

STATE OF NEW YORK

8787

IN SENATE

May 18, 2018

Introduced by Sen. MAYER -- 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 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:

1 Section 1. The general business law is amended by adding a new
2 section 391-u to read as follows:

3 § 391-u. Charging a price for goods on the basis of gender prohibited.

4 1. (a) No business shall charge a price for goods of a substantially
5 similar or like kind on the basis of a person's gender.

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

8 (i) share the same brand;

9 (ii) share the same functional components; and

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

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

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

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

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

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

21 (b) a retail establishment from passing through a price to the consum-
22 er that is set by a manufacturer, distributor, or other entity that a
23 retailer cannot control.

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

30 § 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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