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:

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

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

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

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

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

(b) No licensee, or agent or employee of such licensee shall accept as written evidence of age by any such person for the purchase of any alcoholic beverage, any documentation other than: (i) a valid driver's license or non-driver identification card issued by the commissioner of 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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commonwealth or possession, the District of Columbia, a state government within the United States or a provincial government of the dominion of Canada, or (ii) a valid passport issued by the United States government or any other country, or (iii) an identification card issued by the armed forces of the United States**, or (iv) a valid New York city identity card issued pursuant to section 3-115 of the administrative code of the city of New York**. Upon the presentation of such driver's license or non-driver identification card issued by a governmental entity, such licensee or agent or employee thereof may perform a transaction scan as a precondition to the sale of any alcoholic beverage. Nothing in this section shall prohibit a licensee or agent or employee from performing such a transaction scan on any of the other documents listed in this subdivision if such documents include a bar code or magnetic strip that [~~that~~] may be scanned by a device capable of deciphering any electronically readable format.

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

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

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

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

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

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