STATE OF NEW YORK

6508

2017-2018 Regular Sessions

IN SENATE

May 26, 2017

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer 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 a type of e-commerce site where product service information is provided by multiple third parties, whereas transactions are processed by the market place operator. Online market places shall include, but shall not be limited to, Amazon, e-Bay and Craigslist.

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 protection safety commission's recall central database. Online market places shall use the application program interface provided by the consumer protection 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."

§ 2. This act shall take effect immediately.

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

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