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Int. No. 4

By The Speaker (Council Member Menin) and Council Members Hanif, Louis, Encarnación, Brewer, Abreu, Aldebol and Morano

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting pricing increases based on real-time demand at food service establishments

Be it enacted by the Council as follows:

Subchapter 9 of chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-694 to read as follows:

§ 20-694 Prohibition on certain dynamic pricing a. Definitions. As used in this section, the following terms have the following meanings:

Food service establishment. The term "food service establishment" has the same meaning as in section 81.03 of the New York city health code.

Menu or menu board. The term “menu or menu board” has the same meaning as in section 81.49 of the New York city health code.

b. Prohibition. No food service establishment shall use a dynamic pricing model that increases the price of any item on a menu or menu board based on a measure of real-time demand that accounts for the number of individuals physically present in the food service establishment at a point in time.

c. Penalties. A food service establishment that violates this section is liable for a civil penalty of $500 for each day that a dynamic pricing model is used.

§ 2. This local law takes effect immediately.

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