

# 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:

- 1 Section 1. Section 165.35 of the penal law is REPEALED.  
2 § 2. The executive law is amended by adding a new section 63-e to read  
3 as follows:  
4 § 63-e. Actions by attorney general against deceptive practices in  
5 spiritual or metaphysical services. 1. For purposes of this section:  
6 (a) "Spiritual, metaphysical, or divinatory services" means any  
7 service, practice, or communication involving tarot, astrology, palmis-  
8 try, clairvoyance, mediumship, energy work, psychic readings, spiritual  
9 guidance, or any similar expressive or belief-based service.  
10 (b) "Provider" means any person who offers or provides such services  
11 for a fee.  
12 2. Nothing in this section shall be construed to regulate, restrict,  
13 or impair:  
14 (a) expressive conduct or speech protected by the First Amendment or  
15 the Constitution of the state of New York;  
16 (b) the practice, expression, or communication of spiritual, reli-  
17 gious, cultural, or metaphysical beliefs; or  
18 (c) the good-faith offering of such services.  
19 3. A provider shall not, in the course of providing spiritual, meta-  
20 physical, or divinatory services:  
21 (a) knowingly make materially false representations of fact for the  
22 purpose of obtaining money or property;  
23 (b) use coercive, manipulative, or deceptive conduct to cause a person  
24 to pay money or transfer property;  
25 (c) represent or imply that failure to pay money or property will  
26 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.

LBD14244-01-5

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

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

6 (a) obtain injunctive relief;

7 (b) secure restitution for injured persons;

8 (c) recover damages or disgorgement; and

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

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

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

15 (b) reasonable attorneys' fees and costs;

16 (c) punitive damages where appropriate; and

17 (d) any other relief the court deems proper.

18 6. Nothing in this section shall:

19 (a) authorize criminal prosecution for the mere providing of spiritu-  
20 al, metaphysical, or divinatory services;

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

23 (c) restrict religious exercise or culturally rooted spiritual prac-  
24 tices.

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

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