

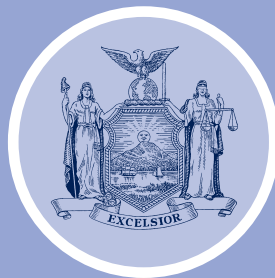


**NEW YORK STATE ASSEMBLY**

**A N N U A L**

**2 0 1 2**

**R E P O R T**



**Committee on  
Consumer Affairs & Protection**

**Jeffrey Dinowitz, Chair**

**SHELDON SILVER, SPEAKER**



THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

JEFFREY DINOWITZ  
Assemblyman 81<sup>ST</sup> District  
Bronx County

December 15, 2012

CHAIRMAN  
Consumer Affairs & Protection  
Committee  
COMMITTEES  
Election Law  
Health  
Judiciary  
MEMBER  
Puerto Rican/Hispanic Task Force

Honorable Sheldon Silver  
Speaker of the Assembly  
State Capitol, Room 349  
Albany, New York 12248

Dear Speaker Silver:

It is my pleasure to forward to you the 2012 Annual Report of the Assembly Standing Committee on Consumer Affairs and Protection.

The work accomplished during the 2012 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 initiatives have been enacted, including legislation restricting the ability of businesses that do not have a legitimate reason to request a consumer's Social Security number (SSN) to force the consumer to provide such number.

Several other laws were enacted this year to protect consumers' rights and ensure transparency in the marketplace. Chapter 427 of the Laws of 2012 will require certain chain stores that sell packaged foods to implement unit pricing, which allows consumers seeking the best value to comparison shop between brands and product sizes. Chapter 88 of the Laws of 2012 extends for five years the law establishing important existing consumer protections related to preneed funding of funerals and requires the Department of Financial Services to conduct a study of preneed funeral funding. Legislation that will allow purchasers of campground memberships to cancel a membership contract under certain circumstances, including entering a nursing home, becoming physically unable to utilize campground services, and relocating a considerable distance from the campground (Chapter 383 of the Laws of 2012) was also enacted.

I look forward to the upcoming 2013 Legislative Session, during which I plan to build upon the foundations established during the 2012 Session by continuing to engage consumers, advocates, governmental agencies and businesses, as we explore innovative and effective ways to address the consumer protection issues facing the citizens of our great state.

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,

Jeffrey Dinowitz, Chair

**2012 ANNUAL REPORT**  
**OF THE**  
**NEW YORK STATE ASSEMBLY**  
**STANDING COMMITTEE ON CONSUMER AFFAIRS AND PROTECTION**

**JEFFREY DINOWITZ, CHAIR**

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Kathleen Quackenbush, Program and Counsel Secretary

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## **I. Committee Responsibilities and Goals**

The Assembly Consumer Affairs and Protection Committee (the "Committee") is responsible for developing legislation aimed at protecting consumers' rights and ensuring 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 and Personal Property Laws and parts of the Agriculture and Markets and Education Laws. 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.

To protect consumers' rights and help them 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. 2012 COMMITTEE ACCOMPLISHMENTS**

### **A. Protecting Personal Privacy**

The Assembly has consistently been a strong advocate for the protection of consumers' rights, including the protection of personal privacy. As technology continues to evolve, the potential for misuse of personal information has risen dramatically. The public is increasingly aware that it has less control over its personal and sensitive information. The Committee has taken great strides in promoting legislation that would protect the privacy of New York State's consumers.

#### **Reducing the Unnecessary Disclosure of Social Security Numbers (Chapter 372 of the Laws of 2012, Dinowitz)**

The purpose of this new law is to restrict the dissemination and collection of Social Security numbers in order to increase consumer privacy and prevent identity theft. This law will prohibit any person or business entity from requiring an individual to disclose his or her Social Security number, or to refuse any service, privilege, or right based on an individual's refusal to disclose such number. The law will not apply if disclosure of the Social Security number is required by law or covered under one of several exemptions provided for legitimate uses, including collecting child or spousal support, opening a deposit account, interacting with a law enforcement agency, a credit transaction initiated by the consumer, and tax compliance.

#### **Prohibiting Inmate Access to Social Security Numbers (Chapter 371 of the Laws of 2012, Dinowitz)**

This new law will prohibit any entity from using prison labor to access, collect, or process the Social Security numbers of other individuals. The law also amends section 170 of the Correction Law to clarify that the existing prohibition on contracting out any labor or time of any inmate in any state or local correctional facility shall apply to inmates employed or assigned to engage in any activity that involves obtaining access to, collecting, or processing Social Security numbers of other individuals.

