STATE OF NEW YORK

8475

2017-2018 Regular Sessions

IN ASSEMBLY

June 16, 2017

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

AN ACT to amend the general business law, in relation to requiring online market places to provide a product recall search web form

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 349-f to read as follows:

§ 349-f. Product recall search web form. 1. For purposes of this section, the term "online market place" shall mean an internet site used to facilitate the sale of goods and services, including any internet site used for auctions that are operated by any buyer, seller, or third-party intermediary.

2. Online market places shall provide on their web page, where a seller inputs product information, a web form where the seller may search the United States Consumer Product Safety Commission's recall central database. Online market places shall use the application program interface provided by the United States Consumer Product Safety Commission's recall retrieval web service to create such web form.

3. If it is determined through a search of the recall central database, as described in subdivision two of this section, that a product has been recalled, the online market place may block the seller of the product from selling such product on their site.

4. The online market place shall also provide space on the web form, described in subdivision two of this section, where sellers may indicate that they do not have enough information to determine if their product has been recalled. The following shall be stated in such space: "I do not have enough information to determine if the product has been recalled. I have read the related guidelines regarding selling recalled products and I understand my responsibility to not sell a recalled product."

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

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5. It shall be a violation if an online market place does not provide a web form, as described in subdivision two of this section. The attorney general shall have the authority to investigate violations under this section, and if the attorney general believes that a person has violated or is violating such section, then the attorney general may bring a civil action on behalf of the people of the state of New York. The attorney general may seek in his or her discretion, in an action for the recovery of a penalty under this section, an amount of up to fifteen million dollars.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.