

# NEW YORK STATE ASSEMBLY

Carl E. Heastie, Speaker  
Nily Rozic, Chair



## 2023 ANNUAL REPORT

COMMITTEE ON  
Consumer Affairs  
and Protection



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Consumer Affairs and Protection

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Corporations, Authorities, and Commissions  
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Rules  
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December 15, 2023

Honorable Carl E. Heastie  
Speaker of the Assembly  
State Capitol, Room 349  
Albany, New York 12248

Dear Speaker Heastie:

It is my pleasure to forward to you the 2023 Annual Report of the Assembly Standing Committee on Consumer Affairs and Protection.

The work accomplished during the 2023 Legislative Session reflects the Committee's dedication to and concern for consumers' basic rights, safety, and interests. This year, the Committee advanced legislation addressing a wide range of consumer protections. Several of these pieces of legislation involve important consumer issues such as protecting privacy of recipients of abortion services and communications, prohibiting price-gouging, ensuring product safety, and other protections for consumers.

During the upcoming legislative year, the Committee plans to continue to engage consumers, advocates, government agencies, and businesses in further dialogue as we explore innovative and effective ways to address the numerous consumer protection issues facing New Yorkers.

I would like to take this opportunity to thank the Committee members for their contributions to this past year's achievements. I would also like to express my appreciation for the assistance that the Committee received from the Committee staff in the course of our work.

Finally, Mr. Speaker, I commend you for your continued leadership and support of our legislative initiatives to better protect consumers across New York.

Sincerely,

A handwritten signature in black ink that reads "Nily Rozic".

Nily Rozic

**2023 ANNUAL REPORT  
OF THE  
NEW YORK STATE ASSEMBLY  
STANDING COMMITTEE ON CONSUMER AFFAIRS AND PROTECTION**

**Nily Rozic, CHAIR**

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Emily Vaculik, Associate Counsel  
Patrick Golden, Analyst  
Lisa Samarija, Committee Clerk  
Julia Todaro, Program and Counsel Secretary

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## **I. COMMITTEE RESPONSIBILITIES AND GOALS**

The Assembly Consumer Affairs and Protection Committee (“Committee”) is responsible for developing legislation to protect consumers’ rights and ensure the public’s ability to make informed choices in the marketplace. The Committee has jurisdiction over legislation that amends certain sections of the General Business Law, Personal Property Law, parts of the Agriculture and Markets Law, Education Law, Financial Services Law, and Public Health Law. The broad interests of the Committee reflect that today’s consumers need further protection from fraud, privacy encroachment, misinformation, or lack of information that is vital to their health, safety, and welfare.

To protect consumers’ rights and help them to make informed choices, the Committee works with consumer advocacy groups and state and federal agencies. At the state level, these agencies include the Department of State; the Department of Law; the Department of Financial Services; the Department of Education; the Department of Environmental Conservation; the Department of Health; and the Department of Agriculture and Markets. The federal government agencies with which the Committee works include the Federal Trade Commission (FTC); the Consumer Financial Protection Bureau (CFPB); the Food and Drug Administration (FDA); the Federal Communications Commission (FCC); the Consumer Product Safety Commission (CPSC); and the National Highway Traffic Safety Administration (NHTSA). The Committee also works with local agencies, such as the New York City Department of Consumer Affairs, local consumer affairs offices, numerous Better Business Bureaus, and bar associations throughout the State.

## **II. 2023 COMMITTEE ACCOMPLISHMENTS**

### **Increasing Food Allergy Awareness in Food Service Establishments and Online Food Ordering (A.1002, Rosenthal L)**

For those suffering with severe food allergies, dining out at a restaurant can be a risky experience. Restaurant personnel may not be properly trained in food allergy awareness, thus increasing the possibility of a dangerous reaction and potentially deadly anaphylaxis. To address this concern Chapter 623 of the Laws of 2022 was enacted to require the creation of a notice by the Department of Health containing information on food allergies to be posted in food service establishments, require the establishments to display this poster in an area accessible to all employees involved in the preparation and service of food and include a food allergy notice on their physical and on-line menus. In addition to the above enacted chapter, this chapter amendment requires the Department of Agriculture and Markets to create a similar notice for the food service establishments that it regulates, such as grocery stores. **(Chapter 75 of the Laws of 2023)**

