



34th Street
Partnership



April 28, 2026

Hon. Andrea Stewart-Cousins
Majority Leader
New York State Senate
Capitol Building
Room 330
Albany, New York 12247

Hon. Carl Heastie
Speaker
New York State Assembly
Legislative Office Building
Room 932
Albany, New York 12248

**RE: S.8623 (May) / A.9349 (Torres)
S.8616 (Gianaris) / A.9396 (Solages)**

Dear Majority Leader Stewart-Cousins and Speaker Heastie:

On behalf of the undersigned organizations, representing thousands of employers in New York State, we write to express our opposition to the legislation as currently drafted.

The intent of each bill is to address affordability challenges and establish a public policy response to a recent Federal Trade Commission (FTC) Pricing 6(b) Study. The provisions, however, will effectively result in fewer discounts and reduced competition in the marketplace, which will effectively harm consumers in New York on both price and product choice.

It is important to note from the outset that the aforementioned FTC study – which serves as the basis for each bill – includes important disclaimers that must be acknowledged. Specifically, the study notes that the “format of this work aims to highlight initial observations and communicates that there is much more work to do and share.”

We are aligned with the position that this issue is extraordinarily complex and requires a very clear understanding of pricing and customer service in a competitive market. Stores throughout the state are faced with intense pressure to remain competitive and no legitimate retailer can afford to increase prices opportunistically without losing customers in the process. Furthermore, there are existing federal and state laws that prohibit price discrimination based on race, gender, religion, nationality, disability, age, sexual orientation and other protected characteristics – a legal standard that we strongly support.

Shoppers today have considerable tools and data at their disposal. They are now able to compare prices in real time and make an informed purchase based on price, quality, brand loyalty and service. As a result, there is far more incentive for retailers to reduce prices as they compete for each customer, and this competition ultimately benefits consumers.

To be clear, the undersigned organizations acknowledge affordability concerns in New York State and across the country. While businesses large and small continue to compete fairly in today's economy, recent price increases are a direct result of several external factors including tariffs, inflation, shipping and raw material costs. An outright prohibition on certain price discounts, coupons and promotions would exacerbate the affordability challenges facing New York residents, rather than provide meaningful solutions.

We also write to express our opposition to legislation prohibiting local stores from investing in electronic shelf label technology that has been used for years by online merchants, gas stations and restaurants.

Contrary to the misinformation surrounding electronic shelf labels (ESLs), they are simply used to improve price accuracy between the store shelf and the point-of-sale, while reducing the waste created by paper displays. They do not collect personal information, track shoppers or change prices based on the individual who is looking at a particular shelf or item. Recent allegations that ESLs will result in a "threat to numerous jobs" are also unfounded. Instead of using valuable time to print, cut and replace paper labels, employees are able to focus on supporting other functions of a business, like improving customer service and the overall store experience.

Finally, the captioned legislation includes a private right of action, which would expose every merchant in New York to litigation, with little benefit to consumers. This would undoubtedly shift valuable resources and investments in the local community and economy to attorney fees and the plaintiffs bar, which again runs counter to effectively addressing affordability concerns.

Rather than discouraging businesses from using a customer's personal identifiable information to increase the price of goods, the legislation would prohibit popular discounts and promotions in New York State. While we will remain a constructive part of the conversation on affordability and consumer protection issues, the referenced bill(s) would impose unworkable requirements on local stores that invest in the state. We oppose the legislation as currently drafted and urge its disapproval.

Respectfully submitted,

34th Street Partnership
The Business Council of New York State
Capital Region Chamber of Commerce
Food Industry Alliance of New York State, Inc.
Greater Rochester Chamber of Commerce
National Retail Federation
Retail Council of New York State
Retail Industry Leaders Association
Tech:NYC