STATE OF NEW YORK

8682

IN SENATE

January 7, 2026

Introduced by Sen. GONZALEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the executive law, in relation to deceptive practices in spiritual or metaphysical services; and to repeal certain provisions of the penal law relating to fortune telling

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

Section 1. Section 165.35 of the penal law is REPEALED.

§ 2. The executive law is amended by adding a new section 63-e to read as follows:

§ 63-e. Actions by attorney general against deceptive practices in spiritual or metaphysical services. 1. For purposes of this section:

(a) "Spiritual, metaphysical, or divinatory services" means any service, practice, or communication involving tarot, astrology, palmistry, clairvoyance, mediumship, energy work, psychic readings, spiritual guidance, or any similar expressive or belief-based service.

(b) "Provider" means any person who offers or provides such services for a fee.

2. Nothing in this section shall be construed to regulate, restrict, or impair:

(a) expressive conduct or speech protected by the First Amendment or the Constitution of the state of New York;

(b) the practice, expression, or communication of spiritual, religious, cultural, or metaphysical beliefs; or

(c) the good-faith offering of such services.

3. A provider shall not, in the course of providing spiritual, metaphysical, or divinatory services:

(a) knowingly make materially false representations of fact for the purpose of obtaining money or property;

(b) use coercive, manipulative, or deceptive conduct to cause a person to pay money or transfer property;

(c) represent or imply that failure to pay money or property will result in physical injury, financial harm, or supernatural harm; or

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

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(d) hold themselves out as licensed or credentialed in a profession requiring licensure under state law when they are not so licensed.

4. The attorney general may investigate violations of this section and may bring an action in the name of the people of the state of New York to:

(a) obtain injunctive relief;

(b) secure restitution for injured persons;

(c) recover damages or disgorgement; and

(d) seek civil penalties not to exceed five thousand dollars per violation.

5. Any person injured by a violation of subdivision three of this section may bring an action in a court of competent jurisdiction to recover:

(a) actual damages or one thousand dollars, whichever is greater;

(b) reasonable attorneys' fees and costs;

(c) punitive damages where appropriate; and

(d) any other relief the court deems proper.

6. Nothing in this section shall:

(a) authorize criminal prosecution for the mere providing of spiritual, metaphysical, or divinatory services;

(b) be construed to deem the content of such services inherently deceptive or fraudulent; or

(c) restrict religious exercise or culturally rooted spiritual practices.

§ 3. Severability. If any provision of this article, or the application of such provision to any person or circumstance, shall be held invalid, illegal or unenforceable, the remainder of the article, and the application of such provision to persons or circumstances other than those as to which it is held invalid, illegal or unenforceable, shall not be affected thereby.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law and shall apply to acts and practices occurring on or after such date.