



MEMORANDUM IN SUPPORT

S.7656 (Thomas) / A.8662 (Cusick)

AN ACT to amend the general business law, in relation to prohibiting unsolicited telemarketing sales calls during certain declared states of emergency

The Capital Region Chamber, representing 2,800 businesses and organizations from throughout the Capital Region that employ more than 160,000 area residents, strongly supports S.7656 /A.8662, which would amend the general business law to clarify that the prohibition on knowingly making an unsolicited telemarketing call applies only when the declaration of a state of emergency includes a finding that unsolicited calls would impair actions taken to limit, control, or mitigate the emergency.

Currently, General Business Law Section 399-z (5-a) prohibits telemarketing calls from being made to New Yorkers who reside in locations affected by a state of emergency declared by the Governor. As a result, this law has prohibited telemarketing from taking place anywhere in the State since March 2020, because the Governor declared a statewide emergency due to the Covid-19 pandemic as well as successive subsequent statewide emergencies related to other matters. However, as the bill sponsors correctly point out, state of emergency disasters are traditionally short term and geographically limited to areas that experience a public emergency, such as a storm or public safety event. Regrettably, with respect to Covid-19, the state of emergency pronouncement has encompassed the entire state and has been a long-term event.

This bill would address an unforeseen consequence of current law, namely, that an important tool utilized by legitimate businesses, including the Capital Region Chamber, to reach customers to help educate them regarding products or services that may be valuable to their businesses, employees, or their own families, has been eliminated. The bill would correct the unintended consequences caused by the current law by limiting the telemarketing prohibition to only emergency declarations where it is determined that unsolicited telemarketing sales calls would impair actions taken to limit, control, or mitigate the emergency and explains the basis of such finding. In the event the State determines telemarketing calls would impair such actions, this bill would mandate such prohibition be in place for a period of two weeks.

The bill strikes the proper balance between the State's response to a state of an emergency and the ability of legitimate businesses to conduct telemarketing without impairing the State's response.

For these stated reasons, the Capital Region Chamber recommends the passage of this legislation.

Date Issued: February 18, 2022

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