

# STATE OF NEW YORK

5902

2025-2026 Regular Sessions

## IN ASSEMBLY

February 24, 2025

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

AN ACT to amend the general business law, in relation to preventing the price gouging of water at places of entertainment

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

1 Section 1. The general business law is amended by adding a new section  
2 396-rrr to read as follows:

3 § 396-rrr. Price gouging; bottled water. 1. Definitions. For the  
4 purposes of this section, the following terms shall have the following  
5 meanings:

6 (a) "Commissioner" shall mean the commissioner of agriculture and  
7 markets.

8 (b) "Conscionably priced bottled or tap water" shall mean potable  
9 water in consumer sized packages or provided to the consumer in a  
10 consumer sized container provided at no cost to the consumer or which is  
11 for sale or offered for sale at a price of less than one dollar per  
12 sixteen and nine-tenths fluid ounces or five hundred milliliters of  
13 water.

14 (c) "Place of entertainment" shall mean a theatre, dinner theatre,  
15 hall, coliseum, convention center, arena, auditorium, stadium, concert  
16 hall, amusement park, garden, outdoor space or other place of amusement.

17 2. Any place of entertainment which sells or offers for sale any  
18 beverages shall also offer conscionably priced bottled or tap water,  
19 otherwise the price of all beverages sold or offered for sale by such  
20 place of entertainment shall be considered unconscionably excessive.

21 3. Upon a determination by the commissioner that a place of enter-  
22 tainment is selling or offering for sale beverages at prices considered  
23 unconscionably excessive under subdivision two of this section, the  
24 commissioner shall, by written notice, provide any such place of enter-  
25 tainment an opportunity to demonstrate that it was offering conscionably

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

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1 priced bottled or tap water. Any place of entertainment, so notified,  
2 who does not submit a written reply within three business days of the  
3 receipt of such notice, and who does not within such time satisfy the  
4 commissioner that it was offering conscionably priced bottled or tap  
5 water shall be identified in the commissioner's determination as a  
6 person apparently in violation of subdivision two of this section.  
7 Following such notice to and opportunity for such place of entertainment  
8 to respond, the commissioner shall forward their determination, in writ-  
9 ing, together with all supporting evidence, to the attorney general.

10 4. Where a determination and all supporting evidence have been  
11 forwarded from the commissioner, the attorney general may apply in the  
12 name of the people of the state of New York to the supreme court of the  
13 state of New York within the judicial district in which such violations  
14 are alleged to have occurred, on notice of five days, for an order  
15 enjoining or restraining commission or continuance of the alleged unlaw-  
16 ful acts. In any such proceeding, the court shall determine the total  
17 excessive charge for beverages sold and shall assess a civil penalty in  
18 the sum of the total excessive charge for beverages sold.

19 5. The commissioner shall promulgate all rules and regulations to  
20 effectuate the purposes of this section.

21 § 2. This act shall take effect on the first of January next succeed-  
22 ing the date on which it shall have become a law. Effective immediately,  
23 the addition, amendment and/or repeal of any rule or regulation neces-  
24 sary for the implementation of this act on its effective date are  
25 authorized to be made and completed on or before such effective date.