

# STATE OF NEW YORK

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3022

2023-2024 Regular Sessions

## IN ASSEMBLY

February 2, 2023

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Introduced by M. of A. JENSEN -- 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 on certain consumer goods sold at thruway gas stations, restaurants, and other facilities

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

1 Section 1. Subdivision 2 of section 396-r of the general business law,  
2 as amended by chapter 90 of the laws of 2020, is amended to read as  
3 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, strike, civil disorder, war, military action, national  
14 or local emergency, or other cause of an abnormal disruption of the  
15 market which results in the declaration of a state of emergency by the  
16 governor. For the purposes of this section, the term goods and services  
17 shall include (a) consumer goods and services used, bought or rendered  
18 primarily for personal, family or household purposes, (b) essential  
19 medical supplies and services used for the care, cure, mitigation,  
20 treatment or prevention of any illness or disease, and (c) any other  
21 essential goods and services used to promote the health or welfare of  
22 the public. This prohibition shall apply to all parties within the chain  
23 of distribution, including any manufacturer, supplier, wholesaler,  
24 distributor or retail seller of goods or services or both sold by one

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

LBD06569-01-3

1 party to another when the product sold was located in the state prior to  
2 the sale. This prohibition shall also apply to consumer goods and  
3 services sold at service facilities established pursuant to subdivision  
4 ten of section three hundred fifty-four of the public authorities law.  
5 Goods and services shall also include any repairs made by any party  
6 within the chain of distribution of goods on an emergency basis as a  
7 result of such abnormal disruption of the market.  
8 § 2. This act shall take effect immediately.