#### **Prohibiting Caller ID "Masking" (A.52-A, Paulin)**

Caller identification technology, commonly referred to as Caller ID, is a very popular feature that can help consumers avoid unwanted telephone calls. Unfortunately, new software programs have become available which allow users to intentionally alter caller identification information to mask their identity in an effort to get the recipient to answer the call. This technology can be used to make calls appear to be of a personal nature rather than a call from a telemarketer.

This bill would prohibit a business from altering its caller identification with the intent to defraud or harass the recipient of the call or a third party and would authorize the Attorney General or any person adversely affected by a violation to bring an action against a violator. In actions brought by the Attorney General, the court would be able to require restitution to any victim upon a

showing of damages. The court would also be able to impose a civil penalty of not more than \$2,000 per call up to a total of \$100,000 within a continuous 72-hour period. Private individuals would be able to recover the greater of actual damages or an amount of not more than \$500 per call up to a total of \$25,000 within a continuous 72-hour period. **(Passed Assembly)**

#### **Restricting Employer Access to Private Credit Information (A.8070-B, Stevenson)**

There is no objective evidence showing a correlation between employee credit history and job performance or tendency to commit fraud. Furthermore, the practice of using credit history in employment decisions disproportionately impacts low-income consumers and minorities, who are more likely to have bad credit due to targeting by predatory lenders and longstanding wealth-distribution and discrimination issues. Unfortunately, employer credit checks are common in low wage jobs that would benefit struggling consumers. This bill would prohibit employers, employment agencies, and licensing agencies from using credit history information of an employee or job applicant in connection with or as a criterion for employment decisions related to hiring, termination, promotion, demotion, discipline, compensation, or the terms, conditions, or privileges of employment. The provisions of the bill would not apply to the employers of law enforcement officers or if the use of credit history information is required by state or federal law. **(Passed Assembly)**

### **B. Improving Business Practices**

#### **Expanding New York's Unit Pricing Law (Chapter 427 of the Laws of 2012, Dinowitz)**

The unit pricing law requires retail stores selling over \$2.5 million per location per year of consumer commodities to disclose the price per measure as well as the retail selling price. This allows consumers seeking the best value to comparison shop between brands and product sizes. Unit pricing is particularly important today because manufacturers of grocery items no longer sell products in standard sizes. Consumers are faced with a confusing array of packages for all kinds of products including coffee, ice cream, tuna fish, cosmetics, soaps and detergents, and paper products. This new law will extend the State's unit pricing requirements to certain stores that are part of a chain that sells more than \$2.5 million of consumer commodities per year.

#### **Improving New York's Membership Campground Law (Chapter 383 of the Laws of 2012, Dinowitz)**

Membership campgrounds provide members with access to convenient, family-friendly vacation destinations with a host of amenities and benefits, including the ability to camp at a network of campgrounds across the nation. While these arrangements are very popular, some consumers have complained about being trapped in lengthy multi-year, and even lifetime, contracts. This bill would provide campground members the ability to cancel their membership under certain circumstances, including when the purchaser enters a nursing home or suffers a serious injury or illness.

### **Unclaimed Funds Location Services (Chapter 332 of the Laws of 2012, Dinowitz)**

Under state law, funds that are unclaimed for a period of time, such as money remaining in inactive bank accounts, unpaid wages, and mortgage insurance refunds, are held by the State on behalf of its rightful owner, and consumers may claim the funds free of charge. Some businesses offer to locate and retrieve consumers' unclaimed funds for a fee. These firms have been the subject of consumer complaints regarding misleading and exaggerated marketing statements. This new law will require unclaimed funds location solicitations to include a notice stating that property held by the State may be obtained directly from the Office of the State Comptroller free of charge. The law also provides that abandoned property location service agreements must be in a form prescribed by the Comptroller and witnessed and acknowledged by a notary public and clarifies that the law's provisions apply to any transaction involving the sale of unclaimed funds location services, with the exception of certain client agreements executed by attorneys or accountants.

