STATE OF NEW YORK

10570

IN SENATE

May 26, 2026

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to notifying people of recalled products

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 article 28-EE to read as follows:

ARTICLE 28-EE
RECALL NOTIFICATION

Section 490-aa. Definitions.
490-bb. Product recall requirements; commercial dealer.
490-cc. Product recall requirements; secretary of state.
490-dd. Enforcement.
490-ee. Promulgation of rules and regulations.

§ 490-aa. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "Department" means the department of state.

2. "Commercial dealer" means any person who is in the business of manufacturing, remanufacturing, retrofitting, distributing, importing, or selling at wholesale any product in New York state. This definition shall not be construed to include retailers, initial consumers, or secondhand dealers.

3. "Secretary" means the secretary of state.

4. "Initial consumer" means a person who purchases a product for any purpose other than resale.

5. "Secondhand dealer" means a person who sells as a primary source of income reconditioned, remanufactured, refurbished, previously owned, or consignment items. Such term shall not include the initial consumer or someone who purchases a product primarily for personal use but who subsequently sells the product.

6. "Person" means a natural person and any entity, including but not limited to a sole proprietorship, partnership, firm, corporation, limited liability company, or association, and any employee or agent thereof.

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

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7. "Recall" means a request to return a product to the manufacturer due to a defect in the product.

8. "Retailer" means any person who as a business or for-profit venture sells or leases products for-profit in New York to initial consumers. Such term shall not include: (a) someone who purchased or acquired a product primarily for personal use and who subsequently resells the product; or (b) any secondhand dealer.

9. "Knowledge" means: (a) the receipt of notice or having actual knowledge; or (b) the presumed having of knowledge deemed to be possessed by a reasonable person who acts in the circumstances, including knowledge obtainable upon the exercise of due care.

§ 490-bb. Product recall requirements; commercial dealer. 1. When a commercial dealer has made available or placed for sale in this state a product for which a recall has been issued, the commercial dealer shall, within twenty-four hours of issuing the recall, provide notification to the department of such recall.

2. All notices under this section shall include, in a clear and conspicuous fashion:

(a) a description of the product.

(b) the reason for the recall.

(c) a picture of the product, if available.

(d) instructions on how to return or exchange the recalled product.

(e) any other information the secretary shall require.

3. No notice under this section shall include sales or marketing information on that product or any other product other than return and exchange policies.

§ 490-cc. Product recall requirements; secretary of state. 1. The secretary shall:

(a) display on the homepage of the department's website a link to all products made available or placed for sale in this state for which a recall has been issued and for which the secretary has knowledge of such recall.

(b) provide a method for commercial dealers to give notice to the secretary, as required under section four hundred ninety-bb of this article, in a form prescribed and made available by the secretary.

2. Within seven days of receiving a notice from a commercial dealer of a recall, the secretary shall:

(a) update the department's website to include all information in the notice from the commercial dealer related to such recall.

(b) issue public service announcements to be distributed to television and radio stations and other media throughout the state informing the public of such recall. Such public service announcements shall be distributed in English and such other languages as the secretary deems appropriate.

§ 490-dd. Enforcement. 1. Where it is determined after a hearing that any person has violated one or more provisions of this article, the secretary may assess a civil penalty for each violation. Any proceeding conducted pursuant to this section shall be subject to the state administrative procedure act.

2. The department shall provide the attorney general any information on violations of this section that are necessary for the purposes of enforcement by the attorney general pursuant to section sixty-three of the executive law.

3. The secretary or their designee may administer oaths and take affidavits in relation to any matter or proceeding in the exercise of the powers and duties under this article. The secretary or their designee

may subpoena and require the attendance of witnesses and the production of books, papers, contracts and any other documents pertaining to any investigation or hearing conducted pursuant to this article.

4. If any person refuses to comply with a subpoena issued under this section, the department may petition a court of competent jurisdiction to enforce the subpoena and such sanctions as the court may direct.

5. Nothing in this section shall be construed to restrict any right which any person may have under any other statute or at common law.

§ 490-ee. Promulgation of rules and regulations. The secretary shall promulgate rules and regulations to administer this article.

§ 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.