

STATE OF NEW YORK

10253

IN ASSEMBLY

February 12, 2026

Introduced by M. of A. CLARK -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development

AN ACT to amend the arts and cultural affairs law, in relation to prohibiting ticket sales that exceed the capacity of a place of entertainment or not-for-profit venue

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

1 Section 1. Subdivision 1 of section 23.23 of the arts and cultural
2 affairs law, as amended by chapter 517 of the laws of 1988, is amended
3 and a new subdivision 8 is added to read as follows:

4 1. The term "ticket distributor" shall mean all owners, operators or
5 operating lessees whether an individual, firm, company, partnership,
6 corporation, trust or association who control the operation of a place
7 of entertainment, as that term is defined in this article, including the
8 allocation or distribution of tickets to any event, as that term is
9 defined in this article, and all controlling partners, and controlling
10 stockholders and controlling officers of the aforesaid; and all agents,
11 representatives, employees and licensees of any of the aforementioned,
12 including without limitation box office treasurers and assistant treas-
13 urers of places of entertainment, who for any period of time have
14 control of the allocation, sale, or distribution by designation or
15 authority of the aforementioned, of tickets in connection with the show-
16 ing of events, but shall not include subordinate personnel performing
17 non-discretionary or ministerial functions in connection with the allo-
18 cation or distribution of tickets for events.

19 8. It shall be illegal and prohibited for any ticket distributor of
20 tickets for a place of entertainment, or any person that owns or
21 performs the duties of a ticket distributor for a not-for-profit or
22 governmental organization, to sell tickets to any for profit or not-for-
23 profit event, concert, sporting event, or theatrical production to be
24 held in this state directly or indirectly, through agents, employees or
25 otherwise, in an amount that would exceed the capacity of such place of
26 entertainment or not-for-profit venue.

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

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1 § 2. Section 23.21 of the arts and cultural affairs law is amended to
2 read as follows:

3 § 23.21. Violations and penalties. 1. Any person, partnership, corpo-
4 ration, company, trust or association willfully violating any of the
5 provisions of this article or any rule or regulation issued thereunder
6 shall be guilty of a misdemeanor punishable by a fine of not more than
7 five hundred dollars, or imprisonment for not more than one year, or
8 both, unless a different penalty is otherwise provided therefor within
9 this article.

10 2. Any person willfully violating subdivision eight of section 23.23
11 of this article shall be guilty of a misdemeanor. A conviction for any
12 violation of such subdivision shall be punishable by a fine for each
13 ticket sold in violation of such subdivision, not to exceed one hundred
14 and fifty percent of the ticket price per ticket for the first
15 violation, three hundred percent for the second violation, and six
16 hundred percent for any subsequent violation, or by imprisonment for a
17 period not to exceed one year, or both such fine and imprisonment.

18 § 3. This act shall take effect immediately.