May 26, 2026

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

RE: A.9349-A (Torres)
A.9396-A (Solages)

Dear 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.

Rather than discouraging businesses from using a customer's personal identifiable information to increase the price of goods, the legislation would limit 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
Buffalo Niagara Partnership
The Business Council of New York State
Business Council of Westchester
Capital Region Chamber of Commerce
Connected Commerce Council
Computer & Communications Industry Association
Consumer Technology Association
Food Industry Alliance of New York State, Inc.
Greater Rochester Chamber of Commerce
Hotel Association of New York City
Long Island Association
National Federation of Independent Businesses
National Retail Federation
New York State Hospitality & Tourism Association
North Country Chamber of Commerce
Orange County Chamber of Commerce
Partnership for New York City
Queens Chamber of Commerce
Retail Council of New York State
Retail Industry Leaders Association
Staten Island Chamber of Commerce
TechNet
Tech:NYC
Travel Technology Association