STATE OF NEW YORK

8662

IN ASSEMBLY

January 10, 2022

Introduced by M. of A. CUSICK -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to prohibiting unsolicited telemarketing sales calls during certain declared states of emergency

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

Section 1. Subdivision 5-a of section 399-z of the general business law, as added by chapter 680 of the laws of 2019, is amended to read as follows:

5-a. It shall be unlawful for any telemarketer doing business in this state to knowingly make an unsolicited telemarketing sales call to any person in a county, city, town or village under a declared state of emergency or disaster emergency as described in [~~sections~~] section twenty-four or twenty-eight of the executive law; provided, however, that this prohibition shall apply only where the declaration or proclamation of emergency includes a finding that unsolicited telemarketing sales calls would impair actions taken to limit, control, or mitigate the emergency and explains the basis of such finding; and provided further that such prohibition may not extend for a period of more than two weeks, subject to renewal for additional two-week periods by further findings of necessity made at the end of each two-week period.

§ 2. Paragraph f of subdivision 7 of section 399-pp of the general business law, as added by chapter 680 of the laws of 2019, is amended to read as follows:

f. knowingly make an unsolicited telemarketing sales call to any person in a county, city, town or village under a declared state of emergency or disaster emergency as described in [~~sections~~] section twenty-four or twenty-eight of the executive law; provided, however, that this prohibition shall apply only where the declaration or proclamation of emergency includes a finding that unsolicited telemarketing sales calls would impair actions taken to limit, control, or mitigate the emergency and explains the basis of such finding; and provided further that such prohibition may not extend for a period of more than two weeks, subject to renewal for additional two-week periods by further findings of necessity made at the end of each two-week period.

§ 3. This act shall take effect immediately.

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

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