

STATE OF NEW YORK

8304

2019-2020 Regular Sessions

IN ASSEMBLY

June 13, 2019

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

AN ACT to amend the general business law, in relation to prohibiting
businesses from charging a price for services on the basis of gender

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

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

3 § 391-u. Charging a price for services on the basis of gender prohib-
4 ited. 1. (a) No business shall charge a price for services of a substan-
5 tially 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 services:

8 (i) share the same type of labor;

9 (ii) are within ten percent of the same amount of labor required; and

10 (iii) require the same equipment.

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

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

15 (b) a service provider from passing through a price to the consumer
16 that is set by a manufacturer, distributor, or other entity that a
17 service provider cannot control.

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

24 § 2. This act shall take effect immediately.

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

LBD13293-01-9