



# 2020 ANNUAL REPORT

## NEW YORK STATE SENATE STANDING COMMITTEE ON CONSUMER PROTECTION



**Senator Kevin Thomas**  
**Chair**



**CHAIRMAN, MAJORITY MEMBER**  
CONSUMER PROTECTION

**COMMITTEES**

AGING  
BANKS  
FINANCE  
JUDICIARY

VETERANS, HOMELAND SECURITY  
AND MILITARY AFFAIRS

**NEW YORK**  
**STATE**  
**SENATE**



**KEVIN M. THOMAS**  
**SENATOR, 6<sup>TH</sup> DISTRICT**

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December 31, 2020

The Honorable Andrea Stewart-Cousins  
Temporary President and Majority Leader  
New York State Senate  
Albany, NY 12247

Dear Senator Stewart-Cousins:

I am pleased to share the Annual Report of the Senate's Standing Committee on Consumer Protection for the 2020 Legislative Session. As Chair, I am proud to continue to lead our efforts to address important matters under my committee's jurisdiction.

This session, 244 bills were referred to the Committee for review. The Committee met five times and reported 24 bills. Of those bills, 6 were signed into law. A list of all the bills that were reported from the committee is provided in this report.

In addition to its regular meetings, the Committee also held three hearings this past year. The topics of those hearings included antitrust legislation and housing discrimination on Long Island.

I thank my colleagues who served on the Committee for their efforts and support of the work that was done in the committee this year, and I thank you for the continued support from the Majority Conference in the committee's operations.

Sincerely,

A handwritten signature in black ink, appearing to be "Kevin M. Thomas", written in a cursive style.

Senator Kevin Thomas  
6<sup>th</sup> Senate District

**2020 LEGISLATIVE SESSION REPORT**

**NEW YORK STATE SENATE  
STANDING COMMITTEE ON CONSUMER PROTECTION**

**Senator Kevin Thomas, Chairperson**

Committee Members

Senator Leroy Comrie  
Senator Brian Kavanagh  
Senator Zellnor Myrie  
Senator Jessica Ramos

Senator Chris Jacobs  
Senator James Tedisco

Committee Staff

Josie Huba, Committee Clerk  
Jacqueline Donaldson, Finance Analyst for Committee  
Elizabeth Nowicki, Counsel to the Committee

## **COMMITTEE JURISDICTION AND OVERVIEW**

The New York State Senate Standing Committee on Consumer Protection has legislative oversight responsibilities for issues arising under the General Business Law, including issues concerning unfair, deceptive and fraudulent businesses practices. A particular focus of the Committee is on electronic and online conduct affecting consumers, such as online marketing, disclosures, and data protection and on protecting student loan borrowers. The Committee emphasizes educating consumers and business about their rights and responsibilities.

## SUMMARY OF COMMITTEE MEETINGS

January 15		
S35	Hoylman	Clarifies the definition of imitation weapon
S1403	Carlucci	Establishes no itinerant vendor shall offer for sale baby food, nonprescription drugs, cosmetics and batteries
S1645C	Brooks	Requires a homeowner be provided a cost estimate for installation of a fire sprinkler system
S2415	Kaplan	Includes attachments to electronic devices within the meaning of the term imitation weapon
S2834	Savino	Relates to licensing laser hair removal technicians
S4403A	Savino	Relates to fire suppression systems and licensing professionals to perform authorized work on fire suppression systems
S4427A	Thomas	Relates to warranties and protections for purchasers of new and used motor vehicles
S4977	Skoufis	Relates to process server records
S6327	Parker	Relates to telemarketing

February 12		
S1475A	Hoylman	Prohibits certain practices by businesses making an automatic renewal or continuous service offer to consumers in the state
S1631A	Skoufis	The Anthony Amoros Law; relates to disclosure of airbag defects for certain vehicles
S3654	Salazar	Relates to price gouging of medicine
S7364	Thomas	Relates to removing certain provisions relating to pre-need funeral services

March 4		
S2884E	Sanders	Prohibits the disclosure or use of consumer credit history in hiring, employment and licensing determinations
S3851	Sanders	Relates to prohibiting certain judgments by confession; and prohibiting certain financial institutions from using a marshal to execute certain judgments
S5151	Addabbo	Prohibits the sale of whipped cream chargers to persons under the age of twenty-one
S5771A	Mayer	Relates to fees for gift cards
S7211	Felder	Relates to denial of access to an employee toilet facility

