

STATE OF NEW YORK

5870

2025-2026 Regular Sessions

IN ASSEMBLY

February 24, 2025

Introduced by M. of A. SOLAGES -- read once and referred to the Committee on Judiciary

AN ACT to amend the general obligations law, in relation to agreements between multichannel video programming distributors and video programmers

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "television subscriber choice act".

3 § 2. Legislative findings and intent. The legislature finds that the
4 practice of channel bundling and the imposition of minimum penetration
5 provisions by video programmers can limit consumer choice, increase
6 costs, and stifle competition among multichannel video programming
7 distributors including cable, satellite and other distributors. This act
8 aims to enhance consumer choice and ensure that multichannel video
9 programming distributors have the flexibility to offer programming pack-
10 ages that best meet the needs and preferences of their subscribers.
11 This legislation will foster a more competitive and consumer-friendly
12 market for video programming distribution, ultimately benefiting the
13 public by providing greater access to diverse and affordable programming
14 options.

15 § 3. The general obligations law is amended by adding a new section
16 5-338 to read as follows:

17 § 5-338. Agreements between multichannel video programming distribu-
18 tors and video programmers. 1. For the purposes of this section, the
19 following terms shall have the following meanings:

20 (a) "cable television company" shall have the same meaning as in arti-
21 cle eleven of the public service law.

22 (b) "video programmer" means any entity that provides video program-
23 ming that is intended for distribution to residential, multi-dwelling or
24 commercial units including, but not limited to, broadcast or non-broad-

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

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1 cast television networks and the owners and licensors of such program-
2 ming.

3 (c) "channel bundling" means any provision as part of an agreement
4 between a multichannel video programming distributor and a video
5 programmer that requires the multichannel video programming distributor
6 to distribute an additional channel or channels owned by such video
7 programmer or an affiliate as an explicit or implied condition of enter-
8 ing an agreement with such video programmer.

9 (d) "minimum penetration provisions" means any provision as part of an
10 agreement between a multichannel video programming distributor and a
11 video programmer that requires the multichannel video programming
12 distributor to distribute one or more channels in certain packages or to
13 a minimum number or percentage of subscribers.

14 (e) "broadcast satellite service provider" means an entity that oper-
15 ates a channel of communications for point-to-multipoint distribution of
16 television station signals, and that owns or leases a capacity or a
17 service on a satellite in order to provide such point-to-multipoint
18 distribution.

19 (f) "online video distributor" means any entity that provides video
20 programming by means of the Internet or other Internet Protocol
21 (IP)-based transmission path where the transmission path is provided by
22 a person other than the online video distributor.

23 (g) "multichannel video programming distributor" means a person or
24 entity such as, but not limited to, a cable television company, a multi-
25 channel multipoint distribution service, a broadcast satellite service
26 provider, online video distributor or a television receive-only satel-
27 lite program distributor, who makes available for purchase, by subscrib-
28 ers or customers, multiple channels of video programming.

29 (h) "subscriber" means an individual located in the state of New York
30 who subscribes to video services from a multichannel video programming
31 distributor.

32 2. No video programmer shall enforce or execute any provision in a
33 contract with a multichannel video programming distributor that directly
34 or indirectly has the purpose or effect of:

35 (a) setting as a condition of carriage the number of subscribers
36 whether such number is stated as a total number of subscribers or a
37 percentage of a multichannel video programming distributor's video
38 subscribers; or

39 (b) prescribing the service tier, package, or level where such
40 programming or station must be carried; or

41 (c) setting a rate other than a rate per viewing subscriber regardless
42 of the tier, package, volume, or level of carriage; or

43 (d) otherwise restricting, is intended to restrict, or has the effect
44 of restricting, the multichannel video programming distributor's packag-
45 ing or pricing of such programming or stations.

46 3. A video programmer shall offer each channel for license to a multi-
47 channel video programming distributor without requiring channel bundling
48 requirements as a condition of carriage of such channel.

49 4. It shall be unlawful for a video programmer to demand unreasonable
50 fees or other financial obligations for channel carriage pursuant to
51 subdivision three of this section.

52 5. Any waiver of the provisions of this section is contrary to public
53 policy and thus is void and unenforceable.

54 6. This section shall not prohibit a multichannel video programming
55 distributor from entering into agreements that include volume or other

1 incentives, whether financial or otherwise, based on packaging, viewer-
2 ship or other metrics related to channel usage.

3 7. If a video programmer fails to comply with the provisions of this
4 section, a multichannel video programming distributor may commence a
5 civil action in a court of competent jurisdiction within the state. In
6 such action, the court may grant injunctive relief as necessary and
7 appropriate to remedy the effects of any failure to comply with the
8 provisions of this section.

9 § 4. This act shall take effect on the first of January next succeed-
10 ing the date on which it shall have become a law and shall apply to
11 contracts entered into on or after such date.