

# STATE OF NEW YORK

9440

## IN SENATE

March 12, 2026

Introduced by Sen. COMRIE -- 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 enacting the do not disturb registry act

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "do not disturb registry act".

3 § 2. Legislative findings and purpose. The legislature hereby finds  
4 and declares that it is the policy of this state to ensure that its  
5 residents are not burdened or deceived by unsolicited commercial market-  
6 ing communications, including telemarketing calls, electronic mail,  
7 physical mail, text message, and facsimiles. The increase in unsolicited  
8 commercial marketing communications has heightened the risk of making  
9 residents of this state susceptible to deceptive practices, scams, and  
10 fraudulent schemes. Moreover, the receipt of such communications is also  
11 a nuisance to residents as such communications clutter their inboxes,  
12 fill their devices with unwanted messages, and consume their time and  
13 attention, thereby disrupting their daily lives and diminishing the  
14 privacy and peace they should be able to expect in their personal spac-  
15 es. Furthermore, the increase of such communications also has the  
16 effect of diminishing residents' trust in urgent communications. Final-  
17 ly, the existence of a statewide do not disturb registry may have the  
18 effect of lowering marketing costs to businesses, as businesses will be  
19 aware of consumers who have a lower likelihood of positively responding  
20 to their commercial marketing communications.

21 § 3. The general business law is amended by adding a new article 48 to  
22 read as follows:

### ARTICLE 48

#### DO NOT DISTURB REGISTRY

##### Section 1800. Definitions.

1801. Do not disturb registry.

1802. Unsolicited commercial marketing communications; when  
prohibited.

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

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1 1803. Investigations.

2 1804. Penalties.

3 1805. Effect on the statewide "do-not-call" registry.

4 1806. Rulemaking.

5 § 1800. Definitions. As used in this article, the following terms  
6 shall have the following meanings:

7 1. "Unsolicited commercial marketing communication" shall mean any  
8 telemarketing call, electronic mail, physical mail, text message or  
9 facsimile, the primary purpose of which is the commercial advertisement  
10 or promotion of a commercial product or service, including content on an  
11 internet website operated for a commercial purpose made by or on behalf  
12 of a covered person. This term shall not include communications that are  
13 sent as a result of a resident voluntarily opting in to receiving such  
14 communications. The inclusion of a reference to a commercial entity or a  
15 link to the website of a commercial entity does not, by itself, cause  
16 such communication to be treated as a commercial marketing communication  
17 for purposes of this section if the contents or circumstances of the  
18 communication indicate a primary purpose other than a commercial adver-  
19 tisement or promotion of a commercial product or service.

20 2. "Covered person" shall mean any natural person, association, part-  
21 nership, corporation and its affiliates or subsidiaries or other busi-  
22 ness entity that sent more than the threshold amounts for each form of  
23 communication in one of the previous five calendar years prior to the  
24 communication being made:

25 (a) five thousand unsolicited marketing communications made through  
26 physical mail;

27 (b) ten thousand unsolicited marketing communications made through  
28 electronic mail;

29 (c) one thousand unsolicited marketing communications made through  
30 facsimile; or

31 (d) one unsolicited marketing communication made through telemarketing  
32 call or text message.

33 3. "Department" shall mean the department of state.

34 4. "Secretary" shall mean the secretary of state.

35 5. "Consumer" shall mean any natural person who is a resident of this  
36 state and who is or may be required to pay for or to exchange consider-  
37 ation for goods and services.

38 6. "Doing business in this state" shall mean sending an unsolicited  
39 commercial marketing communication:

40 (a) from a location in this state; or

41 (b) from a location outside of this state to consumers residing in  
42 this state.

43 7. "Goods and services" shall mean any goods and services, and shall  
44 include any real property or tangible personal property or services of  
45 any kind.

46 § 1801. Do not disturb registry. The department is authorized to  
47 establish, manage, and maintain a statewide do not disturb registry  
48 which shall contain a list of residents who do not wish to receive unso-  
49 olicited commercial marketing communications. The department may contract  
50 with a private vendor to establish, manage and maintain such registry,  
51 provided that the contract shall require the vendor to provide the do  
52 not disturb registry in a format best designed to enable registrants to  
53 update their consumer marketing lists. Such registry may be designed to  
54 enable residents to select specific industries of which communications  
55 they would like to opt-out of. Such registry shall be designed to enable  
56 residents to register the following information that shall be linked to

1 their registration, provided however that a resident shall not be  
2 required to provide all such information:

- 3 1. telephone number;
- 4 2. facsimile number;
- 5 3. electronic mail address; and
- 6 4. home address.

7 § 1802. Unsolicited commercial marketing communications; when prohib-  
8 ited. No business shall make or cause to be made any unsolicited  
9 commercial marketing communication to any consumer when that consumer's  
10 information has been on the statewide do not disturb registry for a  
11 period of thirty-one days.

12 § 1803. Investigations. When the department has reason to believe a  
13 person has engaged in a single or repeated unlawful act or acts in  
14 violation of this article, the department may request in writing the  
15 production of relevant documents and records as part of its investi-  
16 gation. If the person upon whom such request was made fails to produce  
17 the documents or records within thirty days after the date of the  
18 request, the department may issue and serve subpoenas to compel the  
19 production of such documents and records. If any person shall refuse to  
20 comply with a subpoena issued under this section, the department may  
21 petition a court of competent jurisdiction to enforce the subpoena and  
22 such sanctions as the court may direct.

23 § 1804. Penalties. 1. Where it is determined after hearing that a  
24 covered person has violated a provision of this article the department  
25 shall assess a fine not to exceed one thousand five hundred dollars.

26 2. Any proceeding conducted pursuant to subdivision one of this  
27 section shall be subject to the state administrative procedure act.

28 3. Nothing in this section shall be construed to restrict any right  
29 which any person may have under any other statute or at common law.

30 4. A finding of a violation of any federal law related to the sending  
31 of unsolicited marketing communications shall not preclude any penalty  
32 pursuant to this section.

33 § 1805. Effect on the statewide "do-not-call" registry. The provisions  
34 of this article shall be construed to operate in addition to section  
35 three hundred ninety-nine-z of this chapter. No covered person shall be  
36 held liable for penalties related to section three hundred ninety-nine-z  
37 of this chapter and this article in relation to a violation related to  
38 telemarketing, as it is defined in section three hundred ninety-nine-z  
39 of this chapter.

40 § 1806. Rulemaking. The department shall promulgate rules and regu-  
41 lations to administer this article.

42 § 4. Severability. If any clause, sentence, paragraph or part of this  
43 act shall be adjudged by any court of competent jurisdiction to be  
44 invalid, such judgment shall not affect, impair or invalidate the  
45 remainder thereof, but shall be confined in its operation to the clause,  
46 sentence, paragraph or part thereof directly involved in the controversy  
47 in which such judgment shall have been rendered.

48 § 5. This act shall take effect one year after it shall have become a  
49 law.