May 26		
S8113A	Parker	Relates to issuing a moratorium on utility termination of services during periods of pandemics and/or state of emergencies
S8189	Hoylman	Relates to price gouging

July 20		
S5366	Comrie	Requires stores to publicly display their return and refund policies, including tracking of returns
S7104A	Mayer	Relates to establishing a set grace period for the use of credit card reward points
S8303	Griffo	Repeals provisions of law prohibiting the practice of barbering on Sunday
S8780	Mayer	Relates to fees for gift cards

### LEGISLATION SIGNED INTO LAW

S1475A	Hoylman	Prohibits certain practices by businesses making an automatic renewal or continuous service offer to consumers in the state
S7211	Felder	Relates to denial of access to an employee toilet facility
S7364	Thomas	Relates to removing certain provisions relating to pre-need funeral services
S8113A	Parker	Relates to issuing a moratorium on utility termination of services during periods of pandemics and/or state of emergencies
S8189	Hoylman	Relates to price gouging
S5470	Thomas	Requires certain providers that extend specific terms of commercial financing to a recipient to disclose certain information about the offer to the recipient



## LEGISLATION PASSED BY THE SENATE

S35	Hoylman	Clarifies the definition of imitation weapon
S1475	Hoylman	Prohibits certain practices by businesses making an automatic renewal or continuous service offer to consumers in the state
S3654	Salazar	Relates to price gouging of medicine
S4977	Skoufis	Relates to process server records
S5151	Addabbo	Prohibits the sale of whipped cream chargers to persons under the age of twenty-one
S5366	Comrie	Requires stores to publicly display their return and refund policies, including tracking of returns
S5470	Thomas	Requires certain providers that extend specific terms of commercial financing to a recipient to disclose certain information about the offer to the recipient
S6327	Parker	Relates to telemarketing
S7104A	Mayer	Relates to establishing a set grace period for the use of credit card reward points
S7364	Thomas	Relates to removing certain provisions relating to pre-need funeral services
S8113A	Parker	Relates to issuing a moratorium on utility termination of services during periods of pandemics and/or state of emergencies
S8189	Hoylman	Relates to price gouging
S8303	Griffo	Repeals provisions of law prohibiting the practice of barbering on Sunday
S8780	Mayer	Relates to fees for gift cards

## LEGISLATION ADVANCED TO COMMITTEE OF SECONDARY REFERENCE

S5366	Comrie	Requires stores to publicly display their return and refund policies, including tracking of returns
S7104A	Mayer	Relates to establishing a set grace period for the use of credit card reward points
S8113A	Parker	Relates to issuing a moratorium on utility termination of services during periods of pandemics and/or state of emergencies
S8189	Hoylman	Relates to price gouging
S8303	Griffo	Repeals provisions of law prohibiting the practice of barbering on Sunday
S8780	Mayer	Relates to fees for gift cards

**PUBLIC HEARING: TO DISCUSS ANTITRUST LAWS AND ISSUES, SPECIFICALLY  
S8700/GIANARIS – TWENTY-FIRST CENTURY ANTITRUST ACT**

Committee: Consumer Protection

Purpose: To discuss antitrust laws and issues, specifically, S8700/Gianaris - Twenty-First Century Antitrust Act, which updates and expands current New York State antitrust laws to include abuse of dominance and unilateral conduct that would create monopolies.

New York's antitrust statute, the Donnelly Act voids every contract or agreement that establishes a monopoly or restrains any competition or the free exercise of activity in the conduct of any business. It does not, however, cover abuse of dominance or unilateral actions committed by single actors, not party to a contract or agreement. This bill would update and expand New York's antitrust law to address modern day issues and provide conformity with certain aspects of federal law.

This hearing will explore emerging antitrust issues in the growing global technology market, including allegations of antitrust misconduct committed by Big Tech, and the need to expand and update the Donnelly Act to tackle such issues. The hearing will also explore the theory of abuse of dominance, including what conduct it applies to, how the theory has been utilized in European courts, and the theory's application within the United States court system. Finally, the hearing will examine unilateral conduct that may be deemed anticompetitive and harmful to consumers, and the need to have such conduct captured and addressed in the Donnelly Act.