### **Alerting Customers of Potential Gift Card Scams (A.1009, Paulin)**

Scamming individuals through the use of gift cards is a steadily growing practice and executed in various ways. Chapter 725 of the Laws of 2022 established that stores where gift cards are sold are required to post a notice alerting customers of how to protect themselves from gift card scams and encouraging them to alert law enforcement if they suspect such a scam has occurred. In addition to the above enacted chapter, this chapter amendment directs the Department of State to create and make accessible on its website a model notice for sellers to utilize to comply with this notice requirement. **(Chapter 47 of the Laws of 2023)**

### **Ensuring Consumers' Right to Repair Electronic Products (A.1285, Fahy)**

Until Chapter 810 of the Laws of 2022 took effect many original equipment manufacturers ("OEMs") of electronic devices and products unnecessarily limited availability of the means to repair such products withholding access to necessary documents, parts, and tools except to only themselves, employees, or OEM authorized repairers. Although sometimes done without malintent, this practice was unfair to consumers and capable independent repair providers (IRPs). Chapter 810 (2022) required OEMs to provide access to diagnostic & repair information, parts, and tools for owners and IRPs in those situations in which manufacturers needlessly control how consumers can make or obtain repairs for their electronic products.

The intent of this chapter amendment was to exempt certain OEM information-providing requirements in order to protect consumers from security risks and unsafe repairs which could lead to injury. This chapter also ensures that an OEM will never be required to divulge any trade secrets or license any intellectual property to device owners or IRPs. **(Chapter 48 of the Laws of 2023)**

### **Minimizing Chances that an Imitation Weapon is Mistaken for a Real Firearm (A.2209, Chandler-Waterman)**

Hundreds of crimes have been committed in New York City with toy guns that look too much like real ones, many of which have resulted in bodily injury and death. While state law that regulates the composition and appearance of an imitation weapon has been in place for several decades, such as imitation weapons that look like real modern guns and those strictly for use in theatrical production, the law was amended in 2022 to clarify and strengthen the definition of imitation weapon (Chapter 501 of the Laws of 2022). These changes ensured consistency with the New York City Administrative Code and reduced the chances that such a product could be available to the general public. In addition to Chapter 501 of the Laws of 2022, this chapter amendment provides necessary updates to the law to

clarify the specific requirements a toy gun must meet to be exempt from the definition of “imitation weapon,” further ensuring the effectiveness of such laws. (**Chapter 73 of the Laws of 2023**)

### **Protecting Consumers from Unknown Price Changes in their Contracts with Energy Service Providers (A703-A, Dinowitz)**

Current law already prohibits material changes from being made to the terms or duration of any contract for the provision of energy services by an Energy Service Company (“ESCO”) without express consumer consent. This chapter makes it clear that a change in price or a change from fixed or variable pricing is a material change to the customer contract and would require an ESCO to obtain that consumer’s consent. It also requires that an offer for renewal of a customer contract include a detailed price comparison changes from current to proposed contracts and disclose what the customer would pay if they were to alternatively receive energy supply from their public utility corporation. (**Chapter 482 of the Laws of 2023**)

### **Raising Fines for Violators of Telemarketing Restrictions (A.4456, Bores)**

The “Do Not Call Registry” has been an effective tool in curbing the number of unwanted calls households may receive from companies wishing to solicit information or business. However, there are increasing numbers of actors who are violating this law in the hopes of gaining business from unwitting participants. The penalty for such violations has remained the same since 2004. This chapter increases aims to further curb entities from violating the “Do Not Call Registry” by increasing the fine per violation from a maximum of \$11,000 to \$20,000, thereby encouraging greater compliance with the law. (**Chapter 365 of the Laws of 2023**)

### **Prohibiting Sales of Weight-Loss and Muscle-Building Dietary Supplements to Minors (A.5610-D, Rozić)**

Eating disorders are a serious public health problem affecting youth and adults of all races, ages, and genders. Diagnosis is based on a variety of criteria, including the presence of what clinicians call unhealthy weight control behaviors (UWCBs). One UWCB of particular concern is the use of pills or powders to lose weight or build muscle, which are often sold as dietary supplements. Although they are sold alongside multivitamins and other supplements largely regarded as safe, these products often contain unlisted and even illegal pharmaceutical ingredients that pose serious health risks.

