

New York State Assembly

Annual 2024 Report

Committee on
Consumer Affairs & Protection



Speaker Carl E. Heastie
Nily Rozic, Chair

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Consumer Affairs and Protection

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December 15, 2024

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

Dear Speaker Heastie:

It is my pleasure to present the 2024 Annual Report of the Assembly Standing Committee on Consumer Affairs and Protection.

The work accomplished during the 2024 Legislative Session reflects the Committee's dedication to consumers' rights, safety, and interests. This year, the Committee advanced legislation addressing a wide range of issues affecting consumers, such as providing information and protections for lithium-ion batteries used in micromobility devices, prohibiting collection of medical debt records for use in a consumer credit report, requiring social media platforms to meet minimum requirements in their terms of service, and other safeguards 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

**2024 ANNUAL REPORT
OF THE
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON CONSUMER AFFAIRS AND PROTECTION**

Nily Rozic, CHAIR

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I. COMMITTEE RESPONSIBILITIES AND GOALS

The Assembly Committee on Consumer Affairs and Protection (“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 offices include the Department of State; Office of the Attorney General; 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. 2024 COMMITTEE ACCOMPLISHMENTS

Prohibiting the Sale of Sodium Nitrate and Sodium Nitrite to Persons under 21 (A.8570, Lee)

Sodium nitrate and nitrite, common food additives are increasingly being used by young people as a tool for self-harm and suicide. To help prevent this practice, Chapter 753 of the Laws of 2023 was enacted prohibiting businesses from selling or distributing sodium nitrate or nitrite to individuals under 21 years of age. Chapter 47 of the laws of 2024 is a chapter amendment that makes technical changes that designate a new article to include sodium nitrate and nitrite along with other “products sold for human consumption” whose sale or distribution are restricted, and adds language exempting food products containing these additives from the prohibition. **(Chapter 47 of the Laws of 2024)**

Requiring Registration for Unregulated Children's Camps in the State (A.8552, Zebrowski)

A large number 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 operating in the state, Chapter 761 of the Laws of 2023 was enacted to require unregulated children’s camps to register annually with the Department of Health (“DOH”), as regulated camps have long been required to do. Non-regulated camps would be required to provide information on the location of unregulated camps and the number of children that attended them in the prior year to DOH. Chapter 63 of the laws of 2024 is a chapter amendment that makes technical changes to provide clarification to the definition of children's non-regulated camp and to set forth responsibilities in the Public Health Law for DOH in establishing the unregistered camps registry. **(Chapter 63 of the Laws of 2024)**

Requiring Notices to be Posted on Skimming (A.8528, Rozic)

Electronic benefit transfer (“EBT”) card skimming has affected thousands of low-income New Yorkers. Chapter 731 of the Laws of 2023 was enacted to protect consumers from EBT skimming by requiring postings that notify them and sellers of such schemes and how to avoid them or respond. Chapter 70 of the laws of 2024 is a chapter amendment that makes changes to clarify the definition of an EBT card, specify what the notice must contain, and provide that the Office of Temporary and Disability Assistance is the entity responsible for creation of the notice and oversight. **(Chapter 70 of the Laws of 2024)**

Permitting Public Utility Employees to Access Restrooms (A.8541, Wallace)

While working out in the field, utility workers may not have availability of public restrooms, as a result utility workers have been denied the use of business’s restrooms while working on the job because they were not paying customers Chapter 660 of the Laws of 2023 was enacted to require that businesses open to the public for sale of goods and services allow individuals on the premises to provide utility related service to use a restroom at such business under certain circumstances. Chapter 72 of the laws of 2024 is a chapter amendment that clarifies that utility workers must be on duty to use toilet facilities in a place of business, provides that utility workers are liable for gross acts of negligence, and references public service law for the definition of "employee of a utility entity" for sake of consistency. **(Chapter 72 of the Laws of 2024)**

Requiring Lithium-Ion Batteries in E-Bikes, Mopeds, and Micro Mobility Devices to Meet Certification Standards. (A.4938-C, Dinowitz)