### **Extending Consumer Protections in the Funeral Industry (Chapter 88 of the Laws of 2012, Dinowitz)**

Current law prohibits funeral directors, undertakers and embalmers from accepting any consideration (e.g., a commission or gift) from an insurer to sell, offer, or promote the sale of pre-need funeral insurance policies. Insurers are also prohibited from paying any commission or other consideration to any funeral director to induce the sale of pre-need funeral insurance. These provisions were set to expire on June 1, 2012. This law extended the provisions until June 1, 2017, and requires the Department of Financial Services to conduct a study of funding pre-arranged funeral services and goods, examining practices in a minimum of ten other states, by use of life insurance, trust depositing, and by any other funding mechanism in use or that would be appropriate.

### **Improving New York's Telemarketing Law (Chapter 369 of the Laws of 2012, Barrett)**

Under current law, only telemarketing firms located in New York State are required to register with the Department of State. This new law will expand the State's telemarketing registration requirement to include all firms that place calls to New York consumers. The new law will also prohibit telemarketers from initiating sales calls that deliver prerecorded messages to recipients in New York except where the call recipient has affirmatively and explicitly consented to receipt of such calls.

### **Prohibiting Pay-Per-Call Schemes (Chapter 370 of the Laws of 2012, Perry)**

This new law will prohibit any person, firm, or corporation from offering a consumer a prize if in order to claim the prize, the consumer must call a pay-per-call service where the charge for such service is greater than the charge for the transmission of the call as authorized by the appropriate regulatory commission.



### **Employment Agencies (A.8183-A, Camara)**

Under current law, employment agencies are required to maintain a surety bond in the amount of \$5,000 to protect consumers in the event that an agency goes out of business or violates the law. According to a governmental agency that has recently brought several successful enforcement actions against unscrupulous employment agencies, in some instances, bond funds can be exhausted before restitution is provided to all aggrieved consumers.

The purpose of this bill is to ensure that in cases involving fraud committed against multiple consumers the bond amount would be large enough to allow government enforcement agencies to obtain restitution for all affected consumers. It would raise the required amount from \$5,000 to \$20,000. The bill would also require enhanced disclosure of the right to a refund of deposits and fees, and require contracts to be printed in both English and the language in which they are negotiated. **(Passed Assembly)**

### **Private Arbitration Organizations (A.8431, Dinowitz)**

In recent years, consumer advocates have raised concerns regarding the fairness of private arbitration proceedings. Many advocates maintain that consumers may not be able to get a fair hearing since an arbitrator has a financial incentive to rule in favor of the businesses paying for his or her services. According to a 2007 report issued by Public Citizen, a national, non-profit consumer advocacy organization, between January 1, 2003, and March 31, 2007, arbitrators working for one of the largest private arbitration organizations ruled in favor of businesses in ninety-four percent of the cases involving California residents that it examined.

This bill would require private arbitration organizations involved in consumer arbitration cases to make certain information regarding those cases available to the public on its website and on paper upon request. The information required to be disclosed for each consumer arbitration would include: the name of the non-consumer party; the type of dispute involved; whether the consumer was the prevailing party; and on how many occasions, if any, the non-consumer party has been a party in an arbitration administered by the private arbitration organization.

The bill would provide for enforcement by the Attorney General of the disclosure provisions, as well as the existing prohibition against the inclusion of mandatory arbitration clauses in certain consumer contracts. The Attorney General would be empowered to seek an injunction against violators and/or a civil penalty of up to \$2,000 for each violation. **(Passed Assembly)**

### **Unordered Goods (A.2213, Zebrowski)**

In order to boost sales, some companies have been known to ship unordered goods, such as a book or pocket knife, 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, which provide 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 a violator to recover the greater of actual damages or up to \$500 for each instance in which goods were sent in violation. **(Passed Assembly)**

### **Cramming/Unauthorized Telephone Charges (A.10256, Skartados)**

This bill would prohibit telephone corporations from permitting the practice of cramming. "Cramming" would be defined as the imposition of any charge or fee on a consumer's telephone bill when such charge or fee is imposed by a third-party or billing aggregator without the consumer's authorization or with authorization that is obtained through deceptive means. Any third-party charges or fees that are included without consent would be deemed void and unenforceable and would have to be removed upon notice from the consumer.

