

## **New York City Department of Consumer and Worker Protection**

### **Notice of Adoption**

Notice of Adoption to add rules to implement Local Law 202 of 2019, Local Law 144 of 2021, and Local Law 37 of 2022. These new rules add penalty schedules for violations related to keeping or selling any force-fed products, open captioning in motion picture theaters, and automated employment decision tools.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of Consumer and Worker Protection by sections 1043 and 2203(f) of the New York City Charter and sections 20-104(b) of Title 20 of the Administrative Code of the City of New York, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Department amends chapters 6 of Title 6 of the Rules of the City of New York.

This rule was proposed and published on May 6, 2022. A public hearing was held on June 6, 2022. The Department of Consumer and Worker Protection (“DCWP” or “Department”) received comments from the public.

### **Statement of Basis and Purpose of Rule**

The Department is adding new rules to implement Local Law 202 of 2019, Local Law 144 of 2021, and Local Law 37 of 2022. These new rules add penalty schedules for violations related to keeping or selling any force-fed products, open captioning in motion picture theaters, and automated employment decision tools.

Local Law 202 of 2019 prohibits any food service establishment or retail food establishment from keeping or selling any force-fed products such as foie gras or any items that contain any force-fed products.

Local Law 144 of 2021 prohibits employers and employment agencies from using an automated employment decision tool unless such tool has been subject to a bias audit within one year of the use of the tool, information about such audit is publicly available, and certain notices have been provided to employees or job candidates. An automated employment decision tool means a computational process that issues simplified scores or recommendations used to assist in making employment decisions.

Local Law 37 of 2022 requires certain motion picture theaters to provide open motion picture captioning for a certain number of movie showings. Open motion picture captioning means the written display of dialogue and non-speech information such as music, the identity of the character who is speaking, and other sounds and sound effects. Open captioning is always displayed, distinguishing it from “closed captioning”, which can be turned off by the viewer.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

### **Rule Amendment**

Section 1. A new section 6-80 of subchapter B of chapter 6 of title 6 of the Rules of the City of New York is added to read as follows:

### **§ 6-80 Open Captioning at Motion Picture Theaters Penalty Schedule.**

All citations are to Title 20 of the Administrative Code of the City of New York or Title 6 of the Rules of the City of New York.

Unless otherwise specified, the penalties set forth for each section of law or rule shall also apply to all subdivisions, paragraphs, subparagraphs, clauses, items, or any other provision contained therein. Each subdivision, paragraph, subparagraph, clause, item, or other provision charged in the Notice of Violation shall constitute a separate violation of the law or rule.

Unless otherwise specified by law, a second, or third and subsequent violation means a violation by the same respondent, whether by pleading guilty, being found guilty in a decision, or entering into a settlement agreement for violating the same provision of law or rule, within two years of the prior violation(s).

Citation	Violation Description	First Violation	First Default	Second Violation	Second Default	Third and Subsequent Violation	Third and Subsequent Default
Admin. Code § 20-699.7(b)	Failure to provide open motion picture captioning	\$375	\$500	\$450	\$500	\$500	\$500
Admin. Code § 20-699.7(d)	Failure to comply with timing requirements for open motion picture captioning	\$375	\$500	\$450	\$500	\$500	\$500
Admin. Code § 20-699.7(e)	Failure to comply with public notice requirements for open motion picture captioning	\$375	\$500	\$450	\$500	\$500	\$500
Admin. Code § 20-699.7(f)	Failure to comply with records requirements	\$375	\$500	\$450	\$500	\$500	\$500

§ 2. A new section 6-81 of subchapter B of chapter 6 of title 6 of the Rules of the City of New York is added to read as follows:

### **§ 6-81 Automated Employment Decision Tools Penalty Schedule.**

All citations are to Title 20 of the Administrative Code of the City of New York or Title 6 of the Rules of the City of New York.

Unless otherwise specified, the penalties set forth for each section of law or rule shall also apply to all subdivisions, paragraphs, subparagraphs, clauses, items, or any other provision contained therein. Each subdivision, paragraph, subparagraph, clause, item, or other provision charged in the Notice of Violation shall constitute a separate violation of the law or rule.

Unless otherwise specified by law, a second, or third and subsequent violation means a violation by the same respondent, whether by pleading guilty, being found guilty in a decision, or entering into a

settlement agreement for violating the same provision of law or rule, within two years of the prior violation(s).

Each day on which an automated employment decision tool is used in violation of this section gives rise to a separate violation of subdivision a of section 20-871 of the Administrative Code.

Failure to provide any notice to a candidate or an employee in violation of paragraphs 1, 2 or 3 of subdivision b of section 20-871 of the Administrative Code shall constitute a separate violation.

Citation	Violation Description	First Violation	First Default	Second Violation	Second Default	Third and Subsequent Violation	Third and Subsequent Default
Admin. Code § 20-871(a)	Failure to comply with requirements for use of an automated employment decision tool	\$375	\$500	\$1,350	\$1,500	\$1,500	\$1,500
Admin. Code § 20-871(b)	Failure to comply with notice requirements related to automated employment decision tools	\$375	\$500	\$1,350	\$1,500	\$1,500	\$1,500

§ 3. A new section 6-82 of subchapter B of chapter 6 of title 6 of the Rules of the City of New York is added to read as follows:

**§ 6-82 Force-Fed Products Penalty Schedule.**

All citations are to Title 20 of the Administrative Code of the City of New York or Title 6 of the Rules of the City of New York.

Unless otherwise specified, the penalties set forth for each section of law or rule shall also apply to all subdivisions, paragraphs, subparagraphs, clauses, items, or any other provision contained therein. Each subdivision, paragraph, subparagraph, clause, item, or other provision charged in the Notice of Violation shall constitute a separate violation of the law or rule.

Unless otherwise specified by law, a second, or third and subsequent violation means a violation by the same respondent, whether by pleading guilty, being found guilty in a decision, or entering into a settlement agreement for violating the same provision of law or rule, within two years of the prior violation(s).

Each violation may be treated as a separate and distinct offense. Each day on which a respondent commits a violation may be treated as a separate and distinct offense.

Citation	Violation Description	First Violation	First Default	Second Violation	Second Default	Third and Subsequent Violation	Third and Subsequent Default
Admin. Code § 17-1902	Failure to comply with prohibition on force-fed products or food containing force-fed products	\$500	\$500	\$500	\$500	\$500	\$500