Electronic bikes (“e-bikes), mopeds, and micro mobility devices have become increasingly popular, and along with them lithium-ion batteries that power them. Unfortunately, improper usage and charging of lithium-ion batteries have resulted in explosions and fire incidents in not only New York City but also throughout the state, several of which have included tragic injuries and loss of life. In response to these incidents, this chapter bans the manufacturing, distribution, assembly, reconditioning, selling or offering for sale of any lithium-ion batteries in or intended for use in these products that do not meet industry safety standards. These standards make the products safer for consumers and reduces the chances of explosions and fires resulting from the usage or charging of lithium-ion batteries. **(Chapter 195 of the Laws of 2024)**

Requiring Tags on Charging Cords for Electric Bikes, Micro Mobility Devices, or Mopeds that Provide Safety Information (A.8102-A, Eachus)

Overcharging a lithium-ion battery can lead to explosions and fires. One way to prevent this is to unplug the charging device after it is done charging. This law requires a tag on the charging cord that notifies the owner to unplug it when it is not in use. The tag must include consumer safety information and directs the Department of State (“DOS”) to create a model tag and post it on the DOS website and to promulgate rules and regulations regarding these requirements. **(Chapter 197 of the Laws of 2024)**

Directing DOS, the Division of Homeland Security and Emergency Services (DHSES), and the New York State Energy Research and Development Authority (NYSERDA) to Develop and Maintain Lithium-Ion Battery Hazard Prevention Resources (A.9338, De Los Santos)

Publicly available informational materials regarding proper usage and charging of lithium-ion batteries and how to respond to fires and other emergencies caused by lithium-ion batteries are necessary to properly educate the public on how to safely use these batteries. This chapter requires DOS to work with DHSES and NYSERDA to develop safety resources and post on their website information and protocols designed to educate the public on how to prevent and respond to emergencies involving lithium-ion batteries and e-bikes, micro mobility devices, and mopeds that are powered by lithium ion batteries. **(Chapter 200 of the Laws of 2024)**

Requiring Retailers of Lithium-Ion-powered E-bikes, Micro Mobility Devices, and Mopeds to Provide Customers with Operating Manuals (A.1910-B, Zinerman)

To further assist in the effort to reduce explosions and fires resulting from lithium-ion batteries, this chapter requires that retailers of these products supply the customer with an operating manual that includes instructions on storing and charging these devices and their batteries. **(Chapter 201 of the Laws of 2024)**

Providing for Notices on E-bikes and Micro Mobility Devices that Tell Operators to Understand the Laws for Using these Items (A8310-C, Eachus)

Users of e-bikes and e-scooters riding on sidewalks improperly have resulted in collisions, injuries, and fatalities. This chapter aims to mitigate these incidents by requiring a notice be placed on these vehicles at the point of sale that informs operators of these devices to yield to pedestrians and understand the laws for their operation. **(Chapter 202 of the Laws of 2024)**

Expanding Access to Information on Septic Systems’ Operation and Maintenance (A.9330-A, Burdick)

Individual sewage disposal systems, or septic systems, require extensive upkeep. Improper septic system management can lead to groundwater contamination and to problems down-stream. It is beneficial to ensure that information on properly operating and maintaining septic systems is provided to purchasers/owners of homes that utilize them. This chapter fosters a better understanding of and information on properly operating and maintaining septic systems by requiring in the Property Condition Disclosure Statement a disclosure regarding the home’s condition, including information relating to the septic system. Information on how to access the septic systems health pamphlet on Department of Health website is required to be included in this disclosure. **(Chapter 353 of the Laws of 2024)**

Requiring Payment Card Networks to Use a Certain Merchant Category Code (“MCC”) for Firearms and Ammunition Merchants (A.9862-A, Solages)

As gun violence plagues our nation, solutions are sought to better track purchases of firearms and ammunition. MCC codes are assigned and used by payment networks like Visa or MasterCard to classify the type of store where a purchase is made. A new MCC code specific to the purchase of firearms and ammunition was approved by the International Organization for Standardization (“ISO”). ISO’s reasoning for this new MCC is that it may, without impeding legal purchases, allow financial institutions to track suspicious weapons and ammunition activities via financial data. This chapter ensures that payment networks in New York utilize this new MCC code when interacting with firearm and ammunition dealers. **(Chapter 430 of the Laws of 2024)**

Prohibiting Collection of Medical Debt Records and their Inclusion in a Consumer Report (A.9438, Paulin)

