STATE OF NEW YORK

7851

IN SENATE

January 3, 2024

Introduced by Sen. MAY -- 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 deletion of a consumer's financial information after cancellation of an automatic renewal or continuous service

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

Section 1. Section 527 of the general business law is amended by adding a new subdivision 6 to read as follows:

6. "Financial information" means any information relating to a consumer's credit card, debit card, or account with a third party held by a business for the purpose of charging such consumer.

§ 2. Section 527-a of the general business law is amended by adding a new subdivision 3-a to read as follows:

3-a. a. Upon receiving a request from a consumer to cancel an automatic renewal or continuous service, a business shall delete all records of such consumer's financial information held by such business unless such business has obtained such consumer's affirmative consent to retain such financial information for future purchases. If such business does not obtain such affirmative consent, such business shall:

(i) Delete all records of such consumer's financial information within fourteen days of receipt of such request to cancel such automatic renewal or continuous service; and

(ii) Notify such consumer by mail or electronic mail of the date such records were deleted pursuant to paragraph (i) of this subdivision, and of each of such consumer's credit cards, debit cards, or accounts with a third party for which such records were deleted, within seven days of such deletion.

b. The provisions of this subdivision shall not apply where a business is otherwise required to retain a consumer's financial information pursuant to state or federal law, rule or regulation.

§ 3. This act shall take effect on the thirtieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

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

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