STATE OF NEW YORK

9152

2025-2026 Regular Sessions

IN ASSEMBLY

October 17, 2025

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

AN ACT to amend the general business law, in relation to prohibiting certain dynamic pricing practices

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

Section 1. Legislative findings and intent. The legislature hereby finds and declares that new technology allows companies to automatically change prices for essential goods and services in real time, using algorithms that respond to local conditions like weather, demand, time of day, and other factors. Research shows that these pricing systems can push prices higher than what a fair, competitive market would normally allow. Because these systems track consumer behavior and adjust prices instantly, they can make it harder for people, especially low-income New Yorkers, including SNAP recipients, to budget or shop around. As a result, many vulnerable consumers may find themselves forced to pay inflated prices simply because of the time that they decided to shop or the neighborhood that they live in. Worse, seniors who rely on public assistance transportation vehicles, like Access-a-Ride, will be unable to shop around for better prices, those who take public transportation will not have the ability to store their items in a vehicle while they shop elsewhere, and persons in neighborhoods which have just one grocery store will not have the ability to shop around for better prices.

This type of pricing also disrupts the traditional supply-and-demand model that has long helped keep markets fair and predictable. In a healthy market, prices generally reflect long-term changes in supply or consumer demand and adjust gradually. But with real-time pricing, companies can artificially raise prices during short-term events. This manipulation invariably breaks the natural balance between buyers and sellers and shifts the power heavily toward companies and away from consumers. The legislature finds that without oversight, companies that employ

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

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dynamic pricing practices will erode affordability for New Yorkers who already struggle to make ends meet and who do not have the ability to shop for better prices elsewhere.

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

§ 396-rrr. Certain dynamic pricing practices prohibited. 1. As used in this section, the following terms shall have the following meanings:

(a) "Essential goods and services" shall include: (i) consumer goods and services, bought or rendered primarily for personal, family or household purposes, (ii) essential medical supplies and services used for the care, cure mitigation, treatment or prevention of any illness or disease, and (iii) any other essential goods and services used to promote the health or welfare of the public, provided that this definition shall not be construed to include such goods and services described in subdivision five of this section. Where there is any doubt as to whether a product or service falls within this definition, a court shall use the definition provided in paragraph (d) of subdivision two of section three hundred ninety-six-r of this article to make such a determination.

(b) "Seller" shall mean any seller of essential goods or services, including third-party platforms which enable dynamic pricing, which sells essential goods or services to consumers within the state.

(c) "Dynamic pricing" shall mean any automated or algorithm-driven process by which the price charged for an essential good or service is adjusted on a real-time basis substantially in reference to any non-cost-based factor.

(d) "Non-cost-based factor" shall mean any factor used to set the price of essential goods or services that cannot reasonably be referenced to the cost of manufacturing or selling the essential goods or services. A court in determining whether a factor is cost-based shall consider the current and historic profitability of the essential goods or services and whether such profitability increased as a result of the dynamic pricing.

(e) "Specially manufactured goods" shall mean goods that are to be specially manufactured for the buyer and are not suitable for sale to others in the ordinary course of the seller's business.

(f) "Bona fide contract" shall mean a genuine, enforceable agreement entered into voluntarily and explicitly and in good faith by parties with relatively equal bargaining power, after a meaningful negotiation of terms.

2. No seller shall use dynamic pricing to set prices for such seller's essential goods and services.

3. This prohibition shall apply to all parties within the chain of distribution, including any manufacturer, supplier, wholesaler, distributor or retail seller of essential goods or services or both sold by one party to another when the product sold was located in the state prior to the sale.

4. A court's determination that a violation of this section has occurred shall be based solely on the fact that a price of an essential good or service has been dynamically adjusted, whether or not a consumer paid for such essential goods or services.

5. This section shall not apply to:

(a) specially manufactured goods;

(b) goods and services for which the price is calculated by reference to the amount of labor, materials, or work performed rather than by a standardized price;

(c) goods or services paid for as part of an auction in a competitive bidding process;

(d) goods or services paid for as part of a bona fide contract between two or more parties;

(e) financial and insurance products;

(f) professional services;

(g) innkeepers and common carriers; and

(h) prices adjusted due to a bona fide emergency.

6. Where a violation of this section is alleged to have occurred, the attorney general may apply in the name of the people of the state of New York to the supreme court of the state of New York within the judicial district in which such violation is alleged to have occurred, on notice of five days, for an order enjoining or restraining commission or continuance of the alleged unlawful act. In any such proceeding, the court shall impose a civil penalty in an amount not to exceed twenty-five thousand dollars per violation or three times the gross receipts for the relevant essential goods or services, whichever is greater and, where appropriate, order restitution to aggrieved parties.

7. The attorney general may promulgate such rules and regulations as are necessary to effectuate and enforce the provisions of this section.

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