

STATE OF NEW YORK

412

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sens. THOMAS, ADDABBO, PALUMBO, SANDERS, SKOUFIS -- 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 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:

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

4 5-a. It shall be unlawful for any telemarketer doing business in this
5 state to knowingly make an unsolicited telemarketing sales call to any
6 person in a county, city, town or village under a declared state of
7 emergency or disaster emergency as described in [~~sections~~] section twen-
8 ty-four or twenty-eight of the executive law; provided, however, that
9 this prohibition shall apply only where the declaration or proclamation
10 of emergency includes a finding that unsolicited telemarketing sales
11 calls would impair actions taken to limit, control, or mitigate the
12 emergency and explains the basis of such finding; and provided further
13 that such prohibition may not extend for a period of more than two
14 weeks, subject to renewal for additional two-week periods by further
15 findings of necessity made at the end of each two-week period.

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

19 f. knowingly make an unsolicited telemarketing sales call to any
20 person in a county, city, town or village under a declared state of
21 emergency or disaster emergency as described in [~~sections~~] section twen-
22 ty-four or twenty-eight of the executive law; provided, however, that

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

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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.