In order for a telephone corporation to authorize billing a charge by a third party, the third party would have to provide the telephone corporation with proof that the consumer consented to the charge after being informed of all the terms and conditions of the product or service offered. The Public Service Commission would be authorized to enforce the bill's provisions and would have the authority to promulgate any necessary rules and regulations. **(Passed Assembly)**

## **C. Protecting Consumer Health and Safety**

### **Prohibiting the Sale of Novelty Lighters (A.8402-A, Dinowitz)**

In recent years, children playing with novelty lighters have caused several fires and injuries across the nation. These lighters, which resemble toys, vehicles, animals, and cellphones, pose an unacceptable risk to children and families. In order to address this public safety threat, this bill would prohibit the distribution or sale of novelty lighters and provide strong penalty and enforcement provisions, including granting law enforcement and state fire prevention investigators the ability to seize lighters offered for sale in violation. **(Passed Assembly)**

### **Increasing Product Recall Awareness (A.8919-B, Dinowitz)**

In recent years, hundreds of products designed to protect, educate, and amuse our children have been subject to safety recalls. While these recalls are often publicized in news reports, if parents happen to skip over an article or report regarding a recall, the lives of their children could be endangered. Fortunately, the United States Consumer Product Safety Commission (CPSC) has established an email alert system that notifies parents when a children's product has been recalled. This bill would help to keep New York's children safe from potentially hazardous products by increasing parents' awareness of the CPSC's alert system.

This bill would require primary care physicians to post a notice designed by the Department of Health in conjunction with the Department of State that provides information on how to subscribe to the Consumer Product Safety Commission's email list of recalls and safety news. **(Passed Assembly)**

#### **Enhancing New York's Crib Safety Law (A.9437, Dinowitz)**

This bill would conform New York's crib safety law to recently enacted federal rules by prohibiting the use of certain unsafe cribs in child care facilities or places of public accommodation, such as hotels, motels, inns, and motor courts. The bill would also require the Office of Children and Family Services, in consultation with the New York City Department of Health and Mental Hygiene, to notify child care facilities and child care facility license and registration applicants of the provisions of the law. **(Passed Assembly)**

#### **Price Gouging of Prescription Drugs (A.8801-C, Rivera, N.)**

There have been several reported instances of disreputable distributors hoarding prescription drugs during a shortage and offering such drugs to hospitals and pharmacies at grossly inflated prices. This bill, which is modeled on the existing price gouging statute applicable to the offering of goods and services during times of emergency and market disruptions (General Business Law, §396-r), would prohibit selling a drug reported as being subject to a shortage by the U.S. Food and Drug Administration at an unconscionably excessive price. **(Passed Assembly)**

#### **Combating the Spread of Bed Bugs (A.4243-A, Castro)**

In recent years, bed bugs have been found in all types of living quarters, including apartments, dormitories, and mansions, and the number and severity of infestations continues to rise. Cross-contamination between used mattresses contaminated with bed bugs and new mattresses has contributed to the spread of these noxious pests, which can be very difficult to eradicate.

This bill would remove an exemption in existing law that allows mattress sellers to sell as "new" bedding that has been returned by the purchaser within thirty days and prohibit the transportation, storage, or display of used bedding with new bedding unless the used bedding has been sanitized or is enclosed in a membrane designed to prevent the passage of contaminants and pests. **(Passed Assembly)**

#### **Important Information Regarding Weight Loss Services (A.1953, Cook)**

Millions of New Yorkers have tried or are trying to lose weight for medical and cosmetic reasons. It is estimated that dieters across the nation are spending as much as \$33 billion each year on diet programs and products. The purpose of this bill is to provide consumers with information by requiring any person, firm, or corporation offering weight loss services and/or products to post a conspicuous warning notice of the risks associated with rapid weight loss and consumers' need to

consult their doctors prior to starting any weight loss program or using diet medications or formulas. **(Passed Assembly)**

#### **Labeling Sunscreen Products (A.4435, Weisenberg)**

According to the American Cancer Society, over 800,000 new skin cancer cases of curable basal cell or squamous cell cancers are diagnosed each year. Since 1973, the incidence of skin cancer has increased about four percent per year. Many consumers use sunscreen products to prevent the risk of skin cancer. In light of how important these products are in combating skin cancer, it is important that the consumer be aware that sunscreen does not protect against the sun's rays after a certain shelf life. This legislation would increase consumer awareness of sunscreen product effectiveness by requiring all products to be labeled with a "best if used before date" and storage recommendations. **(Passed Assembly)**

