STATE OF NEW YORK

3118

2017-2018 Regular Sessions

IN ASSEMBLY

January 26, 2017

Introduced by M. of A. SIMOTAS -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcohol beverage control law, in relation to posting of certain signs on premises that sell alcoholic beverages

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 105-b of the alcohol beverage control law, as added by chapter 57 of the laws of 1991 and subdivision 4 as amended by chapter 731 of the laws of 1991, is amended to read as follows:

§ 105-b. Posting of certain signs. 1. The authority shall prepare, have printed and distribute across the state to all persons with a license to sell any alcoholic beverage for consumption on the premises or a license to sell any alcoholic beverage for consumption off the premises, a sign or poster with conspicuous lettering that states: "Government Warning: According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects". Such sign or poster must have conspicuous lettering in at least seventy-two point bold face type that states the warning set forth in this subdivision, except that such sign or poster shall be captioned with the word "warning" in at least two inch lettering.

2. All persons with a license to sell any alcoholic beverage for consumption on the premises or a license to sell any alcoholic beverage for consumption off the premises shall display in a conspicuous place the sign or poster upon receiving it from the authority. Such sign shall be placed as close as possible to the place where alcoholic beverages are sold.

3. **All persons with a license to sell any alcoholic beverage for consumption on the premises or a license to sell any alcoholic beverage for consumption off the premises shall display in a conspicuous place a sign or poster with information on the authority's phone number and website to report a complaint.**

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

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4. Any person with such license who violates the provisions of this section shall be subject to a civil penalty, not to exceed one hundred dollars for each day of violation.

[~~4.~~]**5.** Compliance with the provisions of any local law requiring the posting of signs containing warnings regarding alcoholic beverages enacted on or before the date on which the provisions of this section shall have become a law, shall be deemed to be in compliance with the provisions of this section. Nothing contained herein, however, shall be deemed to exempt any licensee not otherwise subject to the provisions of any such local law from complying with the provisions of this section.

§ 2. Subdivision 2 of section 131 of the alcohol beverage control law, as added by section 1 of part J of chapter 56 of the laws of 2006, is amended to read as follows:

2. **(a)** In any case where the authority receives notification from the mayor, chief of police, police commissioner, sheriff, or local legislative body of any city, town or village which certifies that continued operation of an on-premises establishment poses a significant threat to the public health, safety, or welfare requiring immediate action, the authority shall assign responsibility for conducting an investigation concerning such premises to the task force. In the city of New York, the community board established pursuant to section twenty-eight hundred of the New York city charter with jurisdiction over the area in which such premises is located shall be considered the appropriate local legislative body.

(b) In any case where the authority receives a phone call to the reporting hotline or a submission from the authority's website complaint form, the authority shall review the submission and make a reasonable determination whether to open a task force investigation or not. The complaint website shall be readily and easily accessible through the authority's official state agency website. The website shall have input fields to enter contact information of complainant, but will not require these fields so that the form may be submitted anonymously as well.

§ 3. This act shall take effect immediately.