

2125

2011-2012 Regular Sessions

I N S E N A T E

January 18, 2011

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to serving water to patrons in restaurants in certain cities

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

1 Section 1. Legislative intent. The legislature recognizes that drink-
2 ing water is an essential resource that must be conserved whenever
3 possible. Therefore, water conservation is a vital concern. The legis-
4 lature encourages consumers and commercial establishments to conserve
5 water, whenever it is possible and appropriate.
6 The legislature declares it is the purpose of this act and it is the
7 policy of the state of New York to actively promote the conservation of
8 water by consumers and commercial establishments.
9 S 2. The general business law is amended by adding a new section 399-
10 ff to read as follows:
11 S 399-FF. SERVICE OF WATER IN RESTAURANTS; PROHIBITED EXCEPT UPON
12 REQUEST. 1. NOTWITHSTANDING ANY RULE, REGULATION OR PROVISION OF LAW TO
13 THE CONTRARY, NO RESTAURANT IN A CITY WITH A POPULATION OF A MILLION OR
14 MORE SHALL SERVE DRINKING WATER FROM A TAP TO ANY PATRON OF SUCH RESTAU-
15 RANT, EXCEPT UPON THE REQUEST OF SUCH PATRON.
16 2. WHENEVER THE COURT SHALL DETERMINE THAT A VIOLATION OF THIS SECTION
17 HAS OCCURRED, THE COURT SHALL ISSUE A WARNING FOR THE FIRST VIOLATION.
18 THE COURT MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN FIVE HUNDRED
19 DOLLARS FOR THE SECOND VIOLATION. THE COURT MAY IMPOSE A CIVIL PENALTY
20 OF NOT MORE THAN ONE THOUSAND DOLLARS FOR EACH VIOLATION THEREAFTER, BUT
21 IN NO EVENT SHALL THE TOTAL PENALTY THEREFOR EXCEED FIVE THOUSAND
22 DOLLARS.
23 3. FOR PURPOSES OF THIS SECTION, (A) "RESTAURANT," IN ADDITION TO ITS
24 ORDINARY MEANING, SHALL INCLUDE, ANY COFFEE SHOP, CAFETERIA, LUNCHEO-

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

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1 NETTE, DINER, SHORT ORDER CAFE, FAST FOOD ESTABLISHMENT, OR EATERY; AND
2 (B) "TAP" SHALL MEAN A FAUCET FROM WHICH WATER IS DRAWN.
3 4. THIS SECTION SHALL NOT APPLY TO CATERING FACILITIES AND BANQUET
4 HALLS WHEN USED FOR CATERING OR BANQUET PURPOSES OR CAPACITIES.
5 S 3. This act shall take effect on the sixtieth day after it shall
6 have become a law.