Under the Dietary Supplement Health and Education Act of 1994 (DSHEA), the U.S. Food and Drug Administration (FDA) does not have the authority to require proof of safety or efficacy prior to the sale of these products. To protect persons under 18 years-of-age from the unclear risks of using weight-loss and muscle-building supplements, this chapter will prohibit the sale of products marketed as such to anyone under the age of 18 unless prescribed or ordered by a health care provider. Implementing age-based restrictions on the sale of these products will draw attention to the health risks of using these products and hopefully lead to reduced incidence of use among minors. (**Chapter 558 of the Laws of 2023**)

### **Restricting Suppression of Health Research on and Promotion of Electronic Cigarettes (A.5994-B, Darling)**

While electronic cigarettes (“e-cigarettes”) have been marketed as a means to quit the smoking of traditional combustible cigarettes and potentially other tobacco products, they have their own health impacts, and much research remains to be completed. When it comes to e-cigarettes, like similar products, research and its publication should not be suppressed and promotion of products with potentially negative health impacts should be restricted. This chapter restricts manufacturers from the suppression of research on the negative health impacts of e-cigarettes and promotion of e-cigarettes by branding, logos, gift-offers, and event-sponsorship. (**Chapter 566 of the Laws of 2023**)

### **Extending Certain Consumer Protections for Rental Vehicles (A.7401, Wallace)**

A law was enacted in 2018 that updated and modernized the administration of consumer vehicle rentals and enhanced consumer protections and was set to expire in 2023. This chapter extends these important protections for an additional 5 years until 2028. The protections include expanding the members of the household for whose use a rental vehicle is permitted; providing a means for the consumer to terminate certain vehicle protections; specifying the rights and obligations of the renter and rental vehicle company when a vehicle is "recovered or returned" during non-business hours; requiring the rental company to include certain costs on their website; and specifying disclosures the rental car company must make to customers regarding their rights and obligations. **(Chapter 163 of the Laws of 2023)**

### **Requiring Sellers to Clearly Post Prices of Credit Card Transactions (A.2672-B, Paulin)**

General Business Law §518 prohibits sales transactions that impose a surcharge on someone using a credit card in lieu of other payment methods. In the case *Expressions Hair Design v. Schneiderman*, 32 N.Y.3d 382 (2018) federal courts, including the Supreme Court, explored §518 to determine whether a merchant is compliant with the provisions of this section when they post the total amount charged to only credit customers. This chapter is meant to codify the court's findings to provide clarity on how businesses may apply a credit surcharge. It provides that businesses may only charge a surcharge on individuals electing to use a credit card if the seller displays prices in a two-tier system, one price displayed for cash and a different price inclusive of a surcharge for credit; or displays only the higher of the two prices, the credit price inclusive of the surcharge. The price charged to the customer is never permitted to be higher than the price displayed. **(Chapter 723 of the Laws of 2023)**

### **Requiring Businesses to Notify Customers of Upcoming Automatic Renewals (A. 3245-D, Paulin)**

As the popularity of subscription services continues to grow many businesses have adopted marketing practices that make it very convenient and appealing for consumers to sign up. However, these services often involve automatic renewal of the subscription, charging a user's account when their contract ends to extend the subscription for another period of service. With so many subscriptions, it can be difficult for consumers to know or remember when a subscription would come up for renewal; this chapter requires businesses to notify a subscriber when their automatic renewal is due, between 15 and 45 days prior to such renewal or charge. In addition, the notice must include instructions on how to cancel such renewal or charge. **(Chapter 728 of the Laws of 2023)**

### **Expanding Price Gouging Prohibition to Cover Medicines in Short Supply (A.5653-B, Reyes)**

This chapter specifically adds "drug shortage" as a cause of an "abnormal disruption of the market" for which a State of Emergency may be declared, and price gouging may be enforced. It further defines the term "drug shortage" as any drug or medical product intended for human use, that such drug or medical product is publicly reported as being subject to a shortage by the FDA. Expanding the protections afforded to individuals from price gouging, by specifically providing for protection from unscrupulous actors who would try to take advantage of a drug shortage for their own financial gain is important for safeguarding the well-being of New Yorkers during emergencies. **(Chapter 725 of the Laws of 2023)**

