

# STATE OF NEW YORK

8416

2025-2026 Regular Sessions

## IN SENATE

June 9, 2025

Introduced by Sen. COMRIE -- (at request of the Attorney General) --  
read twice and ordered printed, and when printed to be committed to  
the Committee on Rules

AN ACT to amend the general business law, in relation to enacting the  
"fostering affordability and integrity through reasonable (FAIR) busi-  
ness practices act"

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

1 Section 1. This act shall be known and may be cited as the "fostering  
2 affordability and integrity through reasonable (FAIR) business practices  
3 act".

4 § 2. Article 22-A of the general business law is amended by adding a  
5 new section 348 to read as follows:

6 § 348. Purpose and intent of article. The legislature declares that  
7 the state has a responsibility to protect New Yorkers from unfair,  
8 deceptive and abusive business acts and practices. The legislature  
9 recognizes the limitations of the current state law, which prohibits  
10 only the use of deceptive business acts and practices, and has proven  
11 insufficient to satisfy the state's responsibilities to protect New  
12 Yorkers and the New York economy from unfair, deceptive, and abusive  
13 business practices. For too long, New Yorkers, especially New Yorkers  
14 with limited income, communities of color, seniors, children, veterans,  
15 and immigrant populations, have been left vulnerable to unscrupulous  
16 business practices. It is time for New York to join all but a handful  
17 of New York's fellow jurisdictions by adopting a comprehensive unfair,  
18 deceptive, and abusive business acts and practices statute that gives  
19 government and private parties the tools to address these harms. The  
20 state must achieve the goal of deterring and remedying a broad range of  
21 unfair, deceptive, and abusive business practices, and leveling the  
22 playing field for the state's many honest businesses and non-profits  
23 that treat their customers fairly. It must also anticipate future

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

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1 unfair, deceptive, and abusive acts, including from new and emerging  
 2 technologies. To that end, this article defines unfair and abusive acts  
 3 and practices expansively to reach conduct that is unfair or abusive but  
 4 arguably not deceptive.

5 The state must also ensure the most meaningful and effective  
 6 protection to New Yorkers against unfair, deceptive, and abusive busi-  
 7 ness practices. This article therefore eliminates atextual exceptions  
 8 imposed by courts over the last five decades that have limited the  
 9 attorney general's power to enforce the statute to acts that are  
 10 "consumer-oriented" or that have an impact on the public at large. The  
 11 attorney general has a special responsibility to the public to create a  
 12 fair marketplace for all. That responsibility extends to protecting  
 13 businesses and non-profits as well as individuals. There is no reason  
 14 to believe that a small business or non-profit is any better able to  
 15 defend itself from unfair, abusive, and deceptive conduct than a consum-  
 16 er, or that small entities need the protections of this article any less  
 17 than individuals do. The market and wider society is harmed by the nega-  
 18 tive consequences that flow from unfair, deceptive, and abusive business  
 19 practices even if those acts and practices have not been understood as  
 20 "consumer-oriented".

21 § 3. The article heading of article 22-A of the general business law,  
 22 as amended by chapter 43 of the laws of 1970, is amended to read as  
 23 follows:

24 [CONSUMER] PROTECTION FROM  
 25 UNFAIR, DECEPTIVE, OR ABUSIVE ACTS AND  
 26 PRACTICES

27 § 4. Section 349 of the general business law, as added by chapter 43  
 28 of the laws of 1970, subdivision (h) as amended by chapter 157 of the  
 29 laws of 1984 and subdivision (j) as added by section 6 of part HH of  
 30 chapter 55 of the laws of 2014, is amended to read as follows:

31 § 349. [~~Deceptive~~] Unfair, deceptive, or abusive acts and practices  
 32 unlawful. (a) [~~Deceptive~~] Unfair, deceptive, or abusive acts or prac-  
 33 tices in the conduct of any business, trade or commerce or in the  
 34 furnishing of any service in this state are hereby declared unlawful.  
 35 For the purposes of this section:

36 (1) An act or practice is unfair when it causes or is likely to cause  
 37 substantial injury which is not reasonably avoidable and is not  
 38 outweighed by countervailing benefits to consumers or to competition.  
 39 The term "substantial injury" as used in this subdivision shall have the  
 40 same meaning as the term "substantial injury" in the federal trade  
 41 commission act, 15 U.S.C. Section 41 et seq., provided that the substan-  
 42 tial injury of a person or persons other than consumers shall also be  
 43 deemed a "substantial injury" for purposes of this section.

44 (2) An act or practice is abusive when:

45 (i) it materially interferes with the ability of a person to under-  
 46 stand a term or condition of a product or service; or

47 (ii) it takes unreasonable advantage of:

48 (A) a lack of understanding on the part of a person of the material  
 49 risks, costs, or conditions of a product or service;

50 (B) the inability of a person to protect such person's interests in  
 51 selecting or using a product or service; or

52 (C) the reasonable reliance by a person on a person engaging in the  
 53 act or practice to act in the relying person's interests.

