

STATE OF NEW YORK

9444

IN ASSEMBLY

January 6, 2026

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

AN ACT to amend the general business law, in relation to the attorney general's ability to protect New Yorkers from unfair, deceptive and abusive business practices; and to repeal certain provisions of such law relating thereto

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

1 Section 1. Section 348 of the general business law, as added by a
2 chapter of the laws of 2025 amending the general business law relating
3 to enacting the "fostering affordability and integrity through reason-
4 able (FAIR) business practices act", as proposed in legislative bills
5 numbers S. 8416 and A. 8427-A, is REPEALED.

6 § 2. Paragraph (1) of subdivision (a) and subdivisions (c) and (h) of
7 section 349 of the general business law, as amended by a chapter of the
8 laws of 2025 amending the general business law relating to enacting the
9 "fostering affordability and integrity through reasonable (FAIR) busi-
10 ness practices act", as proposed in legislative bills numbers S. 8416
11 and A. 8427-A, are amended to read as follows:

12 (1) An act or practice is unfair when it causes or is likely to cause
13 substantial injury which is not reasonably avoidable and is not
14 outweighed by countervailing benefits to consumers or to competition.
15 The term "substantial injury" as used in this subdivision shall have the
16 same meaning as the term "substantial injury" in the federal trade
17 commission act, 15 U.S.C. Section 41 et seq. [~~provided that the~~
18 ~~substantial injury of a person or persons other than consumers shall~~
19 ~~also be deemed a "substantial injury" for purposes of this section.~~]

20 (c) Before commencing an action or proceeding pursuant to this
21 section, the attorney general shall be required to give the person
22 against whom such action or proceeding is contemplated notice by certi-
23 fied mail and an opportunity to show in writing within [~~five business~~
24 ten calendar days after receipt of notice why an action or proceeding
25 should not be instituted against such person, unless the attorney gener-
26 al shall find, in any case in which the attorney general seeks prelimi-

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

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1 nary relief, that to give such notice and opportunity is not in the
2 public interest.

3 (h) In addition to the right of action granted to the attorney general
4 pursuant to this section, any person who has been injured by reason of
5 any deceptive act or **deceptive** practice made unlawful by this section
6 may bring an action in such person's own name to enjoin such deceptive
7 act or **deceptive** practice, an action to recover such person's actual
8 damages or fifty dollars, whichever is greater, or both such actions.
9 The court may, in its discretion, increase the award of damages to an
10 amount not to exceed three times the actual damages up to one thousand
11 dollars, if the court finds the defendant willfully or knowingly
12 violated this section. The court may award reasonable attorney's fees to
13 a prevailing plaintiff.

14 § 3. Paragraph (3) of subdivision (b) of section 349 of the general
15 business law, as amended by a chapter of the laws of 2025 amending the
16 general business law relating to enacting the "fostering affordability
17 and integrity through reasonable (FAIR) business practices act", as
18 proposed in legislative bills numbers S. 8416 and A. 8427-A, is REPEALED.

19 § 4. This act shall take effect on the same date and in the same
20 manner as a chapter of the laws of 2025 amending the general business
21 law relating to enacting the "fostering affordability and integrity
22 through reasonable (FAIR) business practices act", as proposed in legis-
23 lative bills numbers S. 8416 and A. 8427-A, takes effect.