STATE OF NEW YORK

9348

2025-2026 Regular Sessions

IN ASSEMBLY

December 15, 2025

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

AN ACT to amend the general business law, in relation to prohibiting online retailers from basing prices on certain criteria

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

Section 1. The general business law is amended by adding a new section 219 to read as follows:

§ 219. Online retailer pricing. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Coupon" shall mean any method by which a consumer receives a discount on the purchase of any item that is funded, produced, sponsored, promoted, or furnished, either directly or indirectly, by a business, including, but not limited to, a paper coupon, a digital coupon, or an instant redeemable coupon.

(b) "Discount" shall mean any reduction from the regular or advertised price offered to consumers on a temporary or conditional basis.

(c) "Hardware state" shall mean the condition or mode of existence of a system, component, or simulation, including, but not limited to, battery life, number of wireless connections detected, and age of the device, data that is erased when an online device is restarted or powered down, and data that is retained when an online device is restarted or powered down.

(d) "Online device" shall mean a physical object that has built-in resources that allow it to communicate through the internet or a short-range wireless technology and react to interface conditions, including, but not limited to, a laptop computer, a desktop computer, a tablet, a smartphone, or other smart hardware.

2. (a) A price offered to a consumer through such consumer's online device shall not be generated by any online retailer or retail mercan-

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

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tile establishment, in whole or in part, based on any of the following input data:

(i) The hardware or hardware state of such online device;

(ii) The presence or absence of any software on such online device; or

(iii) Geolocation data of the online device.

(b) Notwithstanding paragraph three of subdivision two of this section, the geolocation data of the online device may be used, and the consumer's location may be accounted for, to generate a price for the following reasons:

(i) To account for the differences in the costs or demands associated with providing a good or service to different consumers;

(ii) A surcharge based on the real-time demand for the product or service in the consumer's vicinity, if the product or service is provided immediately upon request; or

(iii) Pricing based on price variances at different physical locations, due to legitimate cost or demand differentials or state or local government taxes, duties, or other fees.

(c) This section shall not apply to any coupon that is separate from the price, any discount, or any other bona fide rebates, sales, or promotions that reduce the price of goods or services, that are available to the general public on the same terms, and do not incorporate input data as specified in paragraph (a) of this subdivision.

3. The duties and obligations pursuant to this section are cumulative with any other duties or obligations imposed under local, state, and federal law and shall not be construed to relieve any party from any duties or obligations imposed under any applicable laws.

§ 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.