



COMMITTEE ON  
Consumer Affairs & Protection

2019 ANNUAL REPORT

NEW YORK STATE ASSEMBLY



CARL E. HEASTIE, *Speaker*

MICHAEL G. DENDEKKER, *Chair*



THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

COMMITTEES  
Aging  
Alcoholism & Drug Abuse  
Governmental Employees  
Labor

MICHAEL G. DENDEKKER  
Assemblymember 34<sup>th</sup> District

CHAIR  
Consumer Affairs & Protection

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

December 15, 2019

Dear Speaker Heastie:

It is my pleasure to forward to you the 2019 Annual Report of the Assembly Standing Committee on Consumer Affairs and Protection.

The work accomplished during the 2019 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 issues. Several of these pieces of legislation have been enacted into law, including bills prohibiting pricing based on gender, strengthening New York's data breach notification laws, and regulating voice recognition features in internet-connected devices.

During the upcoming 2020 legislative year, the Committee plans to build upon the foundations established during the 2019 year by continuing to engage consumers, advocates, government agencies, and businesses in a dialogue as we explore innovative and effective ways to address the consumer protection issues facing our residents.

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 New York State consumers.

Sincerely,

Michael DenDekker, Chair

**2019 ANNUAL REPORT**  
**OF THE**  
**NEW YORK STATE ASSEMBLY**  
**STANDING COMMITTEE ON CONSUMER AFFAIRS AND PROTECTION**

**Michael DenDekker, CHAIR**

**MAJORITY**

Peter J. Abbate, Jr.  
Dan Quart  
David Buchwald  
Jo Anne Simon  
Erik Dilan  
Rebecca Seawright  
Nily Rozic  
Yuh-Line Niou  
Stacey Pheffer Amato  
Jaime Williams  
Charles Fall

**MINORITY**

John Mikulin (*Ranking  
Minority Member*)  
David G. McDonough  
Daniel Stec  
Chris Tague

**COMMITTEE STAFF**

Aaron Suggs, Assistant Secretary for Program and Policy  
Daniel Gordon, Analyst  
Teri Kleinmann, Associate Counsel  
Benjamin Piccolo-Evans, Committee Assistant  
Anthony Jenouri, Committee Clerk  
Dawn Fowler, Program and Counsel Secretary

**Table of Contents**

**I. COMMITTEE RESPONSIBILITIES AND GOALS .....1**

**II. 2019 COMMITTEE ACCOMPLISHMENTS.....2**

**A. Protecting Personal Privacy .....2**

**B. Addressing Data Security Breaches.....3**

**C. Improving Business Practices .....3**

**D. Protecting Consumer Health and Safety .....7**

**III. HEARINGS AND ROUNDTABLES .....10**

**IV. OUTLOOK AND GOALS FOR 2020 .....11**

**APPENDIX A (CHAPTERS OF 2019) .....12**

**APPENDIX B (2019 BILLS PASSED BY THE ASSEMBLY) .....14**

**APPENDIX C (2019 SUMMARY OF ACTION ON ALL BILLS) .....16**

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

The Assembly Consumer Affairs and Protection Committee (the “Committee”) is responsible for developing legislation to protect consumers’ rights and ensure the public’s ability to make informed choices in the marketplace. Generally, 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 and Education Law. The broad interests of the Committee reflect the fact that today’s consumers can be victims of fraud, misinformation, or lack of information that is vital to their health, safety, and welfare in many facets of life.

To protect consumers’ rights and help them to make informed choices, the Committee works with consumer 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.

In addition, the Committee works to help consumers through the development of legislation under the jurisdiction of other Assembly standing committees. Such committees include the Committees on Banks; Transportation; Corporations, Authorities, and Commissions; Economic Development, Job Creation, Commerce and Industry; Agriculture; and Insurance.

## II. 2019 COMMITTEE ACCOMPLISHMENTS

### Protecting Personal Privacy

Protecting the privacy of consumer data has become an even more critical mission for government throughout the past decade, as consumers' personal information is increasingly shared with financial institutions, consumer reporting agencies, health care entities, employers, utilities, internet service providers, social media companies, advertisers, marketers, and many others.

The Committee continues to pursue and advance legislation that will protect consumers' personal information and prohibit companies from distributing such information without consumers' consent.

