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

1561

2011-2012 Regular Sessions

I N A S S E M B L Y

January 10, 2011

Introduced by M. of A. ORTIZ, MAGEE -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the general business law, in relation to the fraudulent sale of poppies, forget-me-nots, daisies, flags and other articles sold for patriotic purposes

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

Section 1. Section 396-h of the general business law, as added by chapter 1031 of the laws of 1965 and as renumbered by chapter 815 of the laws of 1973, is amended to read as follows:

S 396-h. Fraudulent sale of poppies, forget-me-nots, daisies, flags and other articles sold for patriotic purposes. Any person, whether a veteran soldier, sailor, marine or army nurse, or otherwise, who in the promotion of his OR HER own interests, or to derive personal pecuniary benefit, gain or profit, for himself OR HERSELF or for any person, firm or corporation other than an organization expressly designated and authorized to administer veteran relief by the provisions of section one hundred sixty-eight of the social [welfare] SERVICES law, sells or offers to sell poppies, forget-me-nots, daisies, flags or other articles sold for patriotic purposes, while claiming that such sale or offer to sell is made as agent of, or for the benefit of such organization authorized to administrate veteran relief, FOR A FIRST OFFENSE is guilty of a misdemeanor, punishable by a fine of not more than [fifty] FIVE HUNDRED dollars or by imprisonment for not more than six months, or by both such fine and imprisonment, AND FOR A SECOND OR SUBSEQUENT OFFENSE IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH SUCH FINE AND IMPRISONMENT.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

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