STATE OF NEW YORK

2964--A

2017-2018 Regular Sessions

IN ASSEMBLY

January 23, 2017

Introduced by M. of A. ROZIC -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to prohibiting discriminatory practices relating to the cost of goods

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 391-u to read as follows:

§ 391-u. Unlawful discriminatory practice relating to the cost of goods. 1. (a) It shall be an unlawful discriminatory practice for any business to charge a price for goods of a substantially similar or like kind on the basis of a person's gender.

(b) For the purposes of paragraph (a) of this subdivision, "substantially similar or like kind" shall be interpreted to mean such goods:

(i) share the same brand;

(ii) share the same functional components; and

(iii) share ninety percent of the same materials or ingredients.

(c) For the purposes of this section, "goods" shall not include:

(i) any food as defined in subdivision three of section two of the agriculture and markets law; or

(ii) goods sold by a new motor vehicle dealer as defined in paragraph f of subdivision one of section four hundred fifteen of the vehicle and traffic law.

2. Nothing in subdivision one of this section shall prohibit:

(a) price differences based specifically on the labor, materials, tariffs, or other gender-neutral reasons for having increased cost for providing such goods; or

(b) a retail establishment from passing through a price to the consumer that is set by a manufacturer, distributor, or other entity that a retailer cannot control.

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

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3. Any business who shall violate the provisions of this section shall, upon conviction thereof, pay a civil penalty of not less than fifty dollars and not more than two hundred fifty dollars for the first offense and for each succeeding offense a penalty of not less than one hundred dollars nor more than five hundred dollars for each such violation. For the purpose of this section, each good priced on the basis of gender shall be considered a single and separate violation.

§ 2. This act shall take effect immediately.