

# STATE OF NEW YORK

8765

## IN SENATE

April 13, 2022

Introduced by Sen. HARCKHAM -- 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 consumer protection and utility meter choice

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  
2 349-g to read as follows:

3 § 349-g. Consumer protection and utility meter choice. 1. For purposes  
4 of this section, the following terms shall have the following meanings:

5 (a) "Analog utility meter" shall mean a New York state public service  
6 commission approved electro-mechanical utility meter that measures a  
7 utility consumer's electric or gas usage and does not contain or utilize  
8 electronic components or switch mode power supply and does not extract,  
9 store, or transmit private utility usage data or radiofrequency radi-  
10 ation.

11 (b) "Digital utility meter" shall mean a New York state public service  
12 commission approved, radiofrequency transmitting or non-transmitting  
13 utility meter that utilizes electronic components, including but not  
14 limited to, switch mode power supply, antennas and batteries, to meas-  
15 ure, extract, store and/or transmit electric or gas usage.

16 2. For the protection of consumer health, safety and/or privacy needs,  
17 it shall be the right of every consumer of an electric corporation or  
18 gas corporation, at no penalty, fee or service charge, to decline  
19 permission to their electric corporation or gas corporation:

20 (a) to replace an existing analog utility meter at such consumer's  
21 premises that is assigned to such consumer's account with a digital  
22 utility meter; or

23 (b) to install a digital utility meter at their property without such  
24 consumer's consent.

25 3. For the protection of consumer health, safety and/or privacy needs,  
26 it shall be the right of every consumer of an electric corporation or  
27 gas corporation, at no penalty, fee or service charge, to require their  
28 electric corporation or gas corporation to replace an existing digital

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

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1 utility meter at such consumer's premises that is assigned to such  
2 consumer's account with an analog utility meter.

3 4. An electric corporation or gas corporation may not install a  
4 digital utility meter on a consumer's premises that is assigned to such  
5 consumer's account unless it first shall provide written notice to the  
6 consumer no less than ninety days prior to the scheduled installation of  
7 such meter, so that such consumer may decline permission for such  
8 installation. Such notice shall provide that:

9 (a) the consumer shall have the right to decline permission for their  
10 electric corporation or gas corporation, from installing a digital util-  
11 ity meter with no fee, penalty or service charge; and

12 (b) the consumer may, at any point in time following the installation  
13 of a digital utility meter, require the removal of such device and its  
14 replacement with an analog utility meter, with no fee, penalty or  
15 service charge; and

16 (c) an electric corporation or gas corporation must comply with such  
17 consumer's instructions within ten days of receipt, if the consumer  
18 informs such electric corporation or gas corporation, in writing, that  
19 such consumer suffers from electromagnetic sensitivity and that the  
20 transmitted and unintended radiofrequency radiation from both transmit-  
21 ting and non-transmitting digital utility meters poses a health threat  
22 to such consumer or within thirty days of receipt in all other cases.

23 5. The public service commission shall prescribe such rules and regu-  
24 lations to effectuate the provisions of this section as it may deem  
25 necessary.

26 § 2. This act shall take effect immediately.