Medical debt impacts over 100 million Americans and often involves serious financial implications, traumatic health occurrences, contentious charges, billing and insurance issues making it more complex than most other debt. Medical debt frequently has been included in patients’ credit reports where it is difficult for them to confirm or correct debt records. Because of this, Chapter 727 of the laws of 2023 was enacted to prohibit medical debt from being included in consumers’/patients’ credit reports. While that law’s intent was clear it left an inconsistency between its two references in General Business Law and Public Health Law regarding the definition of “medical debt”. This bill provides needed clarity with consistent definitions for "medical debt" in both the General Business Law and the Public Health Law. **(Chapter 514 of the Laws of 2024)**

Requiring Diaper Manufacturers to Provide Ingredients Labeling on Product Packages (A.43-C, Rosenthal)

Consumers often have little information on what materials are found in diapers. In order to help make such information available, this bill requires that all packages or boxes of diapers sold in the state contain a conspicuous printed display which lists all ingredients of those diapers. **(Chapter 547 of the laws of 2024)**

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

Current state law prohibits retailers from knowingly obstructing, altering, mutilating, or removing labels on over-the-counter drugs. This bill expands that requirement to include cosmetics. As a result,

retailers would be prohibited from knowingly obstructing, altering, mutilating, or removing the label on any over-the-counter drug or cosmetic. **(Chapter 536 of the Laws of 2024)**

Prohibiting the Use of Social Media Websites to Collect Debts (A.1035-B, Bichotte-Hermelyn)

Online social networking services provide platforms to help people join or foster social networks or relationships with others who may share personal information, interests, activities, careers, backgrounds or real-life connections in semi-private or private spaces. Although media platforms are intended, promoted as, and generally understood to be a means of connecting socially, they are sometimes used by creditors or their representatives to try and contact people in an effort to collect outstanding loans. While the law provides restrictions involving certain types of debt collection activities – the use of social media is not currently one of them. To protect from this potential invasion of personal privacy, this bill adds to the law restrictions on principal creditors or their agents prohibiting the use of social media to pursue collection from debtors. **(Chapter 602 of the Laws of 2024)**

Requiring Online Dating Services to Adopt Appropriate Policies and Provide Disclosures Regarding Fraudulent Members (A.1057-C, Vanel)

While New York State has laws regarding dating services, they were primarily created before the rise of online dating platforms which have fundamentally changed the way that most New Yorkers utilize such services. Current law requires platforms to update their policies to protect users of online dating services from fraud and abuse. Online dating services ban millions of members per year for violating a platform's terms of use, including when a service determines a member poses a risk of defrauding another member. This bill further protects New York users of online dating services by permitting an online dating service to disclose important information about banned members to other users when necessary. **(Chapter 603 of the Laws of 2024)**

Adding Payment Restrictions and Disclosure and Other Requirements for Automobile Broker Businesses (A.3499-A, Carroll)

A proliferation of automobile broker businesses in recent years makes it essential that consumers have the same confidence in brokers as they do in dealers. Increased transparency in broker contracts and restrictions on certain advertising practices will result in better protections for New York consumers of automobile brokers' services. This bill amends the broker registration process, requires written contracts between brokers and consumers before purchase or lease, specifies the information required to be in these contracts, and strengthens enforcement provisions for brokers acting in bad faith. **(Chapter 610 of the Laws of 2024)**

Furthering Consumer Protections in Health Club Cancellation Policy (A.4667-B, Dinowitz)

Several million New Yorkers are members of health club facilities. Current law include several consumer protections regarding the cancellability conditions of contracts with health clubs, such as being able to cancel within three business days of entering and allowing cancellation at any time for reasons like relocation or becoming disabled. This bill tightens protections for members of health club facilities by increasing the required font size on a contract's "Right to Cancellation" notice from 10 to 12 point and reducing the time within which a health club must issue a refund from 15 to 10 days. **(Chapter 537 of the Laws of 2024)**

Requiring the Department of State (“DOS”) and Public Service Commission (“PSC”) to Study Utilities’ Procedures in Providing Customer Payment Information to Credit Reporting Agencies (A.5367-B, Lucas)

Though other businesses are bound to certain procedures related to communicating customers’ payment history information to credit reporting agencies, there is no such standardized procedure for utility companies. This bill requires a study to be undertaken by DOS and the PSC that will assess utilities’ current practices and procedures and analyze if it is appropriate to report utility non-payment to consumer credit reporting agencies. **(Veto Memo 53)**

Requiring Social Media Companies to Disclose Terms of Service (A.6789-B, Lee)

