

STATE OF NEW YORK

7360

2021-2022 Regular Sessions

IN SENATE

September 3, 2021

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

AN ACT to amend the alcoholic beverage control law, in relation to requiring curriculum related to human trafficking awareness to be included in alcohol training awareness programs

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 10 of section 18 of the alcoholic beverage
2 control law, as added by chapter 118 of the laws of 2012, is amended to
3 read as follows:

4 10. (a) To develop and establish minimum criteria for alcohol training
5 awareness programs which may be given and administered by schools; other
6 entities including trade associations whose members are engaged in or
7 involved in the retail sale of alcoholic beverages; national and
8 regional franchisors who have granted at least five franchises in the
9 state which are licensed to sell beer at retail for off-premises
10 consumption; licensees authorized to sell alcoholic beverages at retail
11 for off-premises consumption operating five or more licensed premises;
12 and persons interested, whether as an individual proprietor or partner
13 or officer or member of a limited liability company, in five or more
14 licensees authorized to sell alcoholic beverages at retail for off-premises
15 consumption. The authority shall provide for the issuance of
16 certificates of approval to all certified alcohol training awareness
17 programs. Certificates of approval may be revoked by the authority for
18 failure to adhere to the authority's rules and regulations. Such rules
19 and regulations shall afford those who have been issued a certificate of
20 approval an opportunity for a hearing prior to any determination of
21 whether such certificate should be revoked.

22 (b) No licensee shall be required to apply for any such certificate or
23 renewal certificate and the licensee may voluntarily surrender such a
24 certificate or renewal certificate at any time. A fee in the amount of

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

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1 nine hundred dollars shall be paid to the authority with each applica-
2 tion for a certificate of approval or renewal certificate. The authority
3 shall promptly refund such fee to an applicant whose application was
4 denied. Each certificate of approval and renewal thereof shall be issued
5 for a period of three years. To effectuate the provisions of this subdi-
6 vision, the authority is empowered to require in connection with an
7 application the submission of such information as the authority may
8 direct; to prescribe forms of applications and of all reports which it
9 deems necessary to be made by any applicant or certificate holder; to
10 conduct investigations; to require the maintenance of such books and
11 records as the authority may direct; to revoke, cancel, or suspend for
12 cause any certificate provided for in this subdivision. Each entity
13 authorized to give and administer an alcohol training awareness program
14 shall issue certificates of completion to all licensees and employees
15 who successfully complete such an approved alcohol training awareness
16 program. Such entity shall regularly transmit to the authority the
17 names, addresses and dates of attendance of all the licensees and
18 employees of licensees who successfully complete an approved alcohol
19 training awareness program. Such transmittal shall be in a form and
20 manner prescribed by the authority. The authority shall adopt rules and
21 regulations to effectuate the provisions of this subdivision, including
22 the minimum requirements for the curriculum of each such training
23 program and the regular ongoing training of employees holding certif-
24 icates of completion or renewal certificates. Such rules and regulations
25 shall include the minimum requirements for a separate curriculum for
26 licensees and their employees authorized to sell alcoholic beverages at
27 retail for off-premises consumption, minimum requirements for a separate
28 curriculum for licensees and their employees authorized to sell alcohol-
29 ic beverages at retail for on-premises consumption, and the form of a
30 certificate of completion or renewal thereof to be issued in respect to
31 each such type of program. Such rules and regulations shall include a
32 requirement that all curriculums include training related to human traf-
33 icking awareness. Such human trafficking awareness training curriculum
34 shall be developed in conjunction with, and approved by, the New York
35 state interagency task force on human trafficking. Such human traffick-
36 ing awareness training program shall be implemented by each entity
37 authorized to give and administer an alcohol training awareness program.
38 Any such entity that does not implement a human trafficking awareness
39 program as part of its curriculum shall no longer be authorized to
40 administer any alcohol training awareness program and shall not be
41 eligible to be certified as a state liquor authority school. Any alco-
42 hol training awareness program that is currently certified by the state
43 liquor authority shall lose its certification if such program fails to
44 include human trafficking awareness training as part of its curriculum.

45 (c) A certificate of completion or renewal thereof issued by an entity
46 authorized to give and administer an alcohol training awareness program
47 pursuant to this subdivision to licensees and their employees authorized
48 to sell alcoholic beverages at retail for off-premises consumption shall
49 not be invalidated by a change of employment to another such licensee. A
50 certificate of completion or renewal thereof issued by an entity author-
51 ized to give and administer an alcohol training awareness program pursu-
52 ant to this subdivision to licensees and their employees authorized to
53 sell alcoholic beverages at retail for on-premises consumption shall not
54 be invalidated by a change of employment to another such licensee.
55 Attendance at any course established pursuant to this section shall be

1 in person, through distance learning methods, or through an internet
2 based online program.

