STATE OF NEW YORK

4153--A

Cal. No. 320

2025-2026 Regular Sessions

IN SENATE

February 3, 2025

Introduced by Sens. SANDERS, ADDABBO, MAY, MURRAY, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the general business law, in relation to prohibiting food stores and retail establishments from refusing to accept payment in cash

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

Section 1. The general business law is amended by adding a new section 396-ii to read as follows:

§ 396-ii. Cashless policies prohibited. a. As used in this section, the following terms shall have the following meanings:

(i) "Cash" means United States coins and currency, including federal reserve notes. Cash does not include foreign currency; any paper instrument other than a federal reserve note, including, but not limited to, any check, bond, or promissory note; or any foreign metal coin.

(ii) "Consumer commodity" means any article, good, merchandise, product or commodity of any kind or class produced, distributed or offered for retail sale for consumption by individuals, or for personal, household or family purposes.

(iii) "Food store" means an establishment which gives or offers for sale food or beverages to the public for consumption or use on or off the premises, or on or off a pushcart, stand or vehicle.

(iv) "Retail establishment" means an establishment wherein consumer commodities are sold, displayed or offered for sale, or where services are provided to consumers at retail. This definition does not include

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

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banks or trust companies as such terms are defined in section two of the banking law.

b. It shall be unlawful for a food store or a retail establishment to refuse to accept payment in cash from consumers, provided that such food store or retail establishment may refuse to accept payment:

(i) In cash bills denominated above twenty dollars; or

(ii) In cash for any telephone, mail, or internet-based transaction, unless the payment for such transaction takes place on the premises of such food store or retail establishment.

c. No food store or retail establishment shall charge a higher price for the same consumer commodity to a consumer who pays in cash than to a consumer who pays for such commodity through a cash-less transaction.

d. A food store or retail establishment that violates this section is liable for a civil penalty of not more than one thousand dollars for the first violation and a civil penalty of not more than one thousand five hundred dollars for each succeeding violation.

e. (i) This section shall not apply to a food store or retail establishment that provides a device on premises that converts cash, without charging a fee or requiring a minimum deposit amount greater than one dollar, into a prepaid card that allows a consumer to complete a transaction at such food store or retail establishment.

(ii) Upon request, such device shall provide each consumer with a receipt indicating the amount of cash such consumer deposited onto the prepaid card.

(iii) Cash deposits onto such a prepaid card shall not be subject to an expiration date and there shall be no limit on the number of transactions that may be completed on such prepaid card.

(iv) In the event that such device malfunctions, the food store or retail establishment where such device is located shall accept payment in cash from consumers throughout the time period in which such device does not function in accordance with the standards set forth in this section. Such food store or retail establishment shall place a conspicuous sign on or immediately adjacent to such device indicating that such food store or retail establishment is required by law to accept cash if such device malfunctions, and that consumers may report any violation to the department of state division of consumer protection. The department of state may establish by rule additional requirements relating to such signs and the display of such signs.

§ 2. This act shall take effect on the one hundred twentieth day after it shall have become a law.