#### **Prohibiting the Sale of Consumer Employment Information (A.431, Braunstein)**

There have been instances of consumer credit reporting agencies selling employment records, including detailed health insurance and payroll information, to third parties such as debt collectors and other financial service corporations. Often this happens without the employees' knowledge or consent.

This bill would prohibit the sale of consumer data and employment information without express written consent. **(Passed the Assembly)**

#### **Regulating Voice Recognition Features in Internet-Connected Devices (A.2078-A, Gunther)**

There have been many instances of consumers' voices being recorded by various internet-connected devices such as cell phones, smart TVs, personal assistant devices, children's toys, and other devices equipped with voice recognition software, and then sold or used in advertisements or promotional materials without the consumers' consent.

This bill would protect consumers' privacy by prohibiting this practice and requiring products employing voice recognition software to prominently inform the consumer that their voice may be recorded and stored. **(Chapter 246 of 2019)**

#### **Prohibiting Lenders and Consumer Reporting Agencies from Considering Consumers' Social Network in Determining Credit Worthiness (A.5294, Crespo)**

A consumer's credit score is one of the most crucial metrics by which he or she is judged in many important situations. In addition to determining the credit worthiness of a consumer when applying for loans or lines of credit, consumer credit scores are also used by some employers to screen potential employees, by landlords in housing determinations, and even by certain graduate schools for students applying for degrees.

Certain representatives of consumer lending institutions have discussed taking a consumer's social network history into consideration when determining their credit score. This bill would prohibit lenders and consumer reporting agencies from invading a consumer's privacy by engaging in such practices. **(Signed Chapter 540 of 2019)**

## **Addressing Data Security Breaches**

Over the course of the past few years, many large organizations and companies have suffered from large-scale security breaches that resulted in millions of consumers' personal information and data being compromised. Such a massive breach of security poses problems for consumers for years to come, and the exposure of consumers' personal information could lead to identity theft and make them targets for scams and other fraudulent conduct.

The Committee reported several bills during the 2019 legislative session that were aimed at lessening the impact of data breaches on consumers, providing consumers whose personal information has been breached with increased protections, and strengthening New York's security breach notification laws.

### **Requiring Free Identity Theft Prevention/Mitigation Services after a Data Breach (A.2374, Dinowitz)**

This bill would require consumer reporting agencies that suffer data breaches to offer identity theft prevention and mitigation services for no charge for a period of up to five years after the breach. The bill would provide significant benefits and remediation to consumers in the event that their personal information is compromised by a data breach. Consumers should not bear the cost of protecting themselves from identity theft due to the lax data security practices of a credit reporting agency. **(Chapter 115 of 2019)**

### **Strengthening New York's Data Breach Notification Laws (A.5635-B, DenDekker)**

Article 39-F of New York's General Business Law currently requires notification to the public and to affected consumers directly in the event that consumers' personal data is breached. This bill updates Article 39-F to require notification to consumers if their biometric data (such as a fingerprint or a retina scan) is compromised. Additionally, the bill adds new data security requirements for all businesses which own or license computerized data which includes the private information of a New York State resident. Such businesses would be required to develop reasonable technical, physical, and administrative safeguards, appropriate to the size and complexity of the business, in order to protect consumers' private information from unauthorized access or acquisition.

The bill would take strong steps toward requiring a reasonable statewide data security standard, and ensure that businesses and government entities take more steps to protect consumers' private information. **(Chapter 117 of 2019)**

## **Improving Business Practices**

The Committee considers it a top priority to protect consumers from fraudulent, unfair, predatory, and coercive business practices, and to ensure that consumers are clearly informed of their rights and responsibilities when entering into contracts for goods or services. The Committee will continue to advance legislation to accomplish these goals, and to fight for the rights of consumers across the state.

