STATE OF NEW YORK

7165--A

2017-2018 Regular Sessions

IN ASSEMBLY

April 11, 2017

Introduced by M. of A. ROZIC, GJONAJ, HARRIS, WALLACE, MOSLEY, MAGNARELLI, ORTIZ, MOYA, BRINDISI, SIMON, JEAN-PIERRE, BENEDETTO, WALKER, CRESPO, TITONE, GLICK, DE LA ROSA, D'URSO, PHEFFER AMATO, GOTTFRIED, HOOPER, HYNDMAN, BLAKE, RIVERA, KAVANAGH, MONTESANO, DICKENS, SEAWRIGHT -- Multi-Sponsored by -- M. of A. GALEF, WRIGHT -- read once and referred to the Committee on Consumer Affairs and Protection -- reported and referred to the Committee on Codes -- 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 businesses from charging a price for goods on the basis of gender

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. Charging a price for goods on the basis of gender prohibited. 1. (a) No business shall 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:

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

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(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.

3. Any business that violates the provisions of this section shall, upon a determination thereof, pay a civil penalty of not more than two hundred fifty dollars for the first violation and for each succeeding violation a civil penalty of not more than five hundred dollars. For the purpose of this section, all identical items priced on the basis of gender shall be considered a single violation.

§ 2. This act shall take effect immediately.