### **Prohibiting Collection of Medical Debt Records and their Inclusion in a Consumer Report (A6275-A, Paulin)**

Medical debt is a serious problem afflicting over 100 million Americans with even greater impacts on underserved, disadvantaged communities. Often this is due to a lack of payment for services, wherein health care providers or their collection entities send unpaid accounts to third-party credit reporting



agencies, which have little or no access to provider and insurance records, making it difficult for patients to either confirm or correct their debt records. Additionally, the Federal Consumer Financial Protection Bureau has found that medical debt is less predictive of a consumer's ability to pay future bills than any other tradeline appearing on consumer credit reports.

Medical debt has serious financial implications, traumatic health occurrences and insurance/coverage issues make it much more complex than most debt, consumers should be especially protected from it damaging their credit history. This chapter ensures that consumer credit is not impacted by medical debt to ensure New Yorkers' credit is not affected by their medical care. **(Chapter 727 of the Laws of 2023)**

#### **Permitting Public Utility Employees to Access Restrooms (A.6978, Wallace)**

While working out in the field, some utility workers may not have close availability of public restrooms. There have been reports that utility workers have been denied the use of business's restroom while working on the job because they were not paying customers. This chapter would require that businesses open to the public for sale of goods and services allow individuals who are on the premises to provide utility related service, to use a restroom at such business under certain circumstances. **(Chapter 660 of the Laws of 2023)**

#### **Requiring Registration for Unregulated Children's Camps in the State (A.1256-A, Zebrowski)**

Children's camps currently regulated by the State are required to register with the Department of Health and adhere to requirements related to protecting the health and safety of the children in their care. However, an alarming amount of children's camps in New York State are unregulated by any entity. In order to gain a better idea of how many of these unregulated camps are in existence throughout the state, this bill requires all unregulated children's camps to register annually with the Department of Health and provide information on the location of the camp and the number of children that attended the camp in the prior year. This bill takes a step forward in addressing the lack of oversight of children's day camps in the State. **(Passed Both Houses)**

#### **Requiring Notices to be Posted on Skimming (A.4023-A, Rozic)**

Thousands of low-income New Yorkers have been affected by benefit theft through Electronic Benefit Transfer (EBT) card skimming. EBT card skimming is when a bad actor obtains card information during EBT card transaction and unlawfully uses the money in a beneficiary's account. This bill seeks to protect personal consumer data by increasing consumers' and sellers' understanding of skimming and requiring sellers at points-of-sale to notify customers of potential skimming schemes. **(Passed Both Houses)**

#### **Prohibiting the Sale of Sodium Nitrate and Sodium Nitrite to Persons under 21 (A.6798, Lee)**

Sodium nitrate and nitrite are commonly used as food additives to process and preserve meats but can be poisonous if used improperly. Sadly, it is increasingly being used by teens and young adults as a tool for self-harm and suicide. This bill requires businesses offering sodium nitrate or nitrite for sale or distribution to require proof that the individual is at least 21 years of age to purchase the product. Restricting access to younger populations, as this bill does, could help prevent youth self-harm and suicide. **(Passed Both Houses)**

#### **Allowing Rental Vehicle Companies to Disclose Vehicle Cost Recovery Fees (A.4796-A, Magnarelli)**

New York law currently allows rental vehicle companies to pass along in their rental rates the costs they pay to title, register, inspect, and obtain license plates, but does not allow them to disclose what

they pay for these. This bill would allow the companies to state to its renters a “vehicle cost recovery fee” based on daily calculations of the actual costs they incur to title, register, inspect, and plate their rental vehicles. Enabling this disclosure will provide car renters with a better understanding of what they are paying and, for rental companies, the chance to show such costs that they incur in providing their services. **(Veto Memo 49)**

### **Mandating Transparency of Businesses that Provide Services to Fake Phone Numbers (A.61-A, Sayegh)**

Increasingly used new technology is allowing individuals to use digital applications and websites to make calls to other parties using fake caller ID numbers, which can lead some to accept a call based on a “spoof” (fake) phone number. This practice is unlawful and could have several negative consequences. The technologies used generally make the calls untraceable and therefore difficult or impossible to enforce such violations. This bill requires businesses, which provide for the spoofing of a telephone number, to keep a record of all the calls placed using its service including the phone number displayed on the caller ID, the phone number or internet address, and the time, date, and duration of the phone calls. **(Passed the Assembly).**