### **Prohibiting Businesses from Pricing on the Basis of Gender (A.629, Rozic)**

A recent study by the New York City Department of Consumer Affairs found that on average, products for women cost seven percent more than similar products for men. The results of the study indicate that women spend significantly more money over the course of their lifetimes due to discriminatory pricing practices on products marketed towards women. It is inherently unfair to charge more for a product simply because it is a different color or it is marketed towards women, even though the materials are the same as those produced for men and does not cost the business any more to produce. This bill would curtail this practice by prohibiting businesses from charging a different price for substantially similar products which share the same brand, same functional components, and ninety percent of the same materials or ingredients. **(Passed the Assembly)**

#### **Large Print Format Availability for Written Communication from Debt Collectors. (A.711, Niou)**

Consumers already have the option to receive various pieces of correspondence in large-print format, such as from utility companies. This bill would extend that option to consumers receiving correspondence from creditors and/or debt collectors. This bill would help elderly consumers and other consumers who are visually impaired and would allow them the option of receiving all further communication in a larger print format. **(Passed the Assembly)**

#### **Creating the State Office of the Utility Consumer Advocate (A.1966, Dinowitz)**

More than 40 states have an independent state agency that represents the interests of residential utility customers. New York is one of a few states, and by far the largest, without such an independent office. States that have implemented these agencies have secured substantial savings on utility costs for consumers. For example, in California, it is estimated that for every \$1 spent representing and advocating on behalf of public utility customers in 2012, consumers saved an average of \$153 per year.

This bill would create the State Office of the Utility Consumer Advocate to serve as an independent advocate and appear on behalf of New York residential utility consumers in state and federal regulatory proceedings, as well as in judicial review proceedings concerning rates and conditions of public service utilities. **(Passed Both Houses)**

#### **Requiring That a Motor Vehicle Lessee Not Be Liable for Early Termination Fees Caused by He or She Being Deceased (Gunther, A.2078)**

In many lease contracts, an early termination fee is included to ensure that the consumer will continue to use the product or service until the contract expires. In some cases, these companies have charged early termination fees to accounts cancelled prior to the expiration of the contract due to the customer's death. The fees that are assessed are often placed on family members who then become responsible for paying off these debts even though they were not the ones who entered into the contract. Previous legislation was signed into law that outlawed this practice for other services such as, telephone, cellular telephone, television, internet, energy, and water service providers. However, motor vehicle leases were not covered by that law.

This bill prohibits any motor vehicle lessee from being liable for any early termination fees that are incurred due to their death. This provides relief for families of deceased lessees from being burdened with having to pay off these early termination fees. (**Chapter 246 of 2019**)

### **Nuisance Call Act (A.2224 Paulin)**

Almost every resident of the State of New York deals with unwanted telemarketing calls on a daily basis. In 2001, the New York State Do Not Call Law took effect allowing consumers to place their landline and mobile telephone numbers in a central national do not call registry to reduce the number of prerecorded telemarketing calls they receive. However, this protection did not include live telemarketing calls and therefore there is a loophole that needs to be closed.

This bill would require live telemarketers or sellers to inform the customer of an entity-specific do not call list and offer the customer the opportunity to be added to that list, and to end the call immediately. In addition, it would require the express written agreement from a consumer before a telemarketer or seller can transmit, share, or otherwise make available any customer's contact information. This would be an important step towards decreasing unwanted nuisance calls that New Yorkers receive on a daily basis. (**Chapter 572 of 2019**)

### **Unauthorized Changes to Gas or Electric Services ("Slamming") (A.3245-A, Dinowitz)**

There have been reported instances of consumers being forced to accept changes to their natural gas and electrical service of which they have not been apprised. This type of change is commonly known as "slamming." Slamming is the practice of changing a utility provider without a consumer's express consent. While there are some consumer protections relating to energy services companies, or ESCOs, which include instances of "slamming," such non-consumer-friendly practices would only be considered a "deceptive act and practice" which carries little force and deterrence.

This bill would prohibit any supplier of gas or electric service or any person, firm or corporation, from acting as such supplier's agent or representative, on behalf of a customer, from making or directing any change in a supplier of gas or electric service unless such supplier, agent, or representative complies with the requirements to authorize and verify such change. This bill would also outline the procedures and penalties for violating this legislation. (**Signed Chapter 537 of 2019**)

### **Increasing Penalties for Unlawful Delivery of Unordered Goods (A.3318 Zebrowski)**

In order to boost sales, some companies have been known to ship unordered goods to consumers and then demand payment unless the goods are returned at the consumer's expense. This marketing technique is restricted under state and federal law that provides that consumers who receive unordered goods may treat the merchandise as a free gift that does not have to be returned. Despite these existing protections, consumers continue to report instances in which they received unordered goods.

