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

8645

2009-2010 Regular Sessions

I N A S S E M B L Y

June 1, 2009

Introduced by M. of A. PAULIN, SCHIMMINGER, GALEF, ESPAILLAT -- Multi-Sponsored by -- M. of A. DelMONTE, GOTTFRIED, McENENY, RUSSELL, 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 alcohol training awareness programs

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

Section 1. Section 65 of the alcoholic beverage control law is amended by adding two new subdivisions 7 and 8 to read as follows:

7. IN ANY PROCEEDING PURSUANT TO SECTION ONE HUNDRED EIGHTEEN OF THIS CHAPTER TO REVOKE, CANCEL OR SUSPEND A LICENSE TO SELL ALCOHOLIC BEVERAGES AT RETAIL, IN WHICH IT IS ALLEGED THAT A LICENSEE VIOLATED SUBDIVISION ONE OR TWO OF THIS SECTION, AND THE LICENSEE HAS NOT HAD ANY ADJUDICATED VIOLATIONS OF THIS CHAPTER WITHIN THE PREVIOUS FIVE YEAR PERIOD, AND THAT AT THE TIME OF SUCH VIOLATION THE EMPLOYEE OF THE LICENSEE THAT COMMITTED SUCH ALLEGED VIOLATION HELD A VALID CERTIFICATE OF COMPLETION OR RENEWAL FROM AN ENTITY AUTHORIZED TO GIVE AND ADMINISTER AN ALCOHOL TRAINING AWARENESS PROGRAM PURSUANT TO SUBDIVISION TWELVE OF SECTION SEVENTEEN OF THIS CHAPTER, THE CIVIL PENALTY RELATED TO SUCH OFFENSE SHALL BE A BOND REVOCATION AND NO OTHER PENALTY SHALL BE ASSESSED UNDER THIS SUBDIVISION.

8. IN ANY PROCEEDING PURSUANT TO SECTION ONE HUNDRED EIGHTEEN OF THIS CHAPTER TO REVOKE, CANCEL OR SUSPEND A LICENSE TO SELL ALCOHOLIC BEVERAGES AT RETAIL, IN WHICH IT IS ALLEGED THAT A LICENSEE VIOLATED SUBDIVISION ONE OR TWO OF THIS SECTION AND SUCH CHARGE IS SUSTAINED BY THE STATE LIQUOR AUTHORITY, AND THE LICENSEE HAS NOT HAD ANY OTHER ADJUDICATED VIOLATIONS OF THIS CHAPTER WITHIN THE PREVIOUS FIVE YEAR PERIOD, AND THE LICENSEE AGREES THAT ALL EMPLOYEES OF THE LICENSEE SHALL OBTAIN A VALID CERTIFICATE OF COMPLETION OR RENEWAL FROM AN ENTITY AUTHORIZED TO GIVE AND ADMINISTER AN ALCOHOL TRAINING AWARENESS PROGRAM PURSUANT TO

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

LBD14138-02-9

SUBDIVISION TWELVE OF SECTION SEVENTEEN OF THIS CHAPTER WITHIN NINETY DAYS OF THE FINDING OF SUCH OFFENSE BY SUCH AUTHORITY, THE CIVIL PENALTY RELATED TO SUCH OFFENSE SHALL BE REDUCED BY TWENTY-FIVE PERCENT.

S 2. The closing paragraph of subdivision 12 of section 17 of the alcoholic beverage control law, as amended by chapter 549 of the laws of 2001, is amended to read as follows:

No licensee shall be required to apply for any such certificate or renewal certificate and the licensee may voluntarily surrender such a certificate or renewal certificate at any time. A fee in the amount of nine hundred dollars shall be paid to the authority with each application for a certificate of approval or renewal certificate. The authority shall promptly refund such fee to an applicant whose application was denied. Each certificate of approval and renewal thereof shall be issued for a period of three years. To effectuate the provisions of this subdivision, the authority is empowered to require in connection with an application the submission of such information as the authority may direct; to prescribe forms of applications and of all reports which it deems necessary to be made by any applicant or certificate holder; to conduct investigations; to require the maintenance of such books and records as the authority may direct; to revoke, cancel, or suspend for cause any certificate provided for in this subdivision. Each entity authorized to give and administer an alcohol training awareness program shall issue certificates of completion to all licensees and employees who successfully complete such an approved alcohol training awareness program. Such entity shall regularly transmit to the authority the names, addresses and dates of attendance of all the licensees and employees of licensees who successfully complete an approved alcohol training awareness program. Such transmittal shall be in a form and manner prescribed by the authority. The authority shall adopt rules and regulations to effectuate the provisions of this subdivision, including the minimum requirements for the curriculum of each such training program and the regular ongoing training of employees holding certificates of completion or renewal certificates. Such rules and regulations shall include the minimum requirements for a separate curriculum for licensees and their employees authorized to sell alcoholic beverages at retail for off-premises consumption, minimum requirements for a separate curriculum for licensees and their employees authorized to sell alcoholic beverages at retail for on-premises consumption, and the form of a certificate of completion or renewal thereof to be issued in respect to each such type of program. A certificate of completion or renewal thereof issued by an entity authorized to give and administer an alcohol training awareness program pursuant to this subdivision to licensees and their employees authorized to sell alcoholic beverages at retail for off-premises consumption shall not be invalidated by a change of employment to another such licensee. A certificate of completion or renewal thereof issued by an entity authorized to give and administer an alcohol training awareness program pursuant to this subdivision to licensees and their employees authorized to sell alcoholic beverages at retail for on-premises consumption shall not be invalidated by a change of employment to another such licensee. ATTENDANCE AT ANY COURSE ESTABLISHED PURSUANT TO THIS SECTION SHALL BE IN PERSON, THROUGH DISTANCE LEARNING METHODS, OR THROUGH AN INTERNET BASED ONLINE PROGRAM.

S 3. This act shall take effect on the thirtieth day after it shall have become a law.