

Dear Friend,

I am pleased to write to you with an update from the Assembly Committee on Consumer Affairs and Protection. The governor has signed into law a number of pieces of consumer affairs committee legislation passed by the Assembly and the Senate. These new laws will help to stop children and teenagers under the age of 18 from buying dangerous drugs that are being abused for recreational purposes, as well as help to ensure that consumers know they're not buying counterfeit goods from unscrupulous merchants.

In this newsletter, you will find a recent legislative update from the Committee's work during this year's legislative session, as well as news about hearings sponsored by the Committee that further analyzed pending legislation. Hearings like these are often helpful to my colleagues and I in order to gain a better understanding of legislation that handles a more controversial topic, such as the consumer's right to know about what is in their food.

Last but certainly not least, please enjoy some helpful information as the holidays rapidly approach. The holidays are a time where we go out and spend some of our hard-earned money on our loved ones. The information included will help to inform you on some of your rights as a consumer, as well as some safety tips to ensure you know what is safe to buy for your children.



I wish you all a happy holiday and a wonderful and healthy new year!

Sincerely,

A handwritten signature in black ink that reads "Jeffrey Dinowitz". The signature is fluid and cursive.

Jeffrey Dinowitz  
Chairman  
Committee on Consumer Affairs and Protection

## Important Contacts

### NYS Department of State, Division of Consumer Protection

One Commerce Plaza  
99 Washington Ave.  
Albany, New York 12231  
1-800-697-1220

[www.dos.ny.gov/consumerprotection](http://www.dos.ny.gov/consumerprotection)

*The Division of Consumer Protection provides direct assistance and intervention to resolve marketplace complaints, mitigate the consequences of identity theft and frauds, and advocate for greater consumer rights and remedies under New York State law.*

### NYS Attorney General

The Capitol  
Albany, New York 12224  
1-800-771-7755

[www.ag.ny.gov](http://www.ag.ny.gov)

*The Attorney General offers a mediation service if it is believed it might assist in resolving disputes, particularly for patterns of complaints involving the same company or for new and unique issues. Otherwise, the Attorney General's office will direct consumers to the appropriate agency.*

### Federal Trade Commission

600 Pennsylvania Ave. NW  
Washington, DC 20580  
1-877-382-4357

[www.ftc.gov](http://www.ftc.gov)

*The Federal Trade Commission's Bureau of Consumer Protection is the nation's consumer protection agency that works to prevent fraud, deception, and unfair business practices in the marketplace by enforcing federal consumer protection laws.*

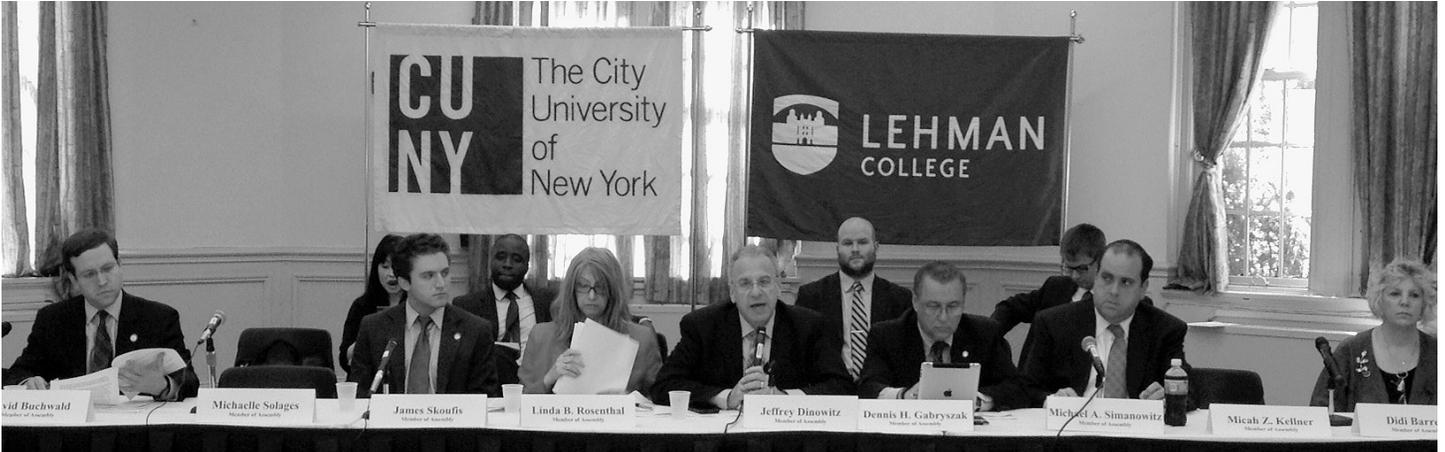
### Consumer Financial Protection Bureau

P.O. Box 4503  
Iowa City, Iowa 52244  
1-855-411-2372

[www.consumerfinance.gov](http://www.consumerfinance.gov)

*The Consumer Financial Protection Bureau is the newest federal consumer protection agency to improve the fairness of markets for consumer financial products and services, whether consumers are applying for a mortgage, choosing among credit cards, or using any number of other consumer financial products.*

