STATE OF NEW YORK

4653

2025-2026 Regular Sessions

IN SENATE

February 10, 2025

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed 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:

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

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

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

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

(a) "cable television company" shall have the same meaning as in article eleven of the public service law.

(b) "video programmer" means any entity that provides video programming that is intended for distribution to residential, multi-dwelling or 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.

LBD08764-01-5

cast television networks and the owners and licensors of such programming.

(c) "channel bundling" means any provision as part of an agreement between a multichannel video programming distributor and a video programmer that requires the multichannel video programming distributor to distribute an additional channel or channels owned by such video programmer or an affiliate as an explicit or implied condition of entering an agreement with such video programmer.

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

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

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

(g) "multichannel video programming distributor" means a person or entity such as, but not limited to, a cable television company, a multichannel multipoint distribution service, a broadcast satellite service provider, online video distributor or a television receive-only satellite program distributor, who makes available for purchase, by subscribers or customers, multiple channels of video programming.

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

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

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

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

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

(d) otherwise restricting, is intended to restrict, or has the effect of restricting, the multichannel video programming distributor's packaging or pricing of such programming or stations.

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

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

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

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

incentives, whether financial or otherwise, based on packaging, viewership or other metrics related to channel usage.

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

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