Many companies operating social media platforms are not currently providing the public with a clear analysis of the ways in which they manage the spread of hate speech regarding race, religion, sexuality, extremism, radicalization, disinformation, misinformation, harassment, and violent threats on their platforms. This bill requires that companies operating heavily utilized social media platforms clearly disclose their policies regarding this type of prohibited behavior. **(Chapter 640 of the Laws of 2024)**

Providing that Car Washes Must Clearly State Information on Promotions and Costs (A.6957-A, Dinowitz)

A 2023 consumer alert from the Attorney General identified growing numbers of incidents in which consumers were charged increased prices under the guise of advertised "specials" at car washes. This bill requires that any such advertising for car washes in the form of notices, postings, coupons, including those online, clearly state when a promotion will expire as well the costs associated with such promotion or incurred at its expiration. **(Chapter 559 of the laws of 2024)**

Adding Further Requirements for Disclosure in Telemarketing Activities (A.7939-B, Cunningham)

Telemarketing can be used for deceptive sales tactics, pressure, and even scams on consumers to make impulsive decisions or provide personal information that may be abused for identity theft, financial fraud, privacy invasion, or other unlawful activities. This bill provides protection to consumers by requiring telemarketers to provide essential information within the first thirty seconds of a call and to disclose their address so that consumers will have access to more information so they can better understand or verify those calling them and why. **(Chapter 539 of the Laws of 2024)**

Increasing Food Intolerance Awareness in Food Service Establishments and Online Food Ordering (A.8410, Sillitti)

For those suffering with severe food intolerances, dining out at a restaurant can be a risky experience. Restaurant personnel may not be properly trained in food intolerance awareness, thus increasing the possibility of a dangerous reaction. This bill requires that the existing food allergies notice posted in food service establishments and grocery stores also include similar food intolerance information. **(Chapter 480 of the Laws of 2024)**

Requiring that Potential Victims of Certain Data Breaches be Notified Within 30 Days of Such Breaches (A.8872-A, Sayegh)

Data breaches of personal information held by commercial entities or third parties represent significant risks to individuals' becoming victims of fraud and theft. Often during such incidents criminals gain access to certain files in an organization's system, potentially exposing the data of consumers. Current law requires that a person or business which owns or licenses digital data that includes private consumer information disclose a breach in their system's security following discovery or notification of the breach. The disclosure is to be made in the most expedient time possible and without unreasonable delay. To heighten protections for individuals whose personal data has been compromised, and mitigate potential impacts, this bill ensures that that such notification is made within thirty days after the breach has been discovered. **(Chapter 647 of the Laws of 2024)**

Deterring Cell Phone Theft by Requiring Carriers to Limit or Disable Stolen Phones (A.8994-A, Paulin)

Cell phone robberies are much too commonplace and can result in violence. Although mobile communications carriers can disable and blacklist cell phones once reported stolen, these often go unreported rendering blacklists incomplete. Even when services are disabled, these phones can still be used internationally or through Wi-Fi connections. This bill requires cell phone carriers to limit services or disable services to a stolen device once notified that it has been stolen to deter criminals from robbing stores and individuals of their cell phones. **(Chapter 543 of the Laws of 2024)**

Requiring Peer-to-Peer Mobile Payment Services Platforms to Utilize Certain Security Measures for Protecting Consumers from Fraud and Theft (A.9340-A, Lee)

As peer-to-peer financial apps are becoming more popular there has been an increase in fraud and abuse of consumers by thieves using these instruments. Thefts via financial apps often involve incidents in which unauthorized users gain access to unlocked devices and drain bank accounts of significant sums of money. These apps, more than the smartphones themselves, are increasingly lucrative targets for scammers and robbers. To improve protections of consumers, this bill adds additional security requirements for mobile financial apps, including measures found in traditional banking. **(Veto Memo 84)**

Allowing Domestic Violence Victims to Terminate Abusers' Access to Vehicles' Remote Technology (A.9616-C, Rosenthal)

Many domestic violence survivors continue to experience stalking, harassment, and threats of violence after leaving an abusive situation. When it comes to domestic violence victims' motor vehicles, some of the vehicles' instruments and features designed for convenience, speed or safety have unfortunately also provided abusers new and startling ways to monitor and harass survivors. This bill protects survivors from their abuser's utilizing vehicle features for potential stalking, harassment, and violence by the survivor to terminate an abuser's access to their vehicle's tracking and remote technology. **(Chapter 634 of the Laws of 2024)**

