

9034

I N   A S S E M B L Y

January 17, 2012

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Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the  
Committee on Governmental Operations

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:

1     Section 1. The executive law is amended by adding a new section 32-a  
2     to read as follows:  
3     S 32-A. CONTRACTS TO DISSEMINATE ADVERTISING MATERIALS. 1. DEFINI-  
4     NITIONS. THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS FOR THE  
5     PURPOSES OF THIS SECTION:  
6     (A) "STATE AGENCY" SHALL MEAN AN AGENCY AS DEFINED BY SUBDIVISION ONE  
7     OF SECTION THIRTY-FIVE OF THIS CHAPTER.  
8     (B) "MAILINGS" SHALL MEAN ANY MAIL CLASSIFIED BY THE UNITED STATES  
9     POSTAL SERVICE AS FIRST CLASS MAIL.  
10    2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHEN A STATE AGENCY  
11    ENTERS INTO A CONTRACT DIRECTLY OR THROUGH A THIRD PARTY TO DISSEMINATE,  
12    THROUGH MAILINGS, ADVERTISING MATERIALS TO THE PUBLIC RELATING TO A  
13    PRODUCT OR SERVICE, SUCH CONTRACT SHALL EXCLUDE THE ADVERTISEMENT OF  
14    PRODUCTS OR SERVICES WHICH RELATE DIRECTLY TO THE AUTHORITY, MISSION OR  
15    SUBJECT MATTER OF THE STATE AGENCY. PROVIDED, HOWEVER, THAT ADVERTISE-  
16    MENTS WHICH ARE DESIGNED TO PROMOTE PROGRAMS, FACILITIES OR OPERATIONS  
17    OF THE STATE AGENCY SHALL NOT BE SUBJECT TO THE PROVISIONS OF THIS  
18    SECTION.  
19    S 2. This act shall take effect immediately and shall apply to all  
20    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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