

6477

2009-2010 Regular Sessions

I N A S S E M B L Y

March 4, 2009

Introduced by M. of A. ORTIZ, J. RIVERA, BENEDETTO, JAFFEE, COOK, EDDINGTON, ROBINSON, CLARK, ESPAILLAT, HOOPER -- Multi-Sponsored by -- M. of A. COLTON, DESTITO, KOON, MAYERSOHN, REILLY, SWEENEY, WEISENBERG -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the alcoholic beverage control law, in relation to promoting the education of the human trafficking information and referral hotlines to assist individuals from becoming or freeing themselves from any act of severe forms of sex trafficking

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

1 Section 1. Legislative findings. Presently, there is no law requiring  
2 wine and beer establishments to post a notification regarding the  
3 offense of human trafficking. About 80 percent of trafficking victims  
4 are often forced into the sex-slave trade industry. In many of these  
5 cases, women and men are forced to be hosts or servers in establishments  
6 that serve alcohol in bars or entertainment clubs. Furthermore, outreach  
7 services are widely unknown to victims of trafficking. The purpose of  
8 this act is to promote the education of the federal toll free human  
9 trafficking referral hotlines.  
10 S 2. The alcoholic beverage control law is amended by adding a new  
11 section 65-e to read as follows:  
12 S 65-E. POSTING OF SIGNS RELATING TO HUMAN TRAFFICKING. 1. THE  
13 AUTHORITY SHALL PREPARE, PRINT AND DISTRIBUTE ACROSS THE STATE TO ANY  
14 PERSON, CORPORATION, PARTNERSHIP, OR OTHER BUSINESS ESTABLISHMENT WITH A  
15 LICENSE TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES AND  
16 ANY ESTABLISHMENT THAT PERMITS ANY PERSON TO APPEAR ON LICENSED PREMISES  
17 IN SUCH A MANNER OR ATTIRE AS TO EXPOSE TO VIEW ANY PORTION OF THE PUBIC  
18 AREA, ANUS, VULVA OR GENITALS, OR ANY SIMULATION THEREOF, OR PERMIT ANY  
19 FEMALE TO APPEAR IN SUCH A MANNER OR ATTIRE AS TO EXPOSE TO VIEW ANY

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

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1 PORTION OF THE BREAST BELOW THE TOP OF THE AREOLA, A SIGN OR POSTER  
2 MEETING THE FOLLOWING SPECIFICATIONS:

3 (A) CONSPICUOUS LETTERING STATING "NOTICE ON HUMAN TRAFFICKING:  
4 OBTAINING FORCED LABOR OR SERVICE IS A CRIME UNDER THE FEDERAL GOVERN-  
5 MENT. IF YOU OR SOMEONE YOU KNOW IS A VICTIM OF HUMAN TRAFFICKING, YOU  
6 ARE ENCOURAGED EITHER TO CALL THE NATIONAL HUMAN TRAFFICKING RESOURCE  
7 CENTER TOLL FREE NUMBER AT 1-888-373-7888 OR TO GET IMMEDIATE HELP CALL  
8 THE TRAFFICKING IN PERSONS AND WORKER EXPLOITATION TASK FORCE COMPLAINT  
9 LINE AT 1-888-428-7581 (VOICE AND TTY). YOU MAY REMAIN ANONYMOUS."

10 (B) (I) THE SIGN MUST BE AT LEAST EIGHT AND ONE-HALF INCHES HIGH AND  
11 ELEVEN INCHES WIDE. THE ENGLISH NOTICE MUST COVER APPROXIMATELY  
12 TWO-THIRDS OF THE SIGN, AND SPANISH AND ANY OTHER LANGUAGE THAT THE  
13 AUTHORITY DEEMS NECESSARY TO DISPLAY ON THE NOTICE SHOULD COVER  
14 ONE-THIRD OF THE SIGN.

15 (II) IF THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER TOLL FREE  
16 NUMBER OR THE TRAFFICKING IN PERSONS AND WORKER EXPLOITATION TASK FORCE  
17 COMPLAINT LINE NUMBER CHANGES, THE AUTHORITY IS REQUIRED TO REISSUE THE  
18 SIGN OR POSTER WITH THE CHANGE WITHIN THIRTY DAYS TO ANY PERSON, CORPO-  
19 RATION, PARTNERSHIP, OTHER BUSINESS ESTABLISHMENT WITH A LICENSE TO SELL  
20 ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES AND ANY ESTABLISH-  
21 MENT THAT PERMITS ANY PERSON TO APPEAR ON LICENSED PREMISES IN SUCH A  
22 MANNER OR ATTIRE AS TO EXPOSE TO VIEW ANY PORTION OF THE PUBIC AREA,  
23 ANUS, VULVA OR GENITALS, OR ANY SIMULATION THEREOF, OR PERMIT ANY FEMALE  
24 TO APPEAR IN SUCH A MANNER OR ATTIRE AS TO EXPOSE TO VIEW ANY PORTION OF  
25 THE BREAST BELOW THE TOP OF THE AREOLA.

26 (C) ANY PERSON, CORPORATION, PARTNERSHIP, OR OTHER BUSINESS ESTABLISH-  
27 MENT WITH A LICENSE TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE  
28 PREMISES AND ANY ESTABLISHMENT THAT PERMITS ANY PERSON TO APPEAR ON  
29 LICENSED PREMISES IN SUCH A MANNER OR ATTIRE AS TO EXPOSE TO VIEW ANY  
30 PORTION OF THE PUBIC AREA, ANUS, VULVA OR GENITALS, OR ANY SIMULATION  
31 THEREOF, OR PERMIT ANY FEMALE TO APPEAR IN SUCH A MANNER OR ATTIRE AS TO  
32 EXPOSE TO VIEW ANY PORTION OF THE BREAST BELOW THE TOP OF THE AREOLA,  
33 SHALL DISPLAY, IN AN UPRIGHT POSITION AND IN A CONSPICUOUS PLACE WHERE  
34 IT CAN BE EASILY READ BY CLIENTELE AND EMPLOYEES OF THE ESTABLISHMENT,  
35 SUCH SIGN OR POSTER UPON RECEIVING IT FROM THE AUTHORITY.

36 2. ANY PERSON, CORPORATION, PARTNERSHIP, OR OTHER BUSINESS ESTABLISH-  
37 MENT WITH A LICENSE TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE  
38 PREMISES AND ANY ESTABLISHMENT THAT PERMITS ANY PERSON TO APPEAR ON  
39 LICENSED PREMISES IN SUCH A MANNER OR ATTIRE AS TO EXPOSE TO VIEW ANY  
40 PORTION OF THE PUBIC AREA, ANUS, VULVA OR GENITALS, OR ANY SIMULATION  
41 THEREOF, OR PERMIT ANY FEMALE TO APPEAR IN SUCH A MANNER OR ATTIRE AS TO  
42 EXPOSE TO VIEW ANY PORTION OF THE BREAST BELOW THE TOP OF THE AREOLA,  
43 WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO A CIVIL  
44 PENALTY, NOT TO EXCEED ONE HUNDRED DOLLARS FOR EACH DAY OF VIOLATION.

45 S 3. This act shall take effect immediately.