

STATE OF NEW YORK

1558

2025-2026 Regular Sessions

IN ASSEMBLY

January 10, 2025

Introduced by M. of A. ROSENTHAL -- read once and referred to the
Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to requiring
retailers to post warning signs of the tracking of customers through
cell phones, cameras, or other electronic devices that use software to
track, monitor, and collect information on customers

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

1 Section 1. The general business law is amended by adding a new section
2 390-f to read as follows:

3 § 390-f. Posting of warning signs by retailers tracking customers
4 through cell phones, cameras, or other electronic devices that use soft-
5 ware to track, monitor, and collect information on customers. 1. Any
6 retailer that tracks a customer by use of the customer's cell phone, a
7 store-installed camera or any other electronic device while the customer
8 is in their establishment shall conspicuously post a warning sign at
9 each entrance indicating that such retailer performs such tracking. Such
10 warning sign shall also provide information for customers who wish to
11 opt out of the tracking and collection of data.

12 2. Any retailer that violates this section shall be subject to a civil
13 penalty of not more than one hundred dollars for the first violation,
14 not more than two hundred fifty dollars for the second violation, and
15 not more than five hundred dollars for each violation thereafter. The
16 provisions of subdivision one of this section may be enforced concur-
17 rently by the director of a municipal consumer affairs office, or by the
18 town attorney, city corporation counsel, or other lawful designee of a
19 municipality or local government, and all moneys collected thereunder
20 shall be retained by such municipality or local government.

21 3. The provisions of this section shall not apply to cameras and
22 other technology solely intended for video surveillance to ensure the
23 security of a store.

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

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1 4. For purposes of this section, the following terms shall have the
2 following meanings:

3 (a) "Electronic device" shall mean any cell phone as defined by para-
4 graph (b) of this subdivision, personal digital assistant, handheld
5 device with mobile data access, laptop computer, pager, broadband
6 personal communication device, two-way messaging device, electronic
7 game, or portable computing device, or any other electronic device when
8 used to input, write, send, receive, or read text for present or future
9 communication.

10 (b) "Cell phone" shall mean the device used by subscribers and other
11 users of wireless telephone service to access such service.

12 (c) "Wireless telephone service" shall mean two-way real time voice
13 telecommunications service that is interconnected to a public switched
14 telephone network and is provided by a commercial mobile radio service,
15 as such term is defined by 47 C.F.R. § 20.3.

16 (d) "Tracking" includes, but is not limited to, situations where
17 retailers track a person's movement throughout the establishment for
18 purposes of storing or selling such information pertaining to such
19 person. "Tracking" does not include the use of electronic devices that
20 are not unique to a particular person.

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