## Hearing on the Use of Biotechnology in Foods and Its Effects on Consumers



**Committee Chairman Jeffrey Dinowitz chaired the recent committee hearing on GMOs which was held at Lehman College in the Bronx. Pictured are Assemblymembers David Buchwald, James Skoufis, Linda Rosenthal, Jeffrey Dinowitz, Dennis Gabryszak, Michael Simanowitz, and Didi Barrett.**

In recent years, a consumer's ability to know if the food he or she eats contains genetically modified organisms (GMOs) has become a growing focus of discussion. On July 30, 2013, the Committee held a public hearing to examine the impact and legality of state labeling requirements for foods containing GMOs, as proposed by A.3525-A (Rosenthal), and the effects the bill would have if it became law. Members of the Committee heard testimony from consumer and food advocate groups, traditional and organic farmers, and representatives from retail and biotechnology advocates.

Over 150 people attended the hearing. Those who testified in favor of a state-labeling requirement for foods containing GMOs argued that there should be mandatory labels to provide consumers with a better understanding of the foods they purchase. Michael Hansen, a Senior Scientist at Consumers Union, referenced published studies and the virtual lack of independent safety testing on GMO crops, due to

intellectual property right protection, as support for requiring labels on GMO food products so consumers and their doctors can identify any problems that may occur. Several witnesses, however, testified against the mandatory labeling requirement. They focused on the lack of any scientific, peer-reviewed studies indicating any harm and the fact that no government agency has conclusively identified the existence of harmful effects. The Committee will take all of the witnesses' testimonies into consideration for this upcoming legislative session.

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## Legislative Accomplishments

### **A.460-A (Dinowitz)**

This new law conforms New York's existing crib safety law to recently enacted federal rules regarding the sale and use of cribs. The bill would prohibit the use of an unsafe crib in any child care facility or place of public accommodation.  
(Chapter 381 of the Laws of 2013)

### **A.933-B (Jaffee)**

This new law prohibits the sale of any product containing the active ingredient dextromethorphan (DXM) to persons under age 18. While DXM has long been a safe, over-the-counter medicine, recently an increasing number of teens have been abusing DXM because of its easy accessibility. Abuse of DXM causes serious side effects and possible death.  
(Chapter 357 of the Laws of 2013)

### **A.1011-A (Dinowitz)**

This new law prohibits the distribution or sale of novelty lighters that have features that are attractive to children, including musical sounds, toy-like designs, and flashing lights. The law provides strong penalty and enforcement provisions, including granting law enforcement and state fire prevention investigators the ability to seize lighters offered for sale in violation of the law.  
(Chapter 359 of the Laws of 2013)

### **A.6378-B (Dinowitz)**

This new law will prohibit any person from knowingly making, distributing, selling, or installing a counterfeit or non-functional airbag in a vehicle. These fraudulent airbags do not perform to the standard of the original manufacturer's equipment and can result in non-deployment or the discharge of other, non-lifesaving materials.  
(Chapter 201 of the Laws of 2013)

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## Consumer Tips for the Holiday Season

The holiday season is here once again, and that means shoppers will fill the stores, fireplaces and festive lights will be lit, and heating systems will be turned up to guard against cold winter nights. While you go about your holiday activities, keep the following tips in mind so that you and your loved ones may enjoy a safe and warm holiday season.

### Toy Shopping Tips

Before heading out to the stores, it is a good idea to familiarize yourself with the latest toy recalls by visiting the Consumer Product Safety Commission's (CPSC) product recall site at: <http://www.recalls.gov/> or by calling 1-800-638-CPSC. Once at the store, be sure to purchase toys that are appropriate for the age of the child (most manufacturers include age guidelines on packages), and be aware of the top five toy hazards identified by the CPSC, namely scooters and other riding toys, small balls and other toys with small parts, balloons, magnets and toys with chargers and adapters. Also, be sure to discard any plastic wrappings from toys before they become dangerous playthings. Lastly, when shopping for infants and toddlers, avoid toys with removable parts or cords.

### Holiday Safety

During the holiday season, a crackling fire, decorative candles, and illuminated decorations can bring a festive mood to any household. However, these seasonal amenities can pose a fire hazard. Fortunately, there are steps you can take to protect your family. If you plan to use your fireplace, woodstove, or candles in the coming weeks, keep the following safety tips in mind: be sure to have your chimney inspected and cleaned by a certified specialist annually; always keep the area around your fireplace, woodstove, or candles free of flammable materials, and never leave a fire unattended; only use holiday lights that have been tested for safety by a nationally recognized testing laboratory, and make sure that any lights used outside are certified for outdoor use, check holiday lights for damaged wires and avoid using more than three sets of lights per extension cord; lastly, make sure to keep live holiday trees watered and place the tree away from fireplaces, vents and radiators.