### **Prohibiting the Sale of Infant Walkers (A.325, Paulin)**

According to a study done by Pediatrics in 2018, 230,000 children under 15 months old were treated in U.S. emergency departments for skull fractures, concussions, broken bones and other injuries related to infant walkers from 1990 through 2014, with many doctors and medical groups calling for bans on the product. Despite additional safety requirements placed on manufactures in 2010 by the U.S. Consumer Product Safety Commission, there are still just over 2,000 injuries of children each year directly attributed to infant walkers. This bill would ban the sale of infant walkers in the state and restricts their use in certain settings such as a childcare facility, except when medically necessary. **(Passed the Assembly)**

### **Prohibiting Expiration Date Obstruction on Over-the-Counter Drugs (A.1010, Weprin)**

Current state law already prohibits retailers from knowingly obstructing, altering, mutilating or removing the label on an over-the-counter drug. This bill would expand that requirement to include cosmetics. As a result, retailers are prohibited from knowingly obstructing, altering, mutilating, or removing the label on any over the counter drug or cosmetic. **(Passed the Assembly)**

### **Prohibiting the Sale of Infant Loungers (A.1287, Paulin)**

The Consumer Product Safety Commission and the American Academy of Pediatrics (AAP) recently issued warnings stressing that infant loungers are not safe for babies when unsupervised, and their use has in fact been linked to a number of infant deaths as they pose a suffocation risk to infants. AAP and other advocates recommend that the safest way for babies to sleep is firmly and flat on their backs, and these infant loungers allow their heads to fall slightly forward when asleep, potentially causing airway compression. The risk of using infant loungers warrants the ban on their sale in New York. This bill bans the sale of infant loungers in the state and restricts their use in certain settings such as a childcare facility, except when medically necessary. **(Passed the Assembly)**

### **Requiring Mandatory Arbitration Clauses in Certain Consumer Contracts to be Printed in Large Font Type (A.2080, Dinowitz)**

Consumers are sometimes presented with a contract to sign for a product or service that contains a mandatory and, in many cases, non-negotiable arbitration clause. Signing a contract with such a clause can remove the consumer’s right to dispute a claim in a court of law and instead move any dispute

with the business to an arbitration proceeding. In many cases these mandatory arbitration clauses are buried in the fine print of contracts and go unnoticed by the average consumer.

Regulation of arbitration clauses in contracts is limited in the State of New York and therefore making consumers aware of the effects of signing an arbitration clause is important. By requiring that mandatory arbitration clauses in consumer contracts be printed in large font type, this bill addresses this concern by increasing the chance that the consumer would recognize the importance of understanding this clause before signing. **(Passed the Assembly)**

#### **Mandating that Retailers Issue Rainchecks on Advertised Sales (A.4620, Alvarez)**

Advertised sales are often utilized by retailers to attract consumers to stores in hopes that they will purchase not only the product on sale, but additional other items when they are in the store. The extreme of this is called a “bait and switch” when a retailer may purposely have only a few of the sale products, “sell out” quickly, but use the sale attraction to get consumers in the store to buy other items. Mandating that a retailer offer a raincheck to a consumer for such advertised but unavailable products would thwart this practice, which is what this bill does. **(Passed the Assembly)**

#### **Prohibiting Use of Consumers’ Voices Without their Consent (A.5468-A, Gunther)**

Some businesses use consumers’ voices without their consent in advertisements when their voices are recorded by voice recognition software on products that they own. This is a big concern for consumers’ privacy. This bill bans the practice of businesses being permitted to use a consumer’s voice in advertisements without consent when the voice is captured by a voice recognition feature. **(Passed the Assembly)**

