STATE OF NEW YORK

771

2019-2020 Regular Sessions

IN ASSEMBLY

January 10, 2019

Introduced by M. of A. GOTTFRIED, D'URSO, DINOWITZ, COLTON, WRIGHT, SIMON, COOK, McDONOUGH, PICHARDO, MONTESANO, GALEF, MOSLEY, HUNTER, SEAWRIGHT, BARRON, ARROYO, GLICK, LAVINE, OTIS, CAHILL -- Multi-Sponsored by -- M. of A. ENGLEBRIGHT, LAWRENCE, RAMOS -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to requiring merchants to accept cash as payment for goods

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 396-aaa to read as follows:

§ 396-aaa. Cash payment non-discrimination. 1. Any retail mercantile establishment as defined in article twelve-B of this chapter, in which food is prepared, sold, or served subject to title eight of article thirteen of the public health law, or other establishment offering goods or services for sale shall accept United States currency (cash) as legal tender when offered as payment. Such establishment shall not discriminate against a cash buyer by requiring the use of a credit or debit card or electronic payment device or process in order to purchase food, goods, or services. This section shall not apply to telephone, mail order, electronic, online, or other transactions in which the buyer is not present in the establishment's physical place of business.

2. The superintendent of the department of financial services may make regulations to implement this section, including authorization of exemptions or exclusions from this section. Exemptions or exclusions under this section may be provided based on criteria including, but not limited to, the nature of the establishment; the nature of the food, goods, or services; the denomination of currency used; or the amount of the transaction.

3. A violation of this section shall be punishable by a fine not to exceed five hundred dollars.

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

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§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the superintendent of the department of financial services may make regulations and take other actions reasonably necessary to implement this act on that date.