



Legislation Text

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Int. No. 1281-A

By Council Members Torres, Espinal, Powers, Deutsch, Cumbo, Lander, Brannan, Dromm, Reynoso, Rivera, Constantinides, Kallos, Levine, Ayala, Rosenthal, Moya, Rose, Cornegy, Koslowitz, Lancman, Levin, Cohen, Chin, Vallone and the Public Advocate (Mr. Williams)

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting food stores and retail establishments from refusing to accept payment in cash

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 21 to read as follows:

SUBCHAPTER 21

CASHLESS ESTABLISHMENTS PROHIBITED

§ 20-840 Cashless establishments prohibited. a. Definitions. For purposes of this subchapter, the following terms have the following meanings:

Cash. The term “cash” means United States coins and currency, including federal reserve notes. Cash does not include foreign currency; any paper instrument other than a federal reserve note, including, but not limited to, any check, bond, or promissory note; or any foreign metal coin.

Consumer commodity. The term “consumer commodity” means any article, good, merchandise, product or commodity of any kind or class produced, distributed or offered for retail sale for consumption by individuals, or for personal, household or family purposes.

Food store. The term “food store” means an establishment which gives or offers for sale food or beverages to the public for consumption or use on or off the premises, or on or off a pushcart, stand or vehicle.

Membership-based business. The term “membership-based business” means an establishment that is not

a food store that enrolls consumers as members through a contractual agreement and charges such members a recurring weekly, monthly or annual membership fee for the purpose of utilizing such business' services or facilities.

Retail establishment. The term "retail establishment" means an establishment wherein consumer commodities are sold, displayed or offered for sale, or where services are provided to consumers at retail. This definition does not include banks or trust companies as those terms are defined in section 2 of article 1 of the banking law.

b. It shall be unlawful for a food store or a retail establishment to refuse to accept payment in cash from consumers, provided that such food store or retail establishment may refuse to accept payment:

1. In cash bills denominated above \$20; or

2. In cash for any telephone, mail, or internet-based transaction, unless the payment for such transaction takes place on the premises of such food store or retail establishment.

c. No food store or retail establishment shall charge a higher price for the same consumer commodity to a consumer who pays in cash than to a consumer who pays for such commodity through a cash-less transaction.

d. A food store or retail establishment that violates this section is liable for a civil penalty of not more than \$1000 for the first violation and a civil penalty of not more than \$1500 for each subsequent violation.

e. This subchapter shall not apply to membership-based businesses except that it shall apply to fees charged by such businesses to non-members for day or drop-in access to such businesses' services or facilities.

§ 2. This local law takes effect 180 days after it becomes law, except that the department of consumer affairs may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.