STATE OF NEW YORK

9808

IN ASSEMBLY

April 9, 2024

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

AN ACT to amend the general business law, in relation to prohibiting food service establishments from modifying the purchase price of items based on consumer demand

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

Section 1. Subdivision 2 of section 396 of the general business law is amended by adding a new paragraph c to read as follows:

c. (1) For the purposes of this paragraph, the term "food service establishment" shall mean a place where food is provided for individual portion service directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle.

(2) No food service establishment shall, in any manner, or by any means of advertisement, or other means of communication, increase the purchase price of a food or beverage item in accordance with anticipated customer demand. Nothing in this paragraph shall prevent a food service establishment from increasing the purchase price of a food or beverage item at the end of a specific time of the day including but not limited to early-bird specials and happy hours. Nothing in this paragraph shall prevent a food service establishment from increasing the purchase price of a food or beverage item once per seven-day period.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

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