#### **Prohibiting the Sale of Xylazine (A6506-A, Tapia)**

Xylazine is a drug currently used for sedation of horses and cattle but is more recently being categorized with other opioids such as cocaine, heroin, and fentanyl and being abused for recreational purposes. Unlike fentanyl and other dangerous drugs, the effects of which can be reversed with opioid antagonists like naloxone, xylazine is a tranquilizer with no equivalent reversal agent. While it is typically only able to be ordered and administered by licensed veterinary practices for use on animals, this bill explicitly prohibits businesses from selling xylazine. By further restricting access to this dangerous drug, this bill could save numerous lives of substance abusers. **(Passed the Assembly)**

#### **Requiring Motor Vehicle Dealers to Address Recalls (A.6549, Rajkumar)**

When new vehicles are bought or leased, manufacturers receive customer’s contact information and use it to notify them of their vehicles’ recalls. When original buyers sell or trade in their used vehicles, however, manufacturers often get no information on the subsequent owners and have no means of notifying them regarding safety recalls on their vehicles. This legislation would require used car dealers to search for recalls and, at a minimum, initiate repairs to satisfy any open recalls before the car is sold. This eases the consumer’s worry that a car they are purchasing may not be safe and helps to keep unsafe cars off the roads. **(Passed the Assembly)**

#### **Correcting Application of Telemarketing Prohibition During State of Emergencies (A.6680, Paulin)**

Chapter 680 of the laws of 2019 was enacted to prohibit telemarketing calls from being made to New Yorkers during a state of emergency (SOE) declared by the Governor. However, many SOEs occur for reasons that have no relation to telemarketing calls and allowing telemarketing calls during such

SOEs would not have any negative impacts. This bill limits this prohibition to only SOEs where it is determined that unsolicited telemarketing calls would impair actions taken to limit, control, or mitigate the emergency. **(Passed the Assembly)**

### **III. COMMITTEE-RELATED ENACTMENT IN FY 2023-24 BUDGET**

The Committee's involvement in enacting the State's FY 2023-24 budget resulted in several benefits for consumers:

Within the Department of State, the enacted budget provides an All Funds State Operations total appropriation of \$31.9 million for the Consumer Protection Program, an increase of \$1.3 million, or 4.2 percent above FY 2022-23 levels (State Operations bill; A.3000-D/S.4000-D). The enacted budget also included \$1.4 million appropriation for The Public Utility Law Project (PULP), an increase of \$50,000 above FY 2022-23 levels.

In addition, the enacted budget included Article VII Mental Health and Hygiene (HMH), part U, entitled Safeguard Abortion Access through Data Privacy Protections. This act prohibits any person or entity in the State from complying with reproductive health-related warrants issued by out-of-state law enforcement and restricts the use of geofencing to deliver location-targeted digital advertisements in or around health care facilities.



#### **IV. 2023 PUBLIC HEARING**

On May 25th, the New York State Assembly Standing Committee on Consumer Affairs and Protection and Committee on Banks held a public hearing to examine the transparency and security of the cryptocurrency industry. The primary goal was to identify potential improvements to governmental regulations and statute related to the protection of investors and consumers from fraudulent, deceptive, or abusive actors in the industry.

Recent growth in the popularity of and investment and trading in cryptocurrencies has raised concerns about their regulatory status and consumer security. In contrast to the traditional financial system, the cryptocurrency industry is largely unregulated. Events surrounding the industry have brought attention to transparency and safety issues as well as concerns regarding money laundering and illicit activity due to a lack of some safeguards that can be found in traditional financial systems but not currently in cryptocurrency. This hearing sought to obtain input on the security and transparency of the industry in New York State to determine ways of increasing consumer and investor protections.

The Committees heard vital testimony from the New York State Superintendent of the Department of Financial Services (DFS) and the Office of the Attorney General (OAG). In addition, the Committees heard testimony from Consumer Reports and other consumer advocates including Public Citizen and AARP. Industry representatives testifying included Tech: NYC, Elliptic, Global Blockchain Business Council, Bitcoin Association, and Crypto Council for Innovation.

Since June 2015 when DFS first issued virtual currency rulemaking under 23 NYCRR Part 200, through continued policymaking and departmental efforts New York State has proceeded in its development of the most comprehensive regulation of the cryptocurrency industry in the U.S. However, escalating changes in and activities of the industry's participants indicate the need to continue the robust development in oversight capacity. Testimony provided at the hearing addressed the status of the current regulatory framework, particularly in its bit-licensing operations, the tools and abilities that DFS has at its disposal, and the assessment of needs for the expansion of the ability of the DFS to oversee and enforce industry regulation.

