

Memorandum in Support

Committee on Disability Rights

April 28, 2025

S.2269
A.4628

By: Senator Holyman -Sigal
By: M. of A. Seawright
Senate Committee: Consumer
Protection

Assembly Committee: Consumer Affairs
and Protection

Effective Date: 120th Day After
Becomes Law

AN ACT to amend the General Business Law, in relation to requiring certain motion picture theaters to provide scheduled showings with open motion picture captioning.

LAW AND SECTIONS REFERRED TO: Article 44-B of the General Business Law.

This bill would add new Article 45 to the General Business Law, requiring motion picture theaters that offer more than ten (10) motion picture showings per week to provide a certain number of scheduled showings with open captioning. “Open motion picture captioning” is defined as “the written, on-screen display of a motion picture’s dialogue and non-speech information, including music, the identity of the character who is speaking, and other sounds effects.” Motion picture theaters that fall under the new bill’s purview must ensure that if a motion picture is shown four or more times in a one-week period, at least a quarter of the movie’s showings must have open captioning. Half of those required showings must occur during peak motion picture attendance hours, with “peak motion picture attendance hours” defined as “the hours between five fifty-nine in the evening and one minute past eleven o’clock in the evening on Friday and the hours between eleven twenty-nine in the morning and one minute past eleven o’clock in the evening on Saturday or Sunday.”

Approximately one-million New Yorkers have a hearing disability,¹ with approximately one in four adults in the United States having a disability.² On screen closed captioning is not only used by individuals with hearing loss, but also by neurodiverse individuals, people who use ear protection, and many others including English-language learners. Therefore, in order to ensure an equal viewing experience to all individuals in New York, on-screen closed captioning is necessary.

¹ https://www.health.ny.gov/statistics/prevention/injury_prevention/information_for_action/docs/2024-15_ifa_report.pdf; see also <https://worldpopulationreview.com/states/new-york>.

² https://www.health.ny.gov/statistics/brfss/reports/docs/2023-02_brfss_disability_status.pdf

The current closed captioning accommodation that is offered in most New York State movie theaters is inadequate, as it requires people to read text from a handheld device that takes the viewers' attention away from the screen.³ Per Senator Holyman-Sigal in the legislative justification for this new law:

Currently, federal regulations require movie theaters to provide individual viewing devices that display dialogue in writing as closed captions, visible only to patrons with the viewing devices. While this provides deaf and hard of hearing Americans some access to cinema, these closed-captioning devices can be distracting for users. Of particular concern, movie theaters fail to properly maintain working devices, and users recount frequent battery outages and malfunctions. As a result of these difficulties, movie theaters are not fully accessible or comfortable environments for the deaf and hard of hearing community.⁴

Local laws requiring on-screen closed captioning exist in parts of New York State, but not all.⁵ With the enactment of this legislation, on-screen captioning will be available throughout all of New York State. This bill ensures that all individuals, regardless of their hearing abilities, have equal access to and enjoyment of movie theaters.

This bill will have a meaningful impact on the quality of life for thousands of New Yorkers by making their viewing experience equal to others and also supporting the autonomy of individuals with disabilities.

For the above reasons, the New York State Bar Association's Committee on Disability Rights strongly **SUPPORTS** this Legislation.

³ See, e.g., <https://www.whec.com/top-news/advocates-push-for-open-captions-at-ny-state-theaters-for-deaf-and-hard-of-hearing-people/>

⁴ <https://www.nysenate.gov/legislation/bills/2025/S2269>

⁵ See, e.g., Administrative Code of the City of New York § 20-699.7.