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

6285

I N S E N A T E

January 20, 2012

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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 WHICH RELATE DIRECTLY TO THE AUTHORITY, MISSION OR SUBJECT MATTER OF THE STATE AGENCY. PROVIDED, HOWEVER, THAT ADVERTISEMENTS WHICH ARE DESIGNED TO PROMOTE PROGRAMS, FACILITIES OR OPERATIONS OF THE STATE AGENCY SHALL NOT BE SUBJECT TO THE PROVISIONS OF THIS SECTION.

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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