# STATE OF NEW YORK

2679

2019-2020 Regular Sessions

# IN SENATE

January 28, 2019

Introduced by Sens. MAYER, BRESLIN, BROOKS, HOYLMAN, JACKSON, LIU, MAY -- 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:**

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 goods on the basis of gender prohibited. 1. (a) No business shall charge a price for goods 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 goods:**

**(i) share the same brand;**

**(ii) share the same functional components; and**

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

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

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

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

**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 goods; or**

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

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

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**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 items priced on the basis of gender shall be considered a single violation.**

§ 2. This act shall take effect immediately.