STATE OF NEW YORK

9365

IN SENATE

March 5, 2026

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to requiring advertisements of a discounted price of a good or service have such price be actually discounted from a bona fide regular price

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

Section 1. Section 350-a of the general business law is amended by adding a new subdivision 5 to read as follows:

5. (a) For the purposes of this subdivision, the term:

(i) "discounted price" shall mean any price offered to consumers on a temporary or conditional basis which is a reduction in such price.

(ii) "bona fide regular price" shall mean an actual price at which the good or service was openly offered and available to be purchased at for a reasonably substantial period.

(b) (i) It shall constitute false advertising to display or announce, in print or broadcast advertising, that the price of a good or service is a discounted price unless such discounted price is a reduction in price when compared to the bona fide regular price of such good or service.

(ii) It shall constitute false advertising to display or announce, in print or broadcast advertising, the amount, in dollars or percent, a price of a good or service has been reduced to be a discounted price unless such amount is calculated based on the bona fide regular price of such good or service.

(iii) It shall constitute false advertising to display or announce, in print or broadcast advertising, the price of a good or service prior to being reduced to be a discounted price unless such price prior to being reduced is the bona fide regular price of such good or service.

(c) This subdivision shall not apply to any price advertised as part of a "clearance sale", "liquidation sale", "discontinued product sale", or any other advertising or designation by any other expression or characterization similar to any such terms.

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

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

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