruption
17 of the market.

18 5. The attorney general shall promulgate rules and regulations requir-
19 ing the periodic public disclosure by actors in the chain of distrib-
20 ution for fuel sold in or into the state of the prices charged or
21 proposed to be charged for fuel. The attorney general may also promul-
22 gate rules and regulations requiring the periodic public disclosure by
23 actors in the chain of distribution for any goods or services sold in or
24 into the state of the prices charged or proposed to be charged for such
25 goods and services. The attorney general may promulgate such other rules
26 and regulations as are necessary to effectuate and enforce the
27 provisions of this section.

28 § 2. This act shall take effect immediately.