Witness List

**The Office of the Attorney General:** New York State Attorney General Letitia James

**Partnership for the City of New York:** Kathy Wylde, President & CEO

**Yelp:** Luther Lowe, Senior VP of Public Policy

**Scott Galloway,** NYU Marketing professor

**Jay Himes,** New York, New York

**Tim Wu,** Professor at Columbia Law School

**Matt Stoller,** American Economic Liberties Project

**Business Council:** Ken Pokalsky, VP & Lev Ginsburg, Senior Director of Government Affairs

**Harry First:** American Antitrust Institute Advisory Board Member, NYU law professor

**Institute of Local Self-Reliance:** Shaoul Sussman, Legal Fellow

**Open Markets Institute:** Sally Hubbard, Director of Enforcement Strategy

**Progressive Policy Institute:** Alec Stapp, Director of Technology Policy

**NetChoice:** Christopher Marchese, Policy Counsel

**JOINT PUBLIC HEARING: TO EXAMINE AND IDENTIFY WHETHER AND HOW  
POTENTIAL HOMEBUYERS OF COLOR SUFFER ILLEGAL AND UNEQUAL  
TREATMENT BY REAL ESTATE AGENTS ON LONG ISLAND**

Committees: Consumer Protection; Housing, Construction and Community Development; and Investigations and Government Operations

Purpose: To examine possible illegal and unequal treatment of homebuyers of color on Long Island and the effectiveness of legislative actions and proposals to combat such treatment.

On December 12, 2019, the Senate Standing Committees on Housing, Construction and Community Development; Investigations and Government Operations; and Consumer Protection held a joint public hearing to gather testimony and gain insight about potential legislative responses to allegations of housing discrimination on Long Island. This hearing was a direct response to a Newsday investigation concerning racial discrimination and evidence of unequal treatment by real estate agents on Long Island.

Many of the realtors and supervisors at realty companies named in the investigation who were invited to testify at that joint hearing did not appear, leaving gaps in the information needed for crafting additional legislative solutions. This follow-up hearing, initially scheduled for April 17, is meant to give the individuals who did not appear during the first hearing the chance to testify and provide information regarding housing discrimination on Long Island. The hearing is also expected to include testimony from experts on fair housing laws, best practices for ensuring compliance, the impact of the COVID-19 pandemic on fair housing, and related matters. Witnesses are invited to provide feedback on legislation (S6874A) enacted this year imposing new sanctions against real estate brokers or sales people found guilty of housing discrimination as well as various pending legislative proposals (such as S6713, S7625, S8096, S7581, and S7632) aimed at preventing such discrimination and promoting fair housing in the future.

Witness List

**Fair Housing Justice Center:** Fred Freiberg, Founder and Executive Director

**Erase Racism:** Elaine Gross, President/CEO

**Dr. Max Besbris:** Assistant Professor of Sociology, University of Wisconsin, Madison

**Dr. Jacob Faber:** Associate Professor, New York University's Robert F. Wagner School of Public Service

**Ann Conroy,** Real Estate Broker, Douglas Elliman

**Donna Rogers**, Real Estate Agent

**Francia Perez**, Real Estate Agent

**Judi Ross**, Real Estate Agent

**Lisa Casabona**, Real Estate Agent

**Kevin Geddie**, Real Estate Agent

**Joseph Moshe**, Real Estate Broker, Charles Rutenberg Realty

**Stephanie Giordano**, Real Estate Agent

**Maurice Johnson**, Real Estate Agent

**Edwin Torres**, Real Estate Agent

**Alan Eldridge**, Real Estate Broker, Remax

**Christopher Hubbard**, Real Estate Agent

**Joy Tuxson**, Real Estate Agent

**Akhtar Somekh**, Real Estate Agent

**Rosalind Resnick**, Real Estate Agent

**Richard Amato**, Real Estate Broker, Keller Williams

**Rosemarie Marando**, Real Estate Agent

**Bart Cafarella**, Real Estate Broker, Realty Connect

**Reza Amiryavari**, Real Estate Agent, Realty Connect

**Joseph Jannace**, Real Estate Agent, Realty Connect

**Margaret Petrelli**, Real Estate Agent, Realty Connect





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