Currently, New York's unordered goods statute authorizes the Attorney General to seek an injunction to restrain the sending of additional unsolicited goods. This bill would further authorize the Attorney General or any person adversely affected by a violation to bring an action

against an alleged violator to recover the greater of actual damages or up to \$500 for each instance in which goods were sent in violation. **(Passed the Assembly)**

### **Labeling of Electric-Assisted Bicycles (A.4990, Seawright)**

Although electric bicycles are allowed to be sold in New York State, the Vehicle and Traffic Law deems them to be “motor vehicles” and technically prohibits their operation without license plates and registration which is not a feasible alternative at the current time. As operation of a motor vehicle is illegal on a public sidewalk, electric bicycles are currently in a legal gray area that makes it unclear whether they are allowed to be operated on roads or sidewalks.

Unless the Vehicle and Traffic Law is changed to regulate electric bicycles in a different manner, consumers should be warned of the potential illegality of operating such vehicles. This bill would require electric bicycles offered for sale to come with a warning label advising consumers to check their state and local laws before purchasing such a vehicle. **(Passed the Assembly)**

### **Motor Vehicle Dealers Repairing Recalled Vehicles Before Sales (A.5194, DenDekker)**

When people sell or trade in their vehicle to dealers or third parties, the manufacturer often has no way of notifying the person or entity that has possession of the vehicle of safety recalls that may occur. This legislation would require used car dealers to search for recalls and make necessary repairs to satisfy any open recalls before the car is sold. This would ease the consumers worry that a car they are purchasing may not be safe, and would help to keep unsafe cars off of the roads. **(Passed the Assembly)**

### **Written Notification Regarding Home Oil Heating Conversions (A.6193-A, Lavine)**

There have been cases where oil companies have incorrectly pumped oil into a home that was previously heated by oil knowing the home had undergone a conversion to an alternate heating source, filling the basement with hundreds of gallons of fuel oil. Oil spills of this nature not only cause damage to homes but also the surrounding land, water and vegetation.

This bill would require any utility company, gas corporation, electric corporation or home improvement contractor who is performing the conversion from oil to another form of home heating to provide the home owner a written notification of the conversion. In addition, the homeowner is required to reach out to the oil supplier with written notification of the change in order to stop any future deliveries of oil. **(Passed Both Houses)**

### **Liability Disclosure for Motor Vehicle Lessee (A.6748-A, Buchwald)**

Under current New York law, there is no requirement for a clear and separate disclosure of the financial obligations of a motor vehicle lessee if the car suffers a total loss or is rendered inoperable. This bill would require that the full terms and conditions of the lessee's financial responsibilities be provided by a car lessor in the event the car is declared a total loss or rendered inoperable during the term of the lease. This is a great consumer protection that ensures that consumers of New York are fully aware of their rights and responsibilities under a motor vehicle lease. **(Signed Chapter 607 of 2019)**

## **Home Improvement Contract Protections (A.7531, Buttenschon)**

There have been reported instances of bad actors, posing as contractors, taking advantage of homeowners who have fallen victim to a disaster during the time when they need help and guidance the most. It is important that consumers who have become victims of a natural disaster be able to repair their homes in a safe and affordable manner.

This bill would amend the General Business Law relating to home improvement contractors by requiring contractors to include information about their insurance coverage in contracts for service. The bill would also ban contractors from dealing with a consumer's insurance company on behalf of the consumer without the consumer's knowledge, and amend the rules contractors must follow when a consumer wishes to cancel a contract. The bill would ban contractors from requiring owners to provide a deposit for the work and materials to begin a project, prohibit them from limiting payment types, and ban contractors from abandoning a project or altering project plans without the owner's consent. Finally, the bill would require that home improvement contractors operating a business in a municipality that does not have existing insurance requirements have a minimum standardized amount of damage and worker's compensation insurance. **(Signed Chapter 550 of 2019)**

## **Financial Liability and Disclosure for Funeral Homes (A.7777, Gottfried)**

Consumers who choose to pre-pay their funeral and burial expenses to give themselves and their family comfort and peace of mind at the time of their passing should expect nothing less than to know that their moneys are being administered by a preneed administrator (funeral trust) that is meeting the most current set of best financial practices to ensure full disclosure and accountability about the entity's handling of these funds.

