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:

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

1. The term "ticket distributor" shall mean all owners, operators or operating lessees whether an individual, firm, company, partnership, corporation, trust or association who control the operation of a place of entertainment, as that term is defined in this article, including the allocation or distribution of tickets to any event, as that term is defined in this article, and all controlling partners, and controlling stockholders and controlling officers of the aforesaid; and all agents, representatives, employees and licensees of any of the aforementioned, including without limitation box office treasurers and assistant treasurers of places of entertainment, who for any period of time have control of the allocation**, sale,** or distribution by designation or authority of the aforementioned, of tickets in connection with the showing of events, but shall not include subordinate personnel performing non-discretionary or ministerial functions in connection with the allocation or distribution of tickets for events.

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

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

LBD08698-03-6

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

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

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

§ 3. This act shall take effect immediately.