Prohibiting Third-Party Restaurant Reservation Services from Arranging Reservations Without Authorization of a Restaurant (A.10215-A, Rules (Bores))

Third-party online restaurant reservation platforms are unfairly disrupting the restaurant industry and their customers' experience. Often, restaurants have no business relationship with these platforms who market and sell the restaurant's reservations without their permission for profit. These platforms often fail to inform restaurants of their activities or fail to release unused or changed reservations, resulting in restaurants experiencing empty seats that could otherwise be filled by customers wishing to be

seated. This bill requires online third-party food service reservation websites, apps, or other platforms to obtain consent from a food service establishment prior to their marketing or making a seating reservation at such food service establishment. **(Chapter 601 of the Laws of 2024)**

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 (“spoofing”). The technologies used generally make the calls untraceable and therefore difficult or impossible to enforce any unlawful activities or abusive tactics. 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 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 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. 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)**

Requiring that Private Arbitration Organizations Publish their Information and Refrain from Conflicts of Interest (A.2118, Dinowitz).

Consumer advocates have raised concerns regarding the fairness of private arbitration proceedings. More specifically, arbitrators may have a financial incentive to rule in favor of the businesses paying for their services. To address these concerns, this bill provides greater transparency of and accountability for private arbitration organizations by requiring them to collect and make available to the public a database including information regarding the nature and outcome of their consumer arbitrations. This transparency will help empower consumers to review the private arbitrators’ history when choosing whether or not to use their services. **(Passed the Assembly)**

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

Voice recognition software is a feature becoming increasingly common in technology products and software used in everyday lives. Without consumer knowledge or consent, businesses have used consumer voices recorded via voice recognition software on products such as phones or tablets in advertisements. 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 (A.6506-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, 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 and livestock, this bill explicitly prohibits businesses from selling xylazine. By further restricting access to this dangerous drug, this bill could save numerous lives. **(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 bill requires 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 declared by the Governor. However, many state of emergencies occur for reasons that have no relation to telemarketing calls and allowing these calls during such SOEs would not have any negative impacts. This bill limits this prohibition to only state of emergencies where it is determined that unsolicited telemarketing calls would impair actions taken to limit, control, or mitigate the emergency. **(Passed the Assembly)**

Requiring Navigation Systems with GPS Technology to Provide Legal Clearances of Bridges Along Proposed Routes (A.8582-B, Santabarbara)

New York State has experienced a surge in bridge strikes by large vehicles, likely due to increased traffic overall, but also due to over-reliance by drivers on navigation systems and apps with GPS technology. Such navigation systems or GPS apps may lack information or contain errors regarding bridge and elevated structure heights on the routes proposed by these navigation systems. This bill aims to address this issue by compelling these systems to provide information consistent with State Department of Transportation and local highway departments posted legal clearance heights for bridges and elevated structures along a system's proposed route.

(Passed the Assembly)

Prohibiting Motor Vehicle Manufacturers and Dealers from Charging Certain Subscription Fees After a Vehicle is Sold (A.9062-B, Magnarelli)

Vehicle companies are increasingly charging consumers subscription fees to access certain features on their vehicles. By restricting the offering of subscription services or post-purchase fees for features that do not present an ongoing expense for dealers or manufacturers, this bill enhances transparency in pricing for consumers and establishes clear rules for dealers or manufacturers prevent exploitative practices as vehicles become more technologically advanced, and restricts post-purchase fees as a future automotive business model. **(Passed the Assembly)**

III. COMMITTEE-RELATED ENACTMENT IN FY 2024-25 BUDGET

The Committee was involved in enacting the State's FY 2024-25 budget, which resulted in the following appropriations:

Within the Department of State, the enacted budget provides an All Funds State Operations total appropriation of \$6.1 million for the Consumer Protection Program, a decrease of \$25.8 million, or 80.9 percent below FY 2023-24 levels (State Operations bill; A.8800-D/S.8300-D). This net decrease is attributable to the transfer of 50 Full-time (employee) equivalents (FTEs) from the Office of Renewable Energy Siting (ORES) to the Public Service Department.