This bill would set forth a series of financial requirements, including an annual audit by a certified public accountant, to ensure that all preneed administrators equally meet these standards. This legislation will help protect consumers in ensuring that their specially-designated preneed funeral funds are fully accounted for, safely held, and protected. **(Passed the Assembly)**

## **Protecting Consumer Health and Safety**

The Committee has continually taken steps to ensure that consumer products are safe to use, do not pose a danger to consumers, and inform consumers of potential risks when using a product or service. The Committee will continue to advance legislation which will protect consumers from harm, require manufacturers and sellers of consumer products to take appropriate measures to preserve consumer safety, and warn consumers of potential risks so they can make informed choices regarding their purchases and activities.

## **Increased Disclosure on Labeling of Menstrual Products (A.164-B, Rosenthal)**

Before the passing of this legislation, there did not exist a requirement to list the ingredients of menstrual products on the package of such products. Women have a right to know what is in the products that they are using, especially since some woman can suffer from certain allergies or toxic shock syndrome from the chemicals that are in some of these products.

This bill would require that every box or package containing menstrual products in New York State list the intentionally-added ingredients in order of predominance. Labeling of tampon packages would serve to protect the public and allow consumers to make informed decisions regarding the purchase of menstrual products. **(Chapter 362 of 2019)**

### **Informed Choice Regarding Non-Regulated Children's Camps (A.2029, Abinanti)**

Parents and guardians who enroll their children in camp programs may not be aware that not all camps are required to obtain a permit from the New York State Department of Health (DoH) and therefore are not subject to its regulations. Children's day camps which are either single-purpose camps based around one activity, or camps which focus on passive activities with no significant risk of injury, are not required to be inspected, to check their employees against the sex offender registry, to maintain minimum staffing ratios, to hire medical personnel, or to report injuries to DoH.

This bill would require such camps to provide notice of their non-regulated status on application and enrollment forms, on their websites, and at campsites. This information will help make parents and guardians aware that they may want to obtain additional information about a non-regulated camp in order to make an informed decision about enrolling their child in such a camp. **(Chapter 103 of 2019)**

### **Prohibiting the Sale of Crib Bumper Pads and Restricting their Use in Certain Settings (A.217-A, Paulin)**

Both the American Academy of Pediatrics and the American Sudden Infant Death Syndrome institute have issued warnings regarding the dangers of crib bumper pads and have urged parents not to use them. Bumper pads pose a risk of death or serious injury because babies can get caught in the fabric and suffocate. According to data from the Consumer Product Safety Commission, from 1985-2012, 48 babies have died as a result of having bumper pads in their cribs, along with another reported 146 babies that have suffered significant injury.

This bill would prohibit the sale of non-permeable crib bumper pads and restrict their use in certain settings such as child care facilities across the state. Alternative permeable crib bumper pads are now on the market and are a much safer alternative to the older style pads that can cause suffocation. This legislation removes any confusion regarding the safety of the non-permeable pads and removes a product from the market that has caused injury and death to infants. **(Chapter 165 of 2019)**

### **Department of State Study Regarding Safety Standards at Baseball Stadiums (A.362, Paulin)**

According to an NBC News investigation, from 2012-2019 there were at least 808 reports of injuries to fans from baseballs filed across Major League Baseball. With two major league teams and six minor league teams that play in stadiums with greater than 5,000 seats in New York, it is important that the State examines the potential dangers that may exist for fans.

This bill would require the Department of State to study safety standards at baseball stadiums of greater than 5,000 capacity to determine whether or not the protective netting currently in use at baseball stadiums is sufficient to protect spectators during baseball games. While all professional

stadiums currently have some netting in place, this study will be able to identify if more should be done in order to protect the fans from batted balls. **(Passed the Assembly)**

### **Tip Restraint Devices for Clothing Storage Furniture (A.4421-B, Zebrowski)**

According to the Consumer Product Safety Commission, there were 195 fatalities between 2000 and 2016, and 65,200 injuries between 2006 and 2016 related to furniture tipping over. These tragedies often involve young children, as over 86% of reported deaths were under the age of 18, and a majority of those were under the age of 6.

This bill would require retailers of certain furniture with a particular risk of tipping over to maintain in stock and offer for sale tip restraint devices compatible with such furniture. The bill would also require such retailers to post a notice warning of the dangers of furniture tipping and the efficacy of tip restraint devices. The bill would encourage consumers to purchase and install these inexpensive, yet potentially lifesaving devices, and would help protect our youngest and most vulnerable residents. **(Chapter 163 of 2019)**

### **Warning Labels for Decorative Lighting Products Containing Lead (A.5147-A, Galef)**

Several independent studies have shown that certain decorative and seasonal holiday lights can contain more than 30 times the levels of lead permitted to be contained in children's products. Exposure to lead has repeatedly been proven to cause serious health problems, especially involving the brain, central nervous system, heart, and kidneys. Excessive lead exposure can cause depression and infertility and can slow developmental growth.

