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 Assembly, do enact as follows:

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

§ 391-u. Charging a price for services on the basis of gender prohibited. 1. (a) No business shall charge a price for services of a substantially similar or like kind on the basis of a person's gender.

(b) For the purposes of paragraph (a) of this subdivision, "substantially similar or like kind" shall be interpreted to mean such services:

(i) share the same type of labor;

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

(iii) require the same equipment.

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

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

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

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

§ 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