### Winterize Your Home

Home heating season is upon us, and homeowners are looking for ways to reduce their heating costs. There are steps you can take to winterize your home that can save money and increase your personal comfort. First, consider having your furnace checked by a professional to ensure that it is working efficiently. Be sure to replace the furnace filter regularly and according to the manual, and consider installing a programmable thermostat that allows you to regulate the temperature of your house when you are not home. Lastly, consider caulking and weather-stripping doors and windows, which can help lower your bill by trapping heat in your home and keeping cold winter drafts at bay.

### Heat Regulations for Tenants

By law, tenants in a multiple dwelling or multiple residence (i.e., a building with three or more apartments) must be provided with heat and hot water as follows:

**Heat:** From October 1 through May 31 – Between 6 a.m. and 10 p.m. heat must register 68 degrees Fahrenheit when the outside temperature falls below 55 degrees Fahrenheit. Between 10 p.m. and 6 a.m., heat must register 55 degrees Fahrenheit when the outside temperature falls below 40 degrees Fahrenheit.

**Hot Water:** 24 hours a day – every day of the year. Hot water must register at or above a constant temperature of 120 degrees Fahrenheit at the tap.

The NYS Division of Housing and Community Renewal (DHCR) is authorized to reduce the rent of any rent-stabilized or rent-controlled apartment when these required heat and hot water services are not maintained. Tenants should file an Application for Rent Reduction for Failure to Provide and Maintain Heat and/or Hot Water Service with the DHCR if the landlord does not provide proper heat or hot water. This form is available here: <http://www.nyshcr.org/Forms/Rent/HHW1.pdf>

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## Wi-Fi “Hot Spot” Privacy

Many consumers will give and receive Internet-ready devices, such as tablets, laptops, and smartphones, this holiday season. Before using the Internet capabilities of your new device in a coffee shop or public space, be aware that some wireless Internet connections, also known as “hot spots,” may not be entirely secure. In some instances, thieves may be able to view and steal personal information, such as credit card numbers and passwords, from wireless Internet users connected to an unsecured network. Fortunately, several measures can be taken to protect your security when connected to a hot spot.

First, it is important to determine if a hot spot is secure. You should assume that networks not requiring a password are not secure. Networks that require a password may be secure, but the level of protection may vary based on the type of encryption employed. Experts recommend that consumers use

networks with Wi-Fi Protected Access encryption (i.e., WPA or WPA2) and avoid any network that does not provide this level of protection. If you need to use an unsecured or less secure network, avoid entering sensitive personal information, such as bank or credit card account information, sending personal e-mails, or posting information to social networking sites while connected to the network. If you simply wish to shield your screen from prying eyes, consider buying a notebook privacy filter, which makes it impossible to read a laptop screen from an angle.

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## New Year's Resolutions: How to Avoid Scams and Have a Productive Year

As the door closes on 2013, many people will open 2014 with New Year's resolutions. Common personal promises like obtaining an academic degree and joining a gym will echo throughout the nation. If you resolve to make 2014 the year you go back to school or join your local gym and get into shape, it is important to be aware of potential scams and know your rights.

### For-Profit Colleges and Universities

If you are planning to go back to school next year and are considering for-profit institutions, be aware that several reports have raised significant concerns about the business practices and academic standards of some of these colleges and universities. As with any big decision, it is important that you research and shop around to find a suitable degree program. Most importantly, make sure that the institution you are considering is accredited, since employers or other colleges generally do not recognize unaccredited degrees. The United States Department of Education maintains a database of postsecondary schools that have been accredited by approved agencies, which is available at: <http://ope.ed.gov/accreditation/>.

Watch out for "diploma mills," which are unaccredited schools that pose as legitimate colleges and offer extremely short and inexpensive degree programs or claim to grant degrees based mainly on life

experience. Be sure to explore all your options and compare prices of similar programs at other institutions. Many community colleges offer the same programs as for-profit schools, but at a fraction of the cost.

### Gym Memberships: Shop Around and Know the Law to Protect Your Rights

If you have decided to join a gym, take your time and consider all your options before signing a contract. It is a good idea to call or visit at least three health gyms to ensure that you select a gym that will best meet your needs. For comparison purposes, you should learn about a gym's dues and when they must be paid, the hours of operation, the type of classes offered, and the training and expertise of the staff. Be sure to ask if the gym offers trial periods or free passes so that you can try it without having a long-term obligation.

Under New York's Health Club Services Act, gym contracts cannot exceed \$3,600 per year or be effective for more than thirty-six months. Under the Act, you can cancel a contract within three days of signing it, or cancel at any time, if the health club ceases to offer the services stated in the contract, or if you move twenty-five miles from any gym operated by the gym with which you signed a contract.

2013 Legislative Update from the New York State Assembly

## Committee on Consumer Affairs and Protection

Sheldon Silver, Speaker • Jeffrey Dinowitz, Chair



To update or remove your name from the committee mailing list, email [committeemailinglist@assembly.state.ny.us](mailto:committeemailinglist@assembly.state.ny.us). Please include the committee name in the subject line and provide the name and address as it appears on the mailing label in addition to any changes you would like made.

## Committee on Consumer Affairs and Protection

Assemblyman Jeffrey Dinowitz, Chair