3 § 2. Subdivision 12 of section 17 of the alcoholic beverage control
4 law, as amended by chapter 549 of the laws of 2001, the closing para-
5 graph as amended by chapter 435 of the laws of 2010, is amended to read
6 as follows:

7 12. (a) To develop and establish minimum criteria for alcohol training
8 awareness programs which may be given and administered by schools; other
9 entities including trade associations whose members are engaged in or
10 involved in the retail sale of alcoholic beverages; national and
11 regional franchisors who have granted at least five franchises in the
12 state which are licensed to sell beer at retail for off-premises
13 consumption; licensees authorized to sell alcoholic beverages at retail
14 for off-premises consumption operating five or more licensed premises;
15 and persons interested, whether as an individual proprietor or partner
16 or officer or member of a limited liability company, in five or more
17 licensees authorized to sell alcoholic beverages at retail for off-prem-
18 ises consumption. The authority shall provide for the issuance of
19 certificates of approval to all certified alcohol training awareness
20 programs. Certificates of approval may be revoked by the authority for
21 failure to adhere to the authority's rules and regulations. Such rules
22 and regulations shall afford those who have been issued a certificate of
23 approval an opportunity for a hearing prior to any determination of
24 whether such certificate should be revoked.

25 (b) No licensee shall be required to apply for any such certificate or
26 renewal certificate and the licensee may voluntarily surrender such a
27 certificate or renewal certificate at any time. A fee in the amount of
28 nine hundred dollars shall be paid to the authority with each applica-
29 tion for a certificate of approval or renewal certificate. The authority
30 shall promptly refund such fee to an applicant whose application was
31 denied. Each certificate of approval and renewal thereof shall be issued
32 for a period of three years. To effectuate the provisions of this subdi-
33 vision, the authority is empowered to require in connection with an
34 application the submission of such information as the authority may
35 direct; to prescribe forms of applications and of all reports which it
36 deems necessary to be made by any applicant or certificate holder; to
37 conduct investigations; to require the maintenance of such books and
38 records as the authority may direct; to revoke, cancel, or suspend for
39 cause any certificate provided for in this subdivision. Each entity
40 authorized to give and administer an alcohol training awareness program
41 shall issue certificates of completion to all licensees and employees
42 who successfully complete such an approved alcohol training awareness
43 program. Such entity shall regularly transmit to the authority the
44 names, addresses and dates of attendance of all the licensees and
45 employees of licensees who successfully complete an approved alcohol
46 training awareness program. Such transmittal shall be in a form and
47 manner prescribed by the authority. The authority shall adopt rules and
48 regulations to effectuate the provisions of this subdivision, including
49 the minimum requirements for the curriculum of each such training
50 program and the regular ongoing training of employees holding certifi-
51 cates of completion or renewal certificates. Such rules and regulations
52 shall include the minimum requirements for a separate curriculum for
53 licensees and their employees authorized to sell alcoholic beverages at
54 retail for off-premises consumption, minimum requirements for a separate
55 curriculum for licensees and their employees authorized to sell alcohol-
56 ic beverages at retail for on-premises consumption, and the form of a

1 certificate of completion or renewal thereof to be issued in respect to
2 each such type of program. Such rules and regulations shall include a
3 requirement that all curriculums include training related to human traf-
4 ficking awareness. Such human trafficking awareness training curriculum
5 shall be developed in conjunction with, and approved by, the New York
6 state interagency task force on human trafficking. Such human traffick-
7 ing awareness training program shall be implemented by each entity
8 authorized to give and administer an alcohol training awareness program.
9 Any such entity that does not implement a human trafficking awareness
10 program as part of its curriculum shall no longer be authorized to
11 administer any alcohol training awareness program and shall not be
12 eligible to be certified as a state liquor authority school. Any alco-
13 hol training awareness program that is currently certified by the state
14 liquor authority shall lose its certification if such program fails to
15 include human trafficking awareness training as part of its curriculum.

16 (c) A certificate of completion or renewal thereof issued by an entity
17 authorized to give and administer an alcohol training awareness program
18 pursuant to this subdivision to licensees and their employees authorized
19 to sell alcoholic beverages at retail for off-premises consumption shall
20 not be invalidated by a change of employment to another such licensee. A
21 certificate of completion or renewal thereof issued by an entity author-
22 ized to give and administer an alcohol training awareness program pursu-
23 ant to this subdivision to licensees and their employees authorized to
24 sell alcoholic beverages at retail for on-premises consumption shall not
25 be invalidated by a change of employment to another such licensee.
26 Attendance at any course established pursuant to this section shall be
27 in person, through distance learning methods, or through an internet
28 based online program.

29 § 3. This act shall take effect on the thirtieth day after it shall
30 have become a law, provided, however, that the amendments to subdivision
31 10 of section 18 of the alcoholic beverage control law made by section
32 one of this act shall not affect the expiration of such subdivision and
33 shall be deemed to expire therewith; and provided further that section
34 two of this act shall take effect on the same date as the reversion of
35 subdivision 12 of section 17 of the alcoholic beverage control law as
36 provided in section 4 of chapter 118 of the laws of 2012, as amended.
37 Effective immediately, the addition, amendment and/or repeal of any rule
38 or regulation necessary for the implementation of this act on its effec-
39 tive date are authorized and directed to be made and completed on or
40 before such effective date.