

June 2, 2025

The Honorable James Skoufis
Chair, Investigations and Government Operations
New York State Senate
188 State Street, Room 612
Legislative Office Building
Albany, NY 12248

The Honorable Ron Kim
Chair, Committee on Tourism, Parks, Arts and Sports Development
New York State Assembly
188 State Street, Room 712
Legislative Office Building
Albany, NY 12248

Re: New York Senate Bill S8221 and Assembly Bill A8659

Dear Senator Skoufis and Assembly Member Kim:

The Progressive Policy Institute (PPI) is writing to express strong opposition to the proposed New York Senate Bill S8221 and Assembly Bill A8659.¹ The proposed legislation would impose price caps on the resale of live event tickets. The imposition of price controls on resale tickets would be an indisputable “win” for the Live Nation-Ticketmaster monopoly and a crushing loss for consumers and artists.

For a number of economic reasons that [PPI has explored with many state lawmakers](#), price controls, which are an invasive form of market regulation, will work to stifle competition across the live event ticket market, including the resale market. This will deprive fans of a critical alternative for buying tickets outside the Live Nation-Ticketmaster monopoly that already sells the vast majority of tickets in New York state. Price controls will, therefore, hand the live events and ticketing behemoth even more market power. PPI respectfully urges New York lawmakers to remove price cap requirements for resale ticketing from S8221 and A8659.

Price Controls Are an Invasive Form of Regulation That Will Distort Resale Ticket Markets and Stifle Competition

PPI urges New York lawmakers to consider that price controls severely distort markets, to the detriment of market participants. This is particularly true in ticketing, where S8221 and A8659

¹ The Progressive Policy Institute (PPI) is a catalyst for policy innovation and political reform based in Washington, D.C., with offices in Brussels, the U.K., and Kiev. PPI is home to a [center on competition advocacy](#) with the goal of promoting competitive markets for the benefit of consumers and workers.

perversely contemplate *no* regulation of a monopolized primary ticket market yet invasive regulation of the competitive resale ticket market. Price controls will set arbitrary ceilings on resale ticket price levels. This will create surpluses and shortages that induce enormous inefficiencies and inequities and de-incentivize ticket sellers and buyers from participating in the resale market because prices do not reflect the true value they place on a ticket.

Price controls will, therefore, stifle competition from the resale ticket market, which fans badly need as an alternative to the Live Nation-Ticketmaster monopoly. Indeed, price controls will directly aid Live Nation-Ticketmaster in retaining its grip on monopoly power. Price controls on resale tickets are also likely to drive ticket resale back to fraudulent shadow markets where New Yorkers were scammed before the advent of online marketplaces. Experience with regulation of the resale ticket market in [Ireland and Victoria, Australia](#), shows that it drives fraud and abuse.

Instead of passing legislation that will guarantee these adverse outcomes, PPI respectfully suggests that New York lawmakers endeavor to keep ticket resale *unregulated* while promoting transparency and ticket transferability in resale ticket markets that protects sellers and buyers.

Proposals to Regulate Prices in Other States Have Failed Because Regulation Perpetuates Monopoly Profits for Some Stakeholders but Universally Harms Consumers

Proposals to regulate prices in the resale ticket markets in other states have failed. At the behest of three distinct groups — venues, artists, and Live Nation-Ticketmaster — a number of other states have introduced consumer protection-styled legislation to regulate resale prices. These “consumer protection” proposals are, in reality, intended to stifle competition in resale. They are based on a deeply flawed rationale that promotes the interests of market participants that profit from the Live Nation-Ticketmaster monopoly, at the expense of the consumer. Supporting a stake in monopoly profits for select stakeholders should not be the basis of legislation that purports to protect consumers.

For example, Live Nation-Ticketmaster profits enormously by interfering with competition in the resale ticket market, expressly because consumers are forced back to its monopoly primary ticketing platform. It does this, for example, through the use of exclusive contracts with venues that force them to use the Ticketmaster platform in exchange for access to Live Nation talent. Venues enjoy this close profit-sharing relationship with a monopolist, but maintaining profits depends critically on squeezing out competition from the resale market and steering fans back to the monopoly ticketing platform.

Perversely, exclusive contracts, which were reportedly prohibited in an earlier version of the New York bills, hurt artists. This is because Live Nation-Ticketmaster’s biggest leverage against venues is restricting access to Live Nation talent if they do not agree to use Ticketmaster as their ticketing platform. Artists have instead been encouraged to support regulation of the resale market because they do not get a “cut” of the ticket sale when a ticket is resold. Artists have taken this position, even though it is impossible to identify any resale market where a seller (e.g., of a used car) continues to profit from subsequent resales of their product. Moreover, the resale market puts more fans in seats, [often at lower prices](#), helping to fill up arenas and music venues

so that artists can grow their fan base. Price controls on resale tickets will interfere with this process.

Fans are the ultimate victims of Live Nation-Ticketmaster's anticompetitive practices, such as exclusive contracts, which are not addressed at all in the New York bills. Indeed, these contracts have allowed Live Nation-Ticketmaster to amass the enormous market power that generates its sky-high ticket fees, poor quality service and a glitchy ticketing platform, and [breaches of ticket buyers' data privacy and security](#). Competition from resellers provides consumers with an important alternative to this dismal monopoly scenario, yet the New York bill would knee-cap competition in the resale ticket market, which is the only alternative to the Live Nation-Ticketmaster monopoly.

State Ticketing Legislation is Likely to Interfere With Antitrust Enforcement, Which is Designed to Protect Consumers

PPI respectfully suggests that a patchwork of different state regulations, especially those that involve invasive market regulation, is not the best policy tool for addressing the ticketing markets. Antitrust enforcement against anticompetitive, monopolistic conduct that has stifled competition and harmed fans and artists is the better approach. PPI has been [the leading voice](#) in advocating for the U.S. Department of Justice (DOJ) [monopolization case against Live Nation-Ticketmaster](#), to which New York and numerous other states have signed on.

However, price controls and other regulatory restraints on resale ticketing could actually interfere with this landmark antitrust enforcement effort, in myriad ways. These range from thwarting antitrust analysis of markets by distorting resale prices, to creating immunities from antitrust enforcement as a result of state-level regulatory regimes. In light of the foregoing concerns, PPI encourages New York lawmakers to remove price caps on ticket resale from S8221 and A8659. PPI further urges lawmakers to hit the pause button on any state legislation regarding ticket resale during the pendency and outcome of the DOJ antitrust case against Live Nation-Ticketmaster.

PPI appreciates the opportunity to share our analysis and perspective on S8221 and A8659 and would be happy to engage in further discussion with New York lawmakers on this issue.

Respectfully submitted,



Diana Moss

Diana L. Moss, Ph.D.
Vice President and Director of Competition Policy
Progressive Policy Institute
E-mail | dmoss@ppionline.org | [LinkedIn](#)