

# STATE OF NEW YORK

5135

2019-2020 Regular Sessions

## IN SENATE

April 10, 2019

Introduced by Sen. CARLUCCI -- 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 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:

1 Section 1. The general business law is amended by adding a new section  
2 396-aaa to read as follows:

3 § 396-aaa. Cash payment non-discrimination. 1. Any retail mercantile  
4 establishment as defined in article twelve-B of this chapter, in which  
5 food is prepared, sold, or served subject to title eight of article  
6 thirteen of the public health law, or other establishment offering goods  
7 or services for sale shall accept United States currency (cash) as legal  
8 tender when offered as payment. Such establishment shall not discrimi-  
9 nate against a cash buyer by requiring the use of a credit or debit card  
10 or electronic payment device or process in order to purchase food,  
11 goods, or services. This section shall not apply to telephone, mail  
12 order, electronic, online, or other transactions in which the buyer is  
13 not present in the establishment's physical place of business.

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

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

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

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

LBD03862-01-9