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2015-2016 Regular Sessions

I N A S S E M B L Y

January 7, 2015

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

AN ACT to amend the general business law, in relation to the disposal of
counterfeit products

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

1 Section 1. Subdivisions 5 and 6 of section 360-m of the general busi-
2 ness law, as added by chapter 507 of the laws of 2014 are amended to
3 read as follows:
4 5. Any NOT-FOR-PROFIT CORPORATION THAT HAS RECEIVED counterfeit or
5 imitation products [received by an organization] through this section
6 must have the products' IDENTIFYING LAWFUL MARK tags removed or have the
7 products marked, altered, imprinted or indelibly stamped so as to
8 prevent their resale or any confusion with the actual products of the
9 lawful mark owner. SUCH PRODUCTS MUST ALSO BE INSPECTED BY THE
10 NOT-FOR-PROFIT CORPORATION TO ENSURE THAT THEY ARE IN A CONDITION
11 CONSISTENT WITH THE FEDERAL CONSUMER SAFETY STANDARDS THAT WOULD ORDI-
12 NARILY APPLY TO THE SALE OF COMPARABLE LEGITIMATE PRODUCTS.
13 6. Provided, however, that the only counterfeit or imitation products
14 that may be donated pursuant to this section shall be clothing, INCLUD-
15 ING SHOES, and all other counterfeit or imitation products must be
16 destroyed in accordance with this section or any other provision of
17 applicable law.
18 S 2. This act shall take effect immediately.

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

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