### **D. Increasing Consumer Recourse**

#### **Victims of Price Gouging (A.8340, Dinowitz)**

Price gouging occurs when businesses take unfair advantage of consumers during abnormal market disruptions caused by natural or man-made disasters by charging grossly excessive prices for essential consumer goods and services. Unscrupulous businesses that gouge consumers during difficult times must be held accountable. Currently, only the State Attorney General is empowered to bring legal action against violators of the price gouging statute. This bill would leave the Attorney General's powers intact, but would also permit individual victims of price gouging to sue the price gougers directly. **(Passed Assembly)**

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

#### **A. Hearing on the Utility Intervention Unit**

On February 15, 2012, the Committee held a joint public hearing with the Committee on Energy to examine the impact of the merger of the former Consumer Protection Board's (CPB) Utility Intervention Unit (UIU) into the Department of State (DOS) on electric, gas, and steam customers, pursuant to the SFY 2011-2012 Enacted Budget. The UIU is charged with intervening on behalf of ratepayers in ratemaking, submetering and rulemaking cases before the Public Service Commission (PSC) and where necessary, representing ratepayers before federal energy agencies.

The Committees received valuable testimony from the DOS, the Public Service Commission, and consumer groups. In addition to discussing current staffing levels at the UIU and recent actions taken by the Unit, several witnesses testified regarding the need to restore funding to the Public Utilities Law Project (PULP), which advocates on behalf of low and fixed-income utility customers.

Following the hearing, the Committees successfully fought for the restoration of funding for PULP in the SFY 2012-2013 Enacted Budget.

### **B. Roundtable on Agriculture Biotechnology, Genetically Modified Organisms (GMOs) and Food**

The use of food ingredients derived from genetically modified organisms (GMOs), such as corn varieties engineered to resist herbicides, has increased significantly in recent years, alongside consumer concerns regarding the safety of such ingredients. On May 30, 2012, the Committee held a joint public hearing with the Committee on Agriculture, the Task Forces on Food, Farm and Nutrition Policy and University-Industry Cooperation and the Legislative Commission on Science and Technology to examine issues associated with the use of Genetically Modified Organisms (GMOs) on New York State agriculture, the food supply, public health, the environment, and consumer choice.

Discussion at the roundtable centered around issues related to the regulation and safety of food produced using genetic modification, as well as legislation seeking to regulate GMO products, including a measure pending before the Committee that would require labeling of GMO foods. The Committees intend to continue the dialogue as the State moves toward the development of comprehensive and workable biotechnology policies designed to protect the safety of the food supply, educate consumers about GMOs, and ensure the long-term viability of New York's family farms.

### **C. Hearing on the Effectiveness of the Consumer Protection Division**

On November 28, 2012, the Committee held a public hearing to examine the effectiveness of the Consumer Protection Division (CPD) and any changes in the delivery of services to consumers after the former Consumer Protection Board (CPB) was placed as a unit within the Department of State (DOS). As part of the SFY 2011-2012 Enacted Budget, the former CPB was merged into the DOS in the form of the CPD. The CPD was granted the powers, functions, and duties of the CPB, including receiving and mediating consumer complaints and enforcing certain consumer protection laws.

Officials from the DOS as well as representatives from the Empire Justice Center and the Retail Council provided testimony to the Committee. The witnesses agreed that the merger had little effect on how consumers interact with and receive protections from the CPD. In addition, there was extended discussion with the witnesses regarding possible legislative initiatives for the upcoming session. The Committee plans to continue the dialogue with government and consumer advocacy groups into the new year.

#### **IV. OUTLOOK AND GOALS FOR 2013**

The 2013 Legislative Session promises to present many challenges to the Consumer Affairs and Protection Committee. The Committee will pursue many of the issues it addressed during the 2012 Session, and new issues will emerge for consideration. 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 2012