The Attorney General's recent proposal of legislation titled the Crypto Regulation, Protection, Transparency, and Oversight Act (CRPTO Act), which would empower the Attorney General to crack down on predatory, exploitative, and criminal activity in the crypto space, provided much of the basis for witnesses to address their various assessments of the need and value of additional legislative provisions for industry oversight. The various testimonial perspectives have provided beneficial information for moving forward on the oversight of cryptocurrency activity and the important protection of consumers.

## **V. OUTLOOK AND GOALS FOR 2024**

The 2024 Legislative Session promises to present many challenges to the Consumer Affairs and Protection Committee.

As indicated by the Committee's involvement in this year's hearing on the topic, increasing protections of consumers and investors from possible cryptocurrency pitfalls has been and will continue to be an important focus of its efforts. Policymaking and work with and oversight of the means of regulation and provisions enforcement with the Attorney General and the Department of Financial Services will be important components of the Committee's efforts.

Protecting consumers' privacy will continue to be a primary concern for the Committee as increasing numbers of companies and governments will be obtaining, storing, sharing, selling, and suffering breaches of consumers' personal data. The Committee will work to protect consumers' data, inform consumers of breaches of confidential data in a timely manner, and provide redress and protection to consumers and their personal data and information.

The Committee is committed to defending consumers from fraudulent and predatory business practices and will continue to advance legislation that protects consumers' health, safety, and financial well-being while not unduly burdening businesses. Consumers deserve the peace of mind that their government is increasing protections from scams, requiring stringent health and safety standards for consumer products and services, and advocating for their best interests.

As in the past, the Committee will continue to address issues brought to its attention by legislators, the executive branch, staff, and all New Yorkers.

**APPENDIX A**

**2023 CHAPTERS**

Chapter 47	Paulin (A.1009)	Requires notice of potential scams when selling gift cards.
Chapter 48	Fahy (A.1285)	Requires original equipment manufacturers to provide diagnostic and repair information to consumers and independent repairers.
Chapter 73	Chandler-Waterman (A.2209)	Clarifies the definition of imitation weapons.
Chapter 75	Rosenthal L (A.1002)	Requires food allergy awareness in food establishments and online food ordering services.
Chapter 163	Wallace (A.7401)	Extends provisions of law relating to certain rental vehicle protections.
Chapter 365	Bores (A.4456)	Raises the maximum fine for persons who violate the law regulating telemarketing to twenty thousand dollars.
Chapter 482	Dinowitz (A.703-A)	Relates to changes in energy service pricing.
Chapter 558	Rozic (A.5610-D)	Prohibits the sale of over-the-counter diet pills or dietary supplements for weight loss or muscle building to people under 18 unless properly prescribed by a health care provider; exempts certain protein powders, protein drinks, and foods.
Chapter 566	Darling (A.5994-B)	Relates to research and restricting advertisement and promotion of electronic cigarettes.
Chapter 660	Wallace (A.6978)	Relates to permitting employees of public utilities access to certain restroom facilities without being a paying customer.
Chapter 723	Paulin (A.2672-B)	Requires sellers to clearly post the price of a credit card transaction.
Chapter 725	Reyes (A.5653-B)	Prohibits selling a drug subject to a shortage for an unconscionably excessive price.
Chapter 727	Paulin (A.6275-A)	Prohibits medical debt from being collected by a consumer reporting agency or included in a consumer report.
Chapter 728	Paulin (A.3245-D)	Requires businesses to notify consumers of an upcoming automatic renewal or continuous service charge.