The enacted budget also restored the \$1.4 million appropriation from the previous year (FY 2023-24) for The Public Utility Law Project (PULP), and provided an additional \$600,00, for a total of \$2 million for FY 2024-25.

IV. 2024 PUBLIC HEARING

On September 20th, the New York State Assembly Standing Committee on Consumer Affairs and Protection and the Committee on Science and Technology held a public hearing to examine the impacts of artificial intelligence (“AI”) on consumers. The primary goal of the hearing was to identify potential improvements in governing regulations and statutes related to the protection of consumers from the misuse of AI technologies, including the use of AI to generate misleading marketing and advertisements, to unlawfully use or share consumers’ data, or to engage in unlawful discriminatory practices.

The Committees heard vital testimony from the New York State Office of the Attorney General (OAG), as well as the University at Buffalo Department of Computer Science & Engineering, and other consumer advocates including the Center for Humane Technology, AARP, Surveillance Technology Oversight Project, Electronic Frontier Foundation, and the NY Civil Liberties Union. In addition, testimony was heard from industry representatives testifying included Tech: NYC, IBM, Chamber of Progress, and TechNet. Still others included NY New Publishers Association & Advertisers Service, NYS Broadcasters Association, Screen Actors Guild-American Federation of Television and Radio Artists, and Mothers Against Media Addiction. All of this testimony is readily available on the Assembly’s website.

New York State has advanced its development of regulations regarding the use of artificial intelligence. Fast-paced changes in the industry indicate the need to continue the robust development in oversight capabilities by the government. Testimony provided at the hearing addressed the status of AI in various industries, its legitimate or illegitimate use in marketplaces, and the potential need for expansion of the Attorney General and other government agencies oversight and enforcement powers relating to AI. The various testimonial perspectives provided beneficial information to the Committee as we move forward in examining this topic.

V. OUTLOOK AND GOALS FOR 2025

The 2025 Legislative Session promises to present many robust 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 for consumers with regard to the increased use of artificial intelligence ("AI") technologies in the marketplace has been and will continue to be an important focus of its efforts. Policymaking and oversight of the means of regulation and enforcement with the Office of the Attorney General and will be important components of the Committee's efforts.

Protecting consumers' data and privacy will continue to be a primary focus for the Committee going forward. As increasing numbers of companies continue to store, share, collect, sell consumer data the Committee will work to protect consumers' data, and provide redress and protection to consumers and their personal data in instances of data or privacy breaches.

The Committee remains committed to protecting consumers from unlawful 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

2024 SUMMARY SHEET

2024 SUMMARY SHEET

SUMMARY OF ACTION ON ALL BILLS

REFERRED TO THE COMMITTEE ON

Consumer Affairs and Protection

TOTAL NUMBER OF COMMITTEE MEETINGS HELD 7

ASSEMBLY SENATE TOTAL
BILLS BILLS BILLS

BILLS REPORTED FAVORABLE TO:

Codes	18	0	18
Judiciary	0	0	0
Ways and Means	1	0	1
Rules	6	0	6
Floor	6	0	6
TOTAL	31	0	31

COMMITTEE ACTION

Held For Consideration	0	0	0
Defeated	0	0	0
Enacting Clause Stricken	4	0	4
REMAINING IN COMMITTEE	172	14	186

BILLS REFERENCE CHANGED TO:

Ways and Means 5

TOTAL	5	0	5
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APPENDIX B
Chapter Laws of 2024

