

S.6853 (Addabbo)/A.1250 (Paulin)

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BILL S.6853 (Addabbo)/A.1250 (Paulin)
SUBJECT Addressing Unintended Consequences on Marketing Efforts
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SUPPORT

The Business Council strongly supports two-house adoption of this legislation which passed the Assembly in both 2023 and 2024 with no negative votes.

It addresses unintended consequences from a 2019 amendment to the General Business Law that were amplified by COVID pandemic emergency declarations, and which continues to impact a wide range of New York business, including telecommunications, real estate, financial services.

The 2019 amendments prohibited certain telemarketing calls during a declared state of emergency, based on concerns that such calls could overburden communications networks already damaged by natural disasters.

Many businesses were caught unaware when then-Governor Cuomo's initial COVID emergency declaration on March 7, 2020 (Executive Order 202) triggered this prohibition. Clearly, the COVID epidemic had no impact on telecommunications, and The Business Council and others argued for subsequent extensions of the emergency declaration to include an exemption from the GLB moratorium. Instead, these restrictions were extended with each extension of the original EO 202 emergency declaration.

Since then, New York has been under an almost constant "state of emergency," dating back to a July 7, 2021 state-wide disaster emergency declaration due to escalating gun violence, and with other subsequent emergency declarations for factors that had absolutely no impact on telecommunication networks.

As result, restrictions on sales activities continue to unnecessarily impact a wide range of New York employers and jobs, from real estate to financial services, telecommunications, retail stores and others.

This legislation proposes a workable, common-sense fix. It provides that the telemarketing prohibition would only apply when an emergency declaration includes a finding that unsolicited telemarketing sales calls would impair actions taken to limit, control, or mitigate the emergency, and the restriction would only apply for up to two weeks, subject to extension.

This telemarketing restriction was never intended to be part of the state's response to non-natural disaster emergencies, and its unintended continuous application is only adding to the state's burdensome regulatory climate.

To avoid continued unintended and unwarranted impacts on business and their salesworkers, The Business Council supports approval of S.6853/A.1250.