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

1131

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DINOWITZ, GABRYSZAK, FIELDS, MILLMAN, GREENE, GALEF, JAFFEE -- Multi-Sponsored by -- M. of A. ALFANO, BURLING, CALHOUN, CLARK, DIAZ, ESPAILLAT, LANCMAN, LIFTON, MAYERSOHN, McENENY, McKEVITT, SWEENEY, TOWNS, TOWNSEND, WEISENBERG -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to authorizing the commissioner of education to restrict the sale and advertisement of alcoholic beverages at sporting events participated in by any state university of New York, city university of New York or community college

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

Section 1. Legislative findings and intent. The legislature finds that 1,700 students lose their lives to alcohol each year, and 500,000 others are injured. The legislature also finds that about 70,000 students are victims of alcohol-related sexual assaults. Additionally, many New Yorkers believe that sports play a significant role in youth development and helps build good character in children, and it is not just young people who play sports who benefit -- many New Yorkers say that children who simply watch or attend sporting events learn important values. Moreover, many adults say that there are real and measurable consequences associated with alcohol advertising during sports that negatively affect teenagers and other viewers. Further, New Yorkers are very concerned about underage and binge drinking on our state's campuses. They think it is wrong for universities and colleges to make money from alcohol advertising on college sports while they are trying to reduce underage and binge drinking on their campuses. New Yorkers further think that alcohol advertising at college sporting events is inconsistent with the mission of higher education. Many parents and other adults reject higher education's acceptance of alcohol advertising and support breaking the

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

LBD02757-01-9

tie between college sports and alcohol ads. Many New Yorkers strongly support an outright ban on all alcohol advertising during college sports broadcasts. For these reasons, the legislature supports the passage of this act limiting the presence of alcohol at college and university sporting events.

S 2. The education law is amended by adding a new section 319 to read as follows:

S 319. PROHIBITION AGAINST THE SALE AND ADVERTISEMENT OF ALCOHOL. 1. THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK AND THE TRUSTEES OF THE CITY UNIVERSITY OF NEW YORK ARE AUTHORIZED TO PROMULGATE RULES, REGULATIONS, OR POLICIES PROHIBITING ANY STATE UNIVERSITY OF NEW YORK OR CITY UNIVERSITY OF NEW YORK RESPECTIVELY, INCLUDING ALL THEIR CONSTITUENT UNITS INCLUDING COMMUNITY COLLEGES, WHICH ARE RECEIVING FUNDING OR FINANCIAL ASSISTANCE FROM THIS STATE, FROM:

(A) ALLOWING THE ADVERTISEMENT OF ALCOHOLIC BEVERAGES OF ANY KIND IN ASSOCIATION WITH ANY SPORTING EVENT; THIS PROHIBITION SHALL INCLUDE, BUT NOT BE LIMITED TO, SIGNAGE, PRINT, RADIO AND TELEVISION ADVERTISING;

(B) ALLOWING SPONSORSHIP OF ANY ATHLETIC TEAMS BY ANY ENTITY THAT MANUFACTURES ALCOHOLIC BEVERAGES; AND

(C) ALLOWING THE SALE OF ANY ALCOHOLIC BEVERAGES AT A SPORTING EVENT.

2. FOR THE PURPOSES OF THIS SECTION, THE TERM "SPORTING EVENT" SHALL MEAN ANY EVENT INCLUDING ATHLETES, CONDUCTED IN A FIELD OF PLAY OF SUCH EVENT, INCLUDING, BUT NOT LIMITED TO, TENNIS, BOXING, WRESTLING, BASEBALL, BASKETBALL, FOOTBALL, HOCKEY, SOCCER OR VOLLEYBALL THAT IS HELD ON A STATE UNIVERSITY OF NEW YORK OR CITY UNIVERSITY OF NEW YORK CAMPUS.

S 3. This act shall take effect on the sixtieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.