A.4365-A	Perry	Prohibits contests that require consumers to call a telephone service that charges callers a per-call or per-time charge that is greater than or in addition to the charge for placing the call. <b>Chapter 370 of the Laws of 2012</b>
A.8375-A	Dinowitz	Prohibits prison inmates from accessing, collecting, or performing data processing of personal identifying information pertaining to New York state residents. <b>Chapter 371 of the Laws of 2012</b>
A.8965	Dinowitz	Allows purchasers of campground memberships to cancel such memberships under limited circumstances. <b>Chapter 383 of the Laws of 2012</b>
A.8992-A	Dinowitz	Restricts the dissemination and collection of Social Security numbers in order to increase consumer privacy and prevent identity theft. <b>Chapter 372 of the Laws of 2012</b>
A.9593-A	Dinowitz	Amends exemption provisions contained within the unit pricing law to require unit pricing in stores that are part of a chain that sells more than \$2.5 million of consumer commodities. <b>Chapter 427 of the Laws of 2012</b>
A.10239	Dinowitz	Relates to the sale of abandoned property location services and to restrictions on agreements to locate abandoned property. <b>Chapter 332 of the Laws of 2012</b>
A.10413	Dinowitz	Extends for five years provisions relating to pre-need funeral insurance and requires the Department of Financial Services to conduct a study of pre-need funeral funding options. <b>Chapter 88 of the Laws of 2012</b>
A.10569-A	Rules (Barrett)	Requires out-of-state telemarketers to register with the Department of State and imposes new requirements on firms placing telemarketing robo-calls to New York consumers. <b>Chapter 369 of the Laws of 2012</b>

**APPENDIX B**

**2012 BILLS PASSED BY THE ASSEMBLY**

A. 52-A	Paulin	Would prohibit a business from altering its caller identification with the intent to defraud or harass the recipient of the call or a third party.
A.1953	Cook	Would require weight loss programs to disclose the risks of rapid weight loss.
A.2213	Zebrowski	Would authorize the Attorney General to bring an action for violation of the prohibitions concerning unlawful selling practices.
A.4243-A	Castro	Provides for the sanitization of every used mattress or bedding material transported, stored, or sold in the state.
A.4435	Weisenberg	Would require sunscreen products to be labeled with expiration dates and storage recommendations.
A.8070-B	Stevenson	Would enact the "credit privacy in employment act" to prohibit the use of credit information in hiring and employment determinations.
A.8183-A	Camara	Would increase the amount of the surety bond an employment agency is statutorily required to maintain from \$5,000 to \$20,000, enhance existing disclosure requirements, and require contracts to be printed in the language in which they are negotiated.
A.8340	Dinowitz	Would create a private right of action for unlawful price gouging for injunctive relief and recovery of actual damages or \$1000 whichever is greater.
A.8402-A	Dinowitz	Would prohibit the retail sale, distribution, or offer to sell at retail to any person in the state novelty lighters.
A.8431	Dinowitz	Would require private arbitration organizations to make certain information regarding the outcomes of consumer arbitrations available to the public on its website.
A.8801-C	Rivera, N.	Would prohibit sale of a drug reported as being subject to a shortage by the U.S. Food and Drug Administration at an unconscionably excessive price.
A.8919-B	Dinowitz	Would require primary care physicians to post information detailing how parents or guardians of children can subscribe to the US consumer product safety commission's e-mail subscription list.



A.9437	Dinowitz	Would conform New York's crib safety law to recently enacted federal rules regarding the sale and use of cribs.
A.10256	Skartados	Would prohibit telephone companies from permitting third parties or billing aggregators to impose charges on telephone bills without the consent of the consumer.

**APPENDIX D**

**2012 SUMMARY OF ACTION ON ALL BILLS REFERRED TO  
THE ASSEMBLY COMMITTEE ON CONSUMER AFFAIRS AND PROTECTION**

<b><u>Final Disposition of Bills</u></b>	<b><u>Assembly Bills</u></b>	<b><u>Senate Bills</u></b>	<b><u>Total</u></b>
<b><u>Bills Reported With or Without Amendment</u></b>			
To Floor; Not Returning to Committee	5		5
To Floor; Recommitted and Died	0		0
To Ways and Means	5		5
To Codes	40		40
To Rules	2		2
To Judiciary	0		0
<b>Total</b>	<b>52</b>		<b>52</b>
<b><u>Bills Having Committee Reference Changed</u></b>			
To Environmental Conservation	1		1
<b>Total</b>	<b>1</b>		<b>1</b>
<b><u>Senate Bills Substituted or Recalled</u></b>			
Substituted		1	1
Recalled		0	0
<b>Total</b>		<b>1</b>	<b>1</b>
Bills Defeated in Committee	0	0	0
Bills Never Reported, Held in Committee	29	0	29
Bills Never Reported, Died in Committee	133	5	138
Bills Having Enacting Clause Stricken	10	0	10
Motions to Discharge Lost	0	0	0
<b>Total Bills in Committee</b>	<b>225</b>	<b>6</b>	<b>231</b>
<b>Total Number of Committee Meetings Held</b>		<b>10</b>	