Lead exposure is particularly harmful to young children who are prone to increased exposure due to their curiosity and their penchant to put non-food items in their mouths. Parents should be made aware of the risk that some decorative holiday lights can pose to their families. This bill would require such products to come with a warning label. **(Passed the Assembly)**

### **Requiring Persons Offering Weight Loss Services to Provide Notice of Risks (A.6884, Cook)**

Products and services designed to induce rapid weight loss can often be unreliable, ineffective, and unsafe. Expert dieticians consistently recommend making long-term adjustments to diet and exercise regimens as a healthier alternative to programs promising rapid weight loss through nutritional supplements, crash diets, or other methods. Consumers should be made aware of the risks of rapid weight loss programs prior to spending money on expensive diet programs in order to make an informed choice as to the programs' effectiveness.

This bill would require anyone selling or offering weight loss services or products in New York State to provide prospective customers written information on the health risks of rapid weight loss, as well as informational resources to help educate consumers on supplements and programs before enrolling. **(Passed the Assembly)**

### **III. HEARINGS AND ROUNDTABLES**

#### **Public Hearing on Robocalls, Spoofing, and Nuisance Calls**

On September 6, 2019, Assembly Standing Committee on Consumer Affairs and Protection joined with the Assembly Standing Committee on Corporations to gain insight on the telemarketing industry and to determine whether further legislative action is necessary to guard New Yorkers from the overwhelming amount of nuisance calls.

According to data collected from YouMail, a robocall management company that tracks the volume of robocalls, there were over 150 million robocalls placed per day for the month of September 2019. While the annoyance and burden of unwanted spoofing and robocalls continues to affect phone consumers, various initiatives are proceeding in an effort to minimize these nuisances. In August 2019, New York State Attorney General Letitia James announced that a coalition of Attorneys General from all 50 states and the District of Columbia would be partnering with telecommunications corporations to develop guidelines to make it easier to prosecute those responsible for deceptive acts and practices regarding spoofing and robocalls. While some steps have been taken to help consumers receive fewer nuisance robocalls, this hearing was designed to get feedback from the industry and agency officials to examine what further legislative action may be advisable.

The Committees received a significant amount of useful and pertinent testimony regarding this industry, and will continue to monitor issues related to robocalls in the future and take all necessary and appropriate steps to protect New York's consumers from these unwanted and annoying nuisance calls.

#### **IV. OUTLOOK AND GOALS FOR 2020**

The 2020 Legislative Session promises to present many challenges to the Consumer Affairs and Protection Committee.

Protecting consumers' privacy will continue to be a primary concern for the Committee as major companies and governments continue to suffer breaches of consumers' personal data, and more and more devices are connected to the internet. The Committee will work to protect consumers' data, inform consumers of breaches of confidential data in a timely manner, and provide redress and additional protection to consumers who have been harmed by a breach of their private information.

The Committee is also 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. In addition, the Committee will look to further address the growing concern regarding robocalls and nuisance calls in order to protect the consumer from the burden of dealing with these calls on a daily basis. Consumers deserve the peace of mind that comes with the knowledge that their government is protecting them from scams, requiring stringent safety standards for consumer products, 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 the people of the State of New York.

**APPENDIX A**

**CHAPTERS OF 2019**

Chapter 103	Abinanti	Relates to notices pertaining to children's non-regulated camp
Chapter 115	Dinowitz	Relates to requiring a consumer credit reporting agency to offer identity theft prevention and mitigation services in the case of a breach of security of such agency's system
Chapter 117	DenDekker	Relates to a notification of a security breach
Chapter 163	Zebrowski	Enacts "Harper's Law" requiring tip restraint devices on certain furniture
Chapter 165	Paulin	Relates to prohibiting the sale of crib bumper pads and the restriction of the use of such pads in certain settings
Chapter 246	Gunther	Relates to early termination of motor vehicle lease contracts
Chapter 362	Rosenthal	Relates to menstrual product labeling
Chapter 537	Dinowitz	Prohibits the unauthorized change of natural gas or electric service
Chapter 540	Crespo	Prohibits a consumer reporting agency or lender from using certain information to determine an individual's credit worthiness
Chapter 550	Buttenschon	Relates to home improvement contract provisions