**APPENDIX B**

**2023 BILLS THAT PASSED THE ASSEMBLY**  
**(excludes bills chaptered to date)**

A.61	Sayegh	Requires businesses which provide for someone to spoof a telephone number to keep certain records.
A.325	Paulin	Prohibits the sale of infant walkers and restricts the use of such infant walkers in certain settings.
A.1010	Weprin	Prohibits label obstruction of over-the-counter drugs.
A.1256-A	Zebrowski	Relates to non-regulated children's camps.
A.1287	Paulin	Prohibits the sale of infant loungers and restricts the use of such infant loungers in certain settings.
A.2080	Dinowitz	Requires mandatory arbitration clauses in certain consumer contracts to be printed in large font type.
A.4023-A	Rozic	Relates to requiring a notice to be posted regarding skimming.
A.4620	Alvarez	Mandates that any article of merchandise advertised, and not available throughout advertised period, must be supplied at advertised price by seller within sixty days from the date the purchaser of such article is notified of its availability.
A.4796-A	Magnarelli	Provides for an allowable disclosure of recovery by a rental vehicle company from its renters for actual costs incurred to title, register, plate and inspect rental vehicles as determined by an annual audit conducted by the rental vehicle company.
A.5468-A	Gunther	Relates to the use of voice recognition features on certain products.
A.6506-A	Tapia	Prohibits the sale of xylazine.
A.6549	Rajkumar	Requires motor vehicle dealers to search for recalls and make certain repairs prior to selling a used motor vehicle.
A.6680	Paulin	Prohibits unsolicited telemarketing sales calls during certain declared states of emergency.
A.6798	Lee	Prohibits the sale of sodium nitrate and sodium nitrite to any person under twenty-one.

**APPENDIX C**

**2023 BILLS REPORTED BY THE COMMITTEE**  
**(but not passed by the Assembly)**

A.43-C	Rosenthal L	Requires labeling of ingredients on packages or boxes of diapers.
A.779-B	Dinowitz	Prohibits the use of consumer credit history in hiring, employment, and licensing determinations.
A.1057-C	Vanel	Relates to how online dating services handle fraudulent members; requires certain disclosures.
A.1309-A	Rosenthal L	Establishes a right of action for claims arising out of coerced debts.
A.1480-A	Carroll	Prohibits consumer reporting agencies and lenders from using late payments of cashless tolls to determine credit worthiness.
A.2118	Dinowitz	Requires private arbitration organizations to publish information relating to arbitrations; prohibits financial conflicts of interest.
A.3499-A	Carroll	Requires automobile brokers to provide requires in notices and recordkeeping; makes related provisions.
A.4064-A	Gallagher	Requires restaurants and persons authorized to sell alcoholic beverages to have tangible menus available upon request.
A.4076-B	Paulin	Requires bicycles advertised for sale or resale in the state to have an identifying serial number posted in any advertisement for such bicycle.
A.4667-A	Dinowitz	Provides that health clubs must accept cancellation of a member contract within 24 hours of the member requesting cancellation.
A.4717-B	Epstein	Requires consumer reporting agencies contact consumers when requests are made for their consumer reports.
A.5367-A	Lucas	Directs department of state and public service commission to study utilities' disclosure to credit reporting agencies of late payments.
A.5517	Rozić	Safeguards abortion access through data privacy protection; prohibits compliance with warranties; bans geofencing at health care sites.
A.7138	Weinstein	Enacts the "Consumer and Small Business Protection Act"; relates to standing for persons affected by prohibited or unlawful business practices; expands prohibited acts to include unfair, deceptive, or abusive acts.
A.7423-A	Rozić	Enacts the New York privacy act to require companies to disclose their methods of de-identifying personal information, to place special safeguards around data sharing and to allow consumers to obtain the names of all entities with whom their information is shared.



**APPENDIX D**

**2023 SUMMARY OF ACTION ON ALL BILLS REFERRED TO THE ASSEMBLY  
COMMITTEE ON CONSUMER AFFAIRS AND PROTECTION**

**TOTAL NUMBER OF COMMITTEE MEETINGS HELD: 6**

	<b>Assembly Bills</b>	<b>Senate Bills</b>	<b>Total Bills</b>
<b>Bills Reported Favorable to:</b>			
Codes	24	0	24
Judiciary	0	0	0
Ways and Means	1	0	1
Rules	12	0	12
Floor	5	0	5
<b>TOTAL</b>	<b>42</b>	<b>0</b>	<b>42</b>
<b>Committee Action</b>			
Held for Consideration	1	0	1
Defeated	0	0	0
Enacting Clause Stricken	2	0	2
<b>Remaining in Committee</b>	<b>151</b>	<b>181</b>	<b>169</b>
<b>Bills Reference Changed to:</b>			
Corporations, Authorities, and Commissions	4	0	4
Ways and Means	1	0	1
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>5</b>