

# STATE OF NEW YORK

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7360

2021-2022 Regular Sessions

## IN SENATE

September 3, 2021

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Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the alcoholic beverage control law, in relation to requiring curriculum related to human trafficking awareness to be included in alcohol training awareness programs

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

1 Section 1. Subdivision 10 of section 18 of the alcoholic beverage  
2 control law, as added by chapter 118 of the laws of 2012, is amended to  
3 read as follows:

4 10. (a) To develop and establish minimum criteria for alcohol training  
5 awareness programs which may be given and administered by schools; other  
6 entities including trade associations whose members are engaged in or  
7 involved in the retail sale of alcoholic beverages; national and  
8 regional franchisors who have granted at least five franchises in the  
9 state which are licensed to sell beer at retail for off-premises  
10 consumption; licensees authorized to sell alcoholic beverages at retail  
11 for off-premises consumption operating five or more licensed premises;  
12 and persons interested, whether as an individual proprietor or partner  
13 or officer or member of a limited liability company, in five or more  
14 licensees authorized to sell alcoholic beverages at retail for off-premises  
15 consumption. The authority shall provide for the issuance of  
16 certificates of approval to all certified alcohol training awareness  
17 programs. Certificates of approval may be revoked by the authority for  
18 failure to adhere to the authority's rules and regulations. Such rules  
19 and regulations shall afford those who have been issued a certificate of  
20 approval an opportunity for a hearing prior to any determination of  
21 whether such certificate should be revoked.

22 (b) No licensee shall be required to apply for any such certificate or  
23 renewal certificate and the licensee may voluntarily surrender such a  
24 certificate or renewal certificate at any time. A fee in the amount of

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

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1 nine hundred dollars shall be paid to the authority with each applica-  
2 tion for a certificate of approval or renewal certificate. The authority  
3 shall promptly refund such fee to an applicant whose application was  
4 denied. Each certificate of approval and renewal thereof shall be issued  
5 for a period of three years. To effectuate the provisions of this subdi-  
6 vision, the authority is empowered to require in connection with an  
7 application the submission of such information as the authority may  
8 direct; to prescribe forms of applications and of all reports which it  
9 deems necessary to be made by any applicant or certificate holder; to  
10 conduct investigations; to require the maintenance of such books and  
11 records as the authority may direct; to revoke, cancel, or suspend for  
12 cause any certificate provided for in this subdivision. Each entity  
13 authorized to give and administer an alcohol training awareness program  
14 shall issue certificates of completion to all licensees and employees  
15 who successfully complete such an approved alcohol training awareness  
16 program. Such entity shall regularly transmit to the authority the  
17 names, addresses and dates of attendance of all the licensees and  
18 employees of licensees who successfully complete an approved alcohol  
19 training awareness program. Such transmittal shall be in a form and  
20 manner prescribed by the authority. The authority shall adopt rules and  
21 regulations to effectuate the provisions of this subdivision, including  
22 the minimum requirements for the curriculum of each such training  
23 program and the regular ongoing training of employees holding certif-  
24 icates of completion or renewal certificates. Such rules and regulations  
25 shall include the minimum requirements for a separate curriculum for  
26 licensees and their employees authorized to sell alcoholic beverages at  
27 retail for off-premises consumption, minimum requirements for a separate  
28 curriculum for licensees and their employees authorized to sell alcohol-  
29 ic beverages at retail for on-premises consumption, and the form of a  
30 certificate of completion or renewal thereof to be issued in respect to  
31 each such type of program. Such rules and regulations shall include a  
32 requirement that all curriculums include training related to human traf-  
33 ficking awareness. Such human trafficking awareness training curriculum  
34 shall be developed in conjunction with, and approved by, the New York  
35 state interagency task force on human trafficking. Such human traffick-  
36 ing awareness training program shall be implemented by each entity  
37 authorized to give and administer an alcohol training awareness program.  
38 Any such entity that does not implement a human trafficking awareness  
39 program as part of its curriculum shall no longer be authorized to  
40 administer any alcohol training awareness program and shall not be  
41 eligible to be certified as a state liquor authority school. Any alco-  
42 hol training awareness program that is currently certified by the state  
43 liquor authority shall lose its certification if such program fails to  
44 include human trafficking awareness training as part of its curriculum.

