

STATE OF NEW YORK

10597

IN ASSEMBLY

July 6, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Rozic) --
read once and referred to the Committee on Consumer Affairs and
Protection

AN ACT to amend the general business law, in relation to prohibiting
price gouging with respect to fuel, energy, and transportation goods
and services

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Subdivisions 2 and 5 of section 396-r of the general busi-
2 ness law, subdivision 2 as amended and subdivision 5 as added by chapter
3 90 of the laws of 2020, are amended to read as follows:
4 2. During any abnormal disruption of the market for goods and services
5 vital and necessary for the health, safety and welfare of consumers or
6 the general public, no party within the chain of distribution of such
7 goods or services or both shall sell or offer to sell any such goods or
8 services or both for an amount which represents an unconscionably exces-
9 sive price. For purposes of this section, the phrase "abnormal
10 disruption of the market" shall mean any change in the market, whether
11 actual or imminently threatened, resulting from stress of weather,
12 convulsion of nature, failure or shortage of electric power or other
13 source of energy, product recall leading to supply shortages, strike,
14 civil disorder, war, military action, national or local emergency, or
15 other cause of an abnormal disruption of the market which results in the
16 declaration of a state of emergency by the governor. For the purposes of
17 this section, the term goods and services shall include all goods and
18 services sold in or into the state that are (a) consumer goods and
19 services used, bought or rendered primarily for personal, family or
20 household purposes, (b) essential medical supplies and services used for
21 the care, cure, mitigation, treatment or prevention of any illness or
22 disease, (c) fuel, energy, and transportation goods and services, and
23 [~~(e)~~] (d) any other essential goods and services used to promote the
24 health or welfare of the public. This prohibition shall apply to all
25 parties within the chain of distribution for any good or service that is
26 sold in or into the state, including any manufacturer, supplier, whole-

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

LBD15619-03-2

1 saler, distributor or retail seller of goods or services or both [~~sold~~
2 ~~by one party to another when the product sold was located in the state~~
3 ~~prior to the sale~~]. Goods and services shall also include any repairs
4 made by any party within the chain of distribution of goods on an emer-
5 gency basis as a result of such abnormal disruption of the market.

6 5. The attorney general shall promulgate rules and regulations requir-
7 ing the periodic public disclosure by actors in the chain of distrib-
8 ution for fuel sold in or into the state of the prices charged or
9 proposed to be charged for fuel. The attorney general may also promul-
10 gate rules and regulations requiring the periodic public disclosure by
11 actors in the chain of distribution for any goods or services sold in or
12 into the state of the prices charged or proposed to be charged for such
13 goods and services. The attorney general may promulgate such other rules
14 and regulations as are necessary to effectuate and enforce the
15 provisions of this section.

16 § 2. This act shall take effect immediately.