S T A T E O F N E W Y O R K

6285--A

Cal. No. 958

I N S E N A T E

January 20, 2012

Introduced by Sens. LANZA, GOLDEN, MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the executive law, in relation to contracts to disseminate certain advertising materials

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The executive law is amended by adding a new section 32-a to read as follows:

S 32-A. CONTRACTS TO DISSEMINATE ADVERTISING MATERIALS. 1. DEFINITIONS. THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS FOR THE PURPOSES OF THIS SECTION:

(A) "STATE AGENCY" SHALL MEAN AN AGENCY AS DEFINED BY SUBDIVISION ONE OF SECTION THIRTY-FIVE OF THIS CHAPTER.

(B) "MAILINGS" SHALL MEAN ANY MAIL CLASSIFIED BY THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL.

2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHEN A STATE AGENCY ENTERS INTO A CONTRACT DIRECTLY OR THROUGH A THIRD PARTY TO DISSEMINATE, THROUGH MAILINGS, ADVERTISING MATERIALS TO THE PUBLIC RELATING TO A PRODUCT OR SERVICE, SUCH CONTRACT SHALL EXCLUDE THE ADVERTISEMENT OF PRODUCTS OR SERVICES OF ENTITIES THAT ARE NOT DEFINED AS STATE AGENCIES WHICH RELATE DIRECTLY TO THE AUTHORITY, MISSION OR SUBJECT MATTER OF THE STATE AGENCY. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT STATE AGENCIES FROM ENTERING INTO AGREEMENTS THAT ARE NOT OTHERWISE PROHIBITED BY THIS SECTION WITH ENTITIES THAT ARE NOT DEFINED AS STATE AGENCIES OR ADVERTISING THEIR OWN PROGRAMS, FACILITIES, OR OPERATIONS.

S 2. This act shall take effect immediately and shall apply to all contracts entered into on or after such effective date.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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