

STATE OF NEW YORK

10686

IN ASSEMBLY

May 10, 2018

Introduced by M. of A. GOTTFRIED, D'URSO, DINOWITZ, COLTON, WRIGHT, SIMON, COOK, McDONOUGH, PICHARDO, MONTESANO, MURRAY, GALEF, HOOPER, MOSLEY, HUNTER, SEAWRIGHT, BARRON, ARROYO, GLICK, LAVINE -- Multi-Sponsored by -- M. of A. ENGLEBRIGHT, HIKIND, LAWRENCE, RAMOS -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to requiring merchants to accept cash as payment for goods

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 section
2 396-aaa to read as follows:

3 § 396-aaa. Cash payment non-discrimination. 1. Any retail mercantile
4 establishment as defined in article twelve-B of this chapter, in which
5 food is prepared, sold, or served subject to title eight of article
6 thirteen of the public health law, or other establishment offering goods
7 or services for sale shall accept United States currency (cash) as legal
8 tender when offered as payment. Such establishment shall not discrimi-
9 nate against a cash buyer by requiring the use of a credit or debit card
10 or electronic payment device or process in order to purchase food,
11 goods, or services. This section shall not apply to telephone, mail
12 order, electronic, online, or other transactions in which the buyer is
13 not present in the establishment's physical place of business.

14 2. The superintendent of the department of financial services may make
15 regulations to implement this section, including authorization of
16 exemptions or exclusions from this section. Exemptions or exclusions
17 under this section may be provided based on criteria including, but not
18 limited to, the nature of the establishment; the nature of the food,
19 goods, or services; the denomination of currency used; or the amount of
20 the transaction.

21 3. A violation of this section shall be punishable by a fine not to
22 exceed five hundred dollars.

23 § 2. This act shall take effect on the one hundred eightieth day after
24 it shall have become a law. Effective immediately, the superintendent of
25 the department of financial services may make regulations and take other
26 actions reasonably necessary to implement this act on that date.

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

LBD15817-02-8