STATE OF NEW YORK

5902

2025-2026 Regular Sessions

IN ASSEMBLY

February 24, 2025

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

AN ACT to amend the general business law, in relation to preventing the price gouging of water at places of entertainment

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

Section 1. The general business law is amended by adding a new section 396-rrr to read as follows:

§ 396-rrr. Price gouging; bottled water. 1. Definitions. For the purposes of this section, the following terms shall have the following meanings:

(a) "Commissioner" shall mean the commissioner of agriculture and markets.

(b) "Conscionably priced bottled or tap water" shall mean potable water in consumer sized packages or provided to the consumer in a consumer sized container provided at no cost to the consumer or which is for sale or offered for sale at a price of less than one dollar per sixteen and nine-tenths fluid ounces or five hundred milliliters of water.

(c) "Place of entertainment" shall mean a theatre, dinner theatre, hall, coliseum, convention center, arena, auditorium, stadium, concert hall, amusement park, garden, outdoor space or other place of amusement.

2. Any place of entertainment which sells or offers for sale any beverages shall also offer conscionably priced bottled or tap water, otherwise the price of all beverages sold or offered for sale by such place of entertainment shall be considered unconscionably excessive.

3. Upon a determination by the commissioner that a place of entertainment is selling or offering for sale beverages at prices considered unconscionably excessive under subdivision two of this section, the commissioner shall, by written notice, provide any such place of entertainment an opportunity to demonstrate that it was offering conscionably

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

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priced bottled or tap water. Any place of entertainment, so notified, who does not submit a written reply within three business days of the receipt of such notice, and who does not within such time satisfy the commissioner that it was offering conscionably priced bottled or tap water shall be identified in the commissioner's determination as a person apparently in violation of subdivision two of this section. Following such notice to and opportunity for such place of entertainment to respond, the commissioner shall forward their determination, in writing, together with all supporting evidence, to the attorney general.

4. Where a determination and all supporting evidence have been forwarded from the commissioner, the attorney general may apply in the name of the people of the state of New York to the supreme court of the state of New York within the judicial district in which such violations are alleged to have occurred, on notice of five days, for an order enjoining or restraining commission or continuance of the alleged unlawful acts. In any such proceeding, the court shall determine the total excessive charge for beverages sold and shall assess a civil penalty in the sum of the total excessive charge for beverages sold.

5. The commissioner shall promulgate all rules and regulations to effectuate the purposes of this section.

§ 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.