



Legislation Text

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Int. No. 47

By Council Members Avella, Gentile, James, Nelson, Palma and Weprin

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the resale of undergarments.

Be it enacted by the Council as follows:

Section 1. Legislative declaration. The Council finds that merchants within the city of New York have been accepting the return of previously purchased undergarments and offering the same items for resale to the public. The Council finds that investigative news reports have revealed that some of the most reputable retailers in the City and nation may engage in this practice. The Council further finds that reselling used underwear creates significant public health risks, as experts report that dangerous bacteria including yeast and e.coli can survive for weeks on certain undergarments and can be transferred from an original owner to an unwitting subsequent purchaser. Moreover, the Council finds that such a practice is likely a violation of the City's Consumer Protection Law and is certainly repugnant to general standards of hygiene and responsibility.

§2. Chapter five of title twenty of the administrative code of the city of New York is amended to add a new subchapter sixteen to read as follows:

SUBCHAPTER 16

PROHIBITION ON THE RESALE OF UNDERGARMENTS

§20-900 Definition

§20-901 Prohibition

§20-902 Penalties

§20-900. **Definition.** For the purposes of this subchapter, the term "personal undergarment" shall mean an item of clothing worn under the outer clothes and next to the skin in the area directly below an individual's waist. The term shall not include any

brassiere, undershirt, or sock.

§20-901. **Prohibition.** It shall be unlawful for any person to offer or cause to be offered for sale any personal undergarment that had been previously purchased and subsequently returned.

§20-902. **Penalties.** Any person who shall violate the provisions of this subchapter shall pay a civil penalty of not less than one hundred dollars and not more than three hundred dollars for the first offense and for each succeeding offense a penalty of not less than two hundred dollars nor more than five hundred dollars for each such violation. For purposes of this section, each sale of a previously purchased and subsequently returned undergarment shall be considered a single offense.

§3. This local law shall take effect 60 days after it is enacted.

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