STATE OF NEW YORK

9029

2025-2026 Regular Sessions

IN ASSEMBLY

September 5, 2025

Introduced by M. of A. VANEL -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to enacting the do not disturb registry act

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

Section 1. Short title. This act shall be known and may be cited as the "do not disturb registry act".

§ 2. Legislative findings and purpose. The legislature hereby finds and declares that it is the policy of this state to ensure that its residents are not burdened or deceived by unsolicited commercial marketing communications, including telemarketing calls, electronic mail, physical mail, text message, and facsimiles. The increase in unsolicited commercial marketing communications has heightened the risk of making residents of this state susceptible to deceptive practices, scams, and fraudulent schemes. Moreover, the receipt of such communications is also a nuisance to residents as such communications clutter their inboxes, fill their devices with unwanted messages, and consume their time and attention, thereby disrupting their daily lives and diminishing the privacy and peace they should be able to expect in their personal spaces. Furthermore, the increase of such communications also has the effect of diminishing residents' trust in urgent communications. Finally, the existence of a statewide do not disturb registry may have the effect of lowering marketing costs to businesses, as businesses will be aware of consumers who have a lower likelihood of positively responding to their commercial marketing communications.

§ 3. The general business law is amended by adding a new article 48 to read as follows:

ARTICLE 48

DO NOT DISTURB REGISTRY

Section 1800. Definitions.

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

LBD13592-01-5

1801. Do not disturb registry.
1802. Unsolicited commercial marketing communications; when prohibited.
1803. Investigations.
1804. Penalties.
1805. Effect on the statewide "do-not-call" registry.
1806. Rulemaking.

§ 1800. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Unsolicited commercial marketing communication" shall mean any telemarketing call, electronic mail, physical mail, text message or facsimile, the primary purpose of which is the commercial advertisement or promotion of a commercial product or service, including content on an internet website operated for a commercial purpose made by or on behalf of a covered person. This term shall not include communications that are sent as a result of a resident voluntarily opting in to receiving such communications. The inclusion of a reference to a commercial entity or a link to the website of a commercial entity does not, by itself, cause such communication to be treated as a commercial marketing communication for purposes of this section if the contents or circumstances of the communication indicate a primary purpose other than a commercial advertisement or promotion of a commercial product or service.

2. "Covered person" shall mean any natural person, association, partnership, corporation and its affiliates or subsidiaries or other business entity that sent more than the threshold amounts for each form of communication in one of the previous five calendar years prior to the communication being made:

(a) five thousand unsolicited marketing communications made through physical mail;

(b) ten thousand unsolicited marketing communications made through electronic mail;

(c) one thousand unsolicited marketing communications made through facsimile; or

(d) one unsolicited marketing communication made through telemarketing call or text message.

3. "Department" shall mean the department of state.

4. "Secretary" shall mean the secretary of state.

5. "Consumer" shall mean any natural person who is a resident of this state and who is or may be required to pay for or to exchange consideration for goods and services.

6. "Doing business in this state" shall mean sending an unsolicited commercial marketing communication:

(a) from a location in this state; or

(b) from a location outside of this state to consumers residing in this state.

7. "Goods and services" shall mean any goods and services, and shall include any real property or tangible personal property or services of any kind.

§ 1801. Do not disturb registry. The department is authorized to establish, manage, and maintain a statewide do not disturb registry which shall contain a list of residents who do not wish to receive unsolicited commercial marketing communications. The department may contract with a private vendor to establish, manage and maintain such registry, provided that the contract shall require the vendor to provide the do not disturb registry in a format best designed to enable registrants to update their consumer marketing lists. Such registry may be designed to

enable residents to select specific industries of which communications they would like to opt-out of. Such registry shall be designed to enable residents to register the following information that shall be linked to their registration, provided however that a resident shall not be required to provide all such information:

1. telephone number;

2. facsimile number;

3. electronic mail address; and

4. home address.

§ 1802. Unsolicited commercial marketing communications; when prohibited. No business shall make or cause to be made any unsolicited commercial marketing communication to any consumer when that consumer's information has been on the statewide do not disturb registry for a period of thirty-one days.

§ 1803. Investigations. When the department has reason to believe a person has engaged in a single or repeated unlawful act or acts in violation of this article, the department may request in writing the production of relevant documents and records as part of its investigation. If the person upon whom such request was made fails to produce the documents or records within thirty days after the date of the request, the department may issue and serve subpoenas to compel the production of such documents and records. If any person shall refuse to comply with a subpoena issued under this section, the department may petition a court of competent jurisdiction to enforce the subpoena and such sanctions as the court may direct.

§ 1804. Penalties. 1. Where it is determined after hearing that a covered person has violated a provision of this article the department shall assess a fine not to exceed one thousand five hundred dollars.

2. Any proceeding conducted pursuant to subdivision one of this section shall be subject to the state administrative procedure act.

3. Nothing in this section shall be construed to restrict any right which any person may have under any other statute or at common law.

4. A finding of a violation of any federal law related to the sending of unsolicited marketing communications shall not preclude any penalty pursuant to this section.

§ 1805. Effect on the statewide "do-not-call" registry. The provisions of this article shall be construed to operate in addition to section three hundred ninety-nine-z of this chapter. No covered person shall be held liable for penalties related to section three hundred ninety-nine-z of this chapter and this article in relation to a violation related to telemarketing, as it is defined in section three hundred ninety-nine-z of this chapter.

§ 1806. Rulemaking. The department shall promulgate rules and regulations to administer this article.

§ 4. Severability. If any clause, sentence, paragraph or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 5. This act shall take effect one year after it shall have become a law.