

STATE OF NEW YORK

1016

2019-2020 Regular Sessions

IN ASSEMBLY

January 14, 2019

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

AN ACT to amend the alcoholic 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:

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

4 § 105-b. Posting of certain signs. 1. The authority shall prepare,
5 have printed and distribute across the state to all persons with a
6 license to sell any alcoholic beverage for consumption on the premises
7 or a license to sell any alcoholic beverage for consumption off the
8 premises, a sign or poster with conspicuous lettering that states:
9 "Government Warning: According to the Surgeon General, women should not
10 drink alcoholic beverages during pregnancy because of the risk of birth
11 defects". Such sign or poster must have conspicuous lettering in at
12 least seventy-two point bold face type that states the warning set forth
13 in this subdivision, except that such sign or poster shall be captioned
14 with the word "warning" in at least two inch lettering.

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

21 3. All persons with a license to sell any alcoholic beverage for
22 consumption on the premises or a license to sell any alcoholic beverage
23 for consumption off the premises shall display in a conspicuous place a
24 sign or poster with information on the authority's phone number and
25 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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1 ~~4.~~ Any person with such license who violates the provisions of this
2 section shall be subject to a civil penalty, not to exceed one hundred
3 dollars for each day of violation.

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

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

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

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

33 § 3. This act shall take effect immediately.