Chapter 47	Lee (A.8570)	Provides a restriction on the sale or offer for sale of sodium nitrate or sodium nitrite to individuals under twenty-one.
Chapter 63	Zebrowski (A.8552)	Establishes a registry for children's non-regulated camps.
Chapter 70	Rozic (A.8528)	Relates to certain notices regarding electronic benefits transfer scams.
Chapter 72	Wallace (A.8541)	Relates to permitting employees of public utilities access to certain restroom facilities while performing utility related work on premises.
Chapter 195	Dinowitz (A.4938-C)	Relates to standards for the manufacture and sale of lithium-ion batteries in or for e-bikes, micro mobility devices, or mopeds.
Chapter 197	Eachus (A.8102-A)	Requires e-bikes, micro mobility devices, or mopeds to have a red tag charging cord which states to unplug when not in use.
Chapter 200	De Los Santos (A.9338)	Relates to lithium-ion battery safety resources.
Chapter 201	Zinerman (A.1910-B)	Requires retailers of e-bikes, micro mobility devices, or mopeds powered by lithium-ion batteries to provide customers with an operating manual.
Chapter 202	Eachus (A.8310-C)	Requires the sale of e-bikes and micro mobility devices to include a notice to yield to pedestrians and obey local laws.
Chapter 353	Burdick (A.9330-A)	Relates to individual sewage disposal disclosures and providing information on the property condition disclosure statement.
Chapter 430	Solages (A.9862-A)	Requires payment card networks to use certain merchant category-codes for firearm dealers.
Chapter 480	Sillitti (A.8410)	Relates to food intolerances.
Chapter 514	Paulin (A.9438)	Relates to the definition of "medical debt".
Chapter 536	Weprin (A.1010-B)	Prohibits label obstruction of over-the-counter drugs
Chapter 537	Dinowitz (A.4667-B)	Relates to the cancellation of a health club contract
Chapter 539	Cunningham (A.7939-B)	Requires telemarketers to provide certain information within the first thirty seconds of a call and to disclose certain addresses in written communication to customers
Chapter 543	Paulin (A.8994-A)	Requires wireless communication method service providers disable services to stolen wireless phones.
Chapter 547	Rosenthal (A.43-C)	Requires labeling of ingredients on packages or boxes of diapers.
Chapter 559	Dinowitz (A.6957-A)	Requires car washes to disclose when promotions expire as well as any costs which will be incurred upon the expiration of such promotion and how often such costs will be incurred upon someone taking part in such promotion.
Chapter 601	Bores (A.10215-A)	Prohibits third-party restaurant reservation services from arranging unauthorized restaurant reservations with food service establishments.

Chapter 602	Bichotte-Hermelyn (A.1035-B)	Prohibits the use of social media websites for the purpose of debt collection.
Chapter 603	Vanel (A.1057-C)	Relates to how online dating services handle fraudulent members.
Chapter 610	Carroll (A.3499-A)	Relates to designating new automotive broker businesses.
Chapter 634	Rosenthal (A.9616-C)	Requires vehicle manufacturers and/or dealers to terminate an individual's access to remote vehicle technology upon request by domestic violence victims.
Chapter 640	Lee (A.6789-B)	Requires disclosure of certain social media terms of service.
Chapter 647	Sayegh (A.8872-A)	Relates to notification of a data breach.

APPENDIX C

2024 BILLS THAT PASSED THE ASSEMBLY ONLY

A.61	Sayegh	Requires businesses which provide for someone to spoof a telephone number to keep certain records.
A.1287	Paulin	Prohibits the sale of infant loungers and restricts the use of such infant loungers in certain settings.
A2080	Dinowitz	Relates to requiring mandatory arbitration clauses in certain consumer contracts to be printed in large font type.
A.2118	Dinowitz	Requires private arbitration organizations to publish and make available information relating to such arbiters' casework.
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.8582-B	Santabarbara	Requires navigation systems which utilize GPS technology to provide the legal clearance of bridges or elevated structures.
A.9062-B	Magnarelli	Prohibits motor vehicle manufacturers and dealers from charging subscription fees for certain functions of a vehicle after it is sold.

APPENDIX D

2024 BILLS REPORTED BY THE COMMITTEE
(but not passed by the Assembly)

A.2615-A	Paulin	Requires consumer protection division to promulgate a policy governing use of automatic license plate reader systems by non-law enforcement agencies; requires such non-law enforcement agencies to post such policy on their website or in their place of business.
A.4485	Zebrowski	Limits the amount of certain credit service charges in motor vehicle retail installment contracts.
A.7919	Rozic	Establishes the home improvement fraud prevention act relating to the responsibilities of home improvement contractors and requiring them to register with the secretary of state.
A.8291-B	Eachus	Requires fire protection and suppression measures at retail premises of lithium-ion batteries, e-bikes, micro mobility devices, and limited use motorcycles.
A.6602-B	Williams	Requires the disclosure of prices at appearance enhancement businesses which practice nail specialty.
A9572-B	Solages	Requires the display of certain labels and warnings on gas stoves sold, displayed for sale, or offered for sale at retail to a consumer in this state.
A.9890-B	Burgos	Relates to allowing certain reusable beverage containers in sports venues.
A.9924-A	Jackson	Requires vehicle rental agreements to instruct renters to remove personal information before returning the vehicle.