Chapter 572	Paulin	Enacts the nuisance call act
Chapter 607	Buchwald	Relates to the disclosure of liability of a motor vehicle lessee in the case of a total loss or the vehicle is rendered inoperable

**APPENDIX B**

**2019 BILLS PASSED BY THE ASSEMBLY**

A.117-A	Buchwald	Prohibits telemarketers from knowingly placing unsolicited telemarketing sales calls during a state of emergency or disaster emergency
A.164-B	Rosenthal	Relates to menstrual product labeling
A.217-A	Paulin	Prohibits the sales of crib bumper pads and restricts the use of such pads in certain settings
A.362	Paulin	Directs the Department of State to study, evaluate, and make recommendations concerning safety standards at baseball stadiums
A.431	Braunstein	Bans the sale of employment data reports without written consumer consent
A.629-A	Rozic	Prohibits any business from charging a price for goods of a substantially similar or like kind on the basis of a person's gender
A.711	Niou	Requires debt collectors to inform debtors in each initial communication that written communications are available in large print format
A.1966	Dinowitz	Creates the state Office of Utility Consumer Advocate to represent interests of residential utility customers
A.2029	Abinanti	Relates to notices pertaining to children's non-regulated camps
A.2078-A	Gunther	Requires that a retail lessee shall not be liable for charges for the early termination of a retail lease agreement of a motor vehicle if he or she has died before the end of such lease
A.2224	Paulin	Enacts the nuisance call act
A.2374	Dinowitz	Relates to requiring a consumer credit reporting agency to offer identity theft prevention and mitigation services in the case of a breach of the security of such agency's system
A.5294	Crespo	Prohibits a consumer reporting agency or lender from using certain information to determine an individual's credit worthiness
A.3245-A	Dinowitz	Prohibits the unauthorized change of a natural gas or electric service provider
A.3318	Zebrowski	Authorizes the Attorney General to bring an action for violation of the prohibitions concerning unlawful selling

		practices and specifies damages awardable
A.4421-B	Zebrowski	Enacts “Harper’s Law” requiring tip restrain devices on certain furniture
A.4990	Seawright	Relates to labeling requirements for electric assisted bicycles
A.5147	Galef	Relates to the manufacture and sale of seasonal and decorative lighting products containing lead
A.5194	DenDekker	Requires motor vehicles dealers to search for recalls and make certain repairs prior to selling a used motor vehicle
A.5294	Crespo	Prohibits a consumer reporting agency or lender from using certain information to determine an individual’s credit worthiness
A.5306	Gunther	Relates to the use of voice recognition feature on certain products
A.5635-B	DenDekker	Relates to notification of a security breach
A.6748-A	Buchwald	Relates to the disclosure of liability of a motor vehicle lessee in the case of a total loss or the vehicle is rendered inoperable
A.6884	Cook	Requires persons offering weight loss services to provide notice of certain weight loss and dieting information
A.7531	Buttenschon	Relates to home improvement contract provisions
A.7777	Gottfried	Relates to financial liability and disclosure for funeral homes

APPENDIX C

2019 SUMMARY OF ACTION ON ALL BILLS REFERRED TO  
THE ASSEMBLY COMMITTEE ON CONSUMER AFFAIRS AND PROTECTION

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

ASSEMBLY      SENATE      TOTAL  
BILLS            BILLS            BILLS

**BILLS REPORTED FAVORABLE TO:**

Codes	29	0	29
Judiciary	0	0	0
Ways and Means	3	0	3
Rules	5	0	5
Floor	0	0	0
<b>TOTAL</b>	<b>37</b>	<b>0</b>	<b>37</b>

**COMMITTEE ACTION**

Held For Consideration	0	0	0
Defeated	0	0	0
Enacting Clause Stricken	0	0	6
<b>REMAINING IN COMMITTEE</b>	<b>182</b>	<b>14</b>	<b>196</b>

**BILLS REFERENCE CHANGED TO:**

**Codes                    1**  
**Ways and Means 1**

<b>TOTAL</b>	<b>2</b>	<b>0</b>	<b>2</b>
--------------	----------	----------	----------