

STATE OF NEW YORK

629

2019-2020 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. ROZIC, WALLACE, MOSLEY, MAGNARELLI, ORTIZ, SIMON, JEAN-PIERRE, WALKER, BENEDETTO, CRESPO, GLICK, DE LA ROSA, D'URSO, PHEFFER AMATO, HYNDMAN, GOTTFRIED, BLAKE, RIVERA, DICKENS, SEAWRIGHT, WEPRIN, L. ROSENTHAL, COLTON, SOLAGES, MONTESANO -- Multi-Sponsored by -- M. of A. GALEF, WRIGHT -- 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 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 section
2 391-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

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

LBD01137-01-9

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

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

10 § 2. This act shall take effect immediately.