STATE OF NEW YORK

4433--A

Cal. No. 322

2025-2026 Regular Sessions

IN SENATE

February 4, 2025

Introduced by Sens. SKOUFIS, FAHY, MAY, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the general business law, in relation to the disclosure of pricing changes for online grocery delivery and online pick-up services

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 38-C to read as follows:

ARTICLE 38-C

ONLINE SALE OF GROCERIES

Section 840. Definitions.

841. Disclosure of pricing policy.

§ 840. Definitions. As used in this article, the following terms shall have the following meanings:

(a) "Food retailer" shall mean a supermarket, grocery store or other retailer that operates on a self-service basis and sell a minimum percentage, as determined by the secretary of state, of produce, meat, poultry, seafood, baked goods and/or dairy products.

(b) "In store price" shall mean the price charged to the consumer for a particular product when purchased within the grocery store's physical store location.

(c) "Online price" shall mean the price charged to the consumer for a product purchased or ordered through any website, mobile application or other internet service.

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

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(d) "Third-party delivery platform" shall mean any website, mobile application or other internet service that offers or arranges the sale, purchase, delivery or pickup of any products from a grocery store or food retailer online.

§ 841. Disclosure of pricing policy. 1. Any food retailer, or third-party delivery platform shall clearly and conspicuously provide a pricing policy that discloses whether the online price of products is the same as the in store price, or if it is not the same. The disclosure shall indicate whether the online price is higher or lower than the in store price. For third-party delivery platforms, this disclosure shall use the prices most recently provided to it by the food retailer. If food retailers listed on a third-party delivery platform have different pricing policies, a third-party delivery platform may satisfy the requirements of this section by prominently including a pricing policy disclosure on the primary landing page for that food retailer. If a food retailer has a website, the third-party delivery platform must post a link to the website on their platform in a manner that is easily noticeable to the consumer.

2. In addition to any other penalties provided by law, a violation of the provisions of this section shall constitute an offense punishable by a fine of not more than one hundred dollars for the first offense and not more than two hundred fifty dollars for a second or each subsequent offense.

3. The secretary of state shall promulgate such rules and regulations as are necessary and appropriate to carry out the provisions of this section.

§ 2. This act shall take effect on the ninetieth day after 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.