54 (b) (1) Whenever the attorney general shall believe from evidence  
 55 satisfactory to [~~him~~] the attorney general that any person, including  
 56 but not limited to an individual, firm, corporation, company, partner-

1 ship or association, or agent or employee thereof, has engaged in or is  
2 about to engage in any of the acts or practices stated to be [~~unlawful~~  
3 ~~he~~] unfair, deceptive, or abusive, the attorney general may bring an  
4 action or proceeding in the name and on behalf of the people of the  
5 state of New York to enjoin such unlawful acts or practices and to  
6 obtain restitution of any moneys or property obtained directly or indi-  
7 rectly by any such unlawful acts or practices. In such action or  
8 proceeding, preliminary relief may be granted under article sixty-three  
9 of the civil practice law and rules.

10 (2) The attorney general may bring such an action or proceeding  
11 against any person conducting any business, trade or commerce or  
12 furnishing a service in this state, whether or not the person is with-  
13 out the state. The attorney general may also bring such an action or  
14 proceeding against any person within the state conducting any business,  
15 trade, or commerce or furnishing a service, whether or not the business,  
16 trade, commerce, or service is conducted or furnished without the state.

17 (3) An act or practice made unlawful by this section is actionable by  
18 the attorney general regardless of whether or not that act or practice  
19 is consumer-oriented.

20 (c) Before [~~any violation of this section is sought to be enjoined~~]  
21 commencing an action or proceeding pursuant to this section, the attor-  
22 ney general shall be required to give the person against whom such  
23 action or proceeding is contemplated notice by certified mail and an  
24 opportunity to show in writing within five business days after receipt  
25 of notice why [~~proceedings~~] an action or proceeding should not be insti-  
26 tuted against [~~him~~] such person, unless the attorney general shall find,  
27 in any case in which [~~he~~] the attorney general seeks preliminary relief,  
28 that to give such notice and opportunity is not in the public interest.

29 (d) In any [~~such~~] action or proceeding brought pursuant to this  
30 section it shall be a complete defense that the act or practice is, or  
31 if in interstate commerce would be, subject to and complies with the  
32 rules and regulations of, and the statutes administered by, the federal  
33 trade commission or any official department, division, commission or  
34 agency of the United States as such rules, regulations or statutes are  
35 interpreted by the federal trade commission or such department, divi-  
36 sion, commission or agency or the federal courts.

37 (e) Nothing in this section shall apply to any television or radio  
38 broadcasting station or to any publisher or printer of a newspaper,  
39 magazine or other form of printed advertising, who broadcasts,  
40 publishes, or prints the advertisement.

41 (f) In connection with any proposed action or proceeding under this  
42 section, the attorney general is authorized to take proof and make a  
43 determination of the relevant facts, and to issue subpoenas in accord-  
44 ance with the civil practice law and rules.

45 (g) This section shall apply to all [~~deceptive~~] unfair, deceptive, or  
46 abusive acts or practices [~~declared to be unlawful~~], whether or not  
47 subject to any other law of this state, and shall not supersede, amend  
48 or repeal any other law of this state under which the attorney general  
49 or any other party is authorized to take any action or conduct any  
50 inquiry.

51 (h) In addition to the right of action granted to the attorney general  
52 pursuant to this section, any person who has been injured by reason of  
53 any [~~violation of~~] deceptive act or practice made unlawful by this  
54 section may bring an action in [~~his~~] such person's own name to enjoin  
55 such [~~unlawful~~] deceptive act or practice, an action to recover [~~his~~]  
56 such person's actual damages or fifty dollars, whichever is greater, or

1 both such actions. The court may, in its discretion, increase the award  
2 of damages to an amount not to exceed three times the actual damages up  
3 to one thousand dollars, if the court finds the defendant willfully or  
4 knowingly violated this section. The court may award reasonable attor-  
5 ney's fees to a prevailing plaintiff.

6 [~~j~~] (i) Notwithstanding any law to the contrary, all monies recov-  
7 ered or obtained under this article by a state agency or state official  
8 or employee acting in their official capacity shall be subject to subdivi-  
9 sion eleven of section four of the state finance law.

10 § 5. Severability. If any clause, sentence, paragraph, subdivision,  
11 section or part of this act shall be adjudged by any court of competent  
12 jurisdiction to be invalid, such judgment shall not affect, impair, or  
13 invalidate the remainder thereof, but shall be confined in its operation  
14 to the clause, sentence, paragraph, subdivision, section or part thereof  
15 directly involved in the controversy in which such judgment shall have  
16 been rendered. It is hereby declared to be the intent of the legislature  
17 that this act would have been enacted even if such invalid provisions  
18 had not been included herein.

19 § 6. This act shall take effect on the sixtieth day after it shall  
20 have become a law.