

STATE OF NEW YORK

8724

2019-2020 Regular Sessions

IN ASSEMBLY

November 25, 2019

Introduced by M. of A. FALL -- read once and referred to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, the general business law, the alcoholic beverage control law and the public health law, in relation to acceptance of New York city identity cards as valid written evidence of age or identification

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

1 Section 1. Subdivision f of section 3-115 of the administrative code
2 of the city of New York is amended by adding a new paragraph 4 to read
3 as follows:

4 (4) Notwithstanding any provision of law to the contrary, a valid New
5 York city identity card shall be accepted as valid written evidence of
6 age or identification in any situation where an individual is required
7 to furnish written evidence of age or identification.

8 § 2. The general business law is amended by adding a new section 390-d
9 to read as follows:

10 § 390-d. Acceptance of New York city identity cards. Notwithstanding
11 any provision of law to the contrary, a valid New York city identity
12 card issued pursuant to section 3-115 of the administrative code of the
13 city of New York shall be accepted as valid written evidence of age or
14 identification in any situation where an individual is required to
15 furnish written evidence of age or identification.

16 § 3. Paragraph (b) of subdivision 2 of section 65-b of the alcoholic
17 beverage control law, as amended by chapter 519 of the laws of 1999, is
18 amended to read as follows:

19 (b) No licensee, or agent or employee of such licensee shall accept as
20 written evidence of age by any such person for the purchase of any alco-
21 holic beverage, any documentation other than: (i) a valid driver's
22 license or non-driver identification card issued by the commissioner of
23 motor vehicles, the federal government, any United States territory,

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

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1 commonwealth or possession, the District of Columbia, a state government
2 within the United States or a provincial government of the dominion of
3 Canada, or (ii) a valid passport issued by the United States government
4 or any other country, or (iii) an identification card issued by the
5 armed forces of the United States, or (iv) a valid New York city identi-
6 ty card issued pursuant to section 3-115 of the administrative code of
7 the city of New York. Upon the presentation of such driver's license or
8 non-driver identification card issued by a governmental entity, such
9 licensee or agent or employee thereof may perform a transaction scan as
10 a precondition to the sale of any alcoholic beverage. Nothing in this
11 section shall prohibit a licensee or agent or employee from performing
12 such a transaction scan on any of the other documents listed in this
13 subdivision if such documents include a bar code or magnetic strip that
14 [~~that~~] may be scanned by a device capable of deciphering any electron-
15 ically readable format.

16 § 4. Subdivision 3 of section 1399-cc of the public health law, as
17 amended by chapter 542 of the laws of 2014, is amended to read as
18 follows:

19 3. Sale of tobacco products, herbal cigarettes, liquid nicotine,
20 shisha or electronic cigarettes in such places, other than by a vending
21 machine, shall be made only to an individual who demonstrates, through
22 (a) a valid driver's license or non-driver's identification card issued
23 by the commissioner of motor vehicles, the federal government, any
24 United States territory, commonwealth or possession, the District of
25 Columbia, a state government within the United States or a provincial
26 government of the dominion of Canada, or (b) a valid passport issued by
27 the United States government or any other country, or (c) an identifica-
28 tion card issued by the armed forces of the United States, or (d) a
29 valid New York city identity card issued pursuant to section 3-115 of
30 the administrative code of the city of New York, indicating that the
31 individual is at least eighteen years of age. Such identification need
32 not be required of any individual who reasonably appears to be at least
33 twenty-five years of age, provided, however, that such appearance shall
34 not constitute a defense in any proceeding alleging the sale of a tobac-
35 co product, herbal cigarettes, liquid nicotine, shisha or electronic
36 cigarettes to an individual under eighteen years of age.

37 § 5. Subdivision 3 of section 1399-cc of the public health law, as
38 amended by chapter 100 of the laws of 2019, is amended to read as
39 follows:

40 3. Sale of tobacco products, herbal cigarettes, liquid nicotine,
41 shisha or electronic cigarettes in such places, other than by a vending
42 machine, shall be made only to an individual who demonstrates, through
43 (a) a valid driver's license or non-driver's identification card issued
44 by the commissioner of motor vehicles, the federal government, any
45 United States territory, commonwealth or possession, the District of
46 Columbia, a state government within the United States or a provincial
47 government of the dominion of Canada, or (b) a valid passport issued by
48 the United States government or any other country, or (c) an identifica-
49 tion card issued by the armed forces of the United States, or (d) a
50 valid New York city identity card issued pursuant to section 3-115 of
51 the administrative code of the city of New York, indicating that the
52 individual is at least twenty-one years of age. Such identification need
53 not be required of any individual who reasonably appears to be at least
54 twenty-five years of age, provided, however, that such appearance shall
55 not constitute a defense in any proceeding alleging the sale of a tobac-

1 co product, herbal cigarettes, liquid nicotine, shisha or electronic
2 cigarettes to an individual under twenty-one years of age.

3 § 6. This act shall take effect immediately, provided that section
4 five of this act shall take effect on the same date and in the same
5 manner as section 4 of chapter 100 of the laws of 2019.