STATE OF NEW YORK

9488

IN ASSEMBLY

March 14, 2024

Introduced by M. of A. SANTABARBARA -- 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 introducing dynamic pricing models

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

Section 1. The general business law is amended by adding a new section 391-vv to read as follows:

§ 391-vv. Dynamic pricing by food service establishments prohibited. 1. For the purposes of this section:

(a) "Food service establishment" shall have the same meaning as such term is defined in section three hundred ninety-one-v of this article.

(b) "Dynamic pricing" means the practice of fluctuating prices based on demand, the season, or other factors, including, but not limited to, artificial intelligence-enabled pricing adjustments.

2. No food service establishment shall use a dynamic pricing model in determining the prices on its menu. Such prices on a food service establishment's menu shall remain fixed and be posted for all menu items.

3. A food service establishment's failure to comply with the provisions of this section shall result in a penalty of one thousand dollars for each day it is not in compliance with the provisions of this section. If such penalties exceed a total of fifty thousand dollars in a calendar year, the following may occur:

(a) the attorney general is authorized to enforce the provisions of this section, including, but not limited to, further penalties at the attorney general's discretion; or

(b) revocation of such food service establishment's permit at the discretion of the local health department.

§ 2. 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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