45 (c) A certificate of completion or renewal thereof issued by an entity  
46 authorized to give and administer an alcohol training awareness program  
47 pursuant to this subdivision to licensees and their employees authorized  
48 to sell alcoholic beverages at retail for off-premises consumption shall  
49 not be invalidated by a change of employment to another such licensee. A  
50 certificate of completion or renewal thereof issued by an entity author-  
51 ized to give and administer an alcohol training awareness program pursu-  
52 ant to this subdivision to licensees and their employees authorized to  
53 sell alcoholic beverages at retail for on-premises consumption shall not  
54 be invalidated by a change of employment to another such licensee.  
55 Attendance at any course established pursuant to this section shall be

1 in person, through distance learning methods, or through an internet  
2 based online program.

3 § 2. Subdivision 12 of section 17 of the alcoholic beverage control  
4 law, as amended by chapter 549 of the laws of 2001, the closing para-  
5 graph as amended by chapter 435 of the laws of 2010, is amended to read  
6 as follows:

7 12. (a) To develop and establish minimum criteria for alcohol training  
8 awareness programs which may be given and administered by schools; other  
9 entities including trade associations whose members are engaged in or  
10 involved in the retail sale of alcoholic beverages; national and  
11 regional franchisors who have granted at least five franchises in the  
12 state which are licensed to sell beer at retail for off-premises  
13 consumption; licensees authorized to sell alcoholic beverages at retail  
14 for off-premises consumption operating five or more licensed premises;  
15 and persons interested, whether as an individual proprietor or partner  
16 or officer or member of a limited liability company, in five or more  
17 licensees authorized to sell alcoholic beverages at retail for off-prem-  
18 ises consumption. The authority shall provide for the issuance of  
19 certificates of approval to all certified alcohol training awareness  
20 programs. Certificates of approval may be revoked by the authority for  
21 failure to adhere to the authority's rules and regulations. Such rules  
22 and regulations shall afford those who have been issued a certificate of  
23 approval an opportunity for a hearing prior to any determination of  
24 whether such certificate should be revoked.

25 (b) No licensee shall be required to apply for any such certificate or  
26 renewal certificate and the licensee may voluntarily surrender such a  
27 certificate or renewal certificate at any time. A fee in the amount of  
28 nine hundred dollars shall be paid to the authority with each applica-  
29 tion for a certificate of approval or renewal certificate. The authority  
30 shall promptly refund such fee to an applicant whose application was  
31 denied. Each certificate of approval and renewal thereof shall be issued  
32 for a period of three years. To effectuate the provisions of this subdi-  
33 vision, the authority is empowered to require in connection with an  
34 application the submission of such information as the authority may  
35 direct; to prescribe forms of applications and of all reports which it  
36 deems necessary to be made by any applicant or certificate holder; to  
37 conduct investigations; to require the maintenance of such books and  
38 records as the authority may direct; to revoke, cancel, or suspend for  
39 cause any certificate provided for in this subdivision. Each entity  
40 authorized to give and administer an alcohol training awareness program  
41 shall issue certificates of completion to all licensees and employees  
42 who successfully complete such an approved alcohol training awareness  
43 program. Such entity shall regularly transmit to the authority the  
44 names, addresses and dates of attendance of all the licensees and  
45 employees of licensees who successfully complete an approved alcohol  
46 training awareness program. Such transmittal shall be in a form and  
47 manner prescribed by the authority. The authority shall adopt rules and  
48 regulations to effectuate the provisions of this subdivision, including  
49 the minimum requirements for the curriculum of each such training  
50 program and the regular ongoing training of employees holding certif-  
51 icates of completion or renewal certificates. Such rules and regulations  
52 shall include the minimum requirements for a separate curriculum for  
53 licensees and their employees authorized to sell alcoholic beverages at  
54 retail for off-premises consumption, minimum requirements for a separate  
55 curriculum for licensees and their employees authorized to sell alcohol-  
56 ic beverages at retail for on-premises consumption, and the form of a

1 certificate of completion or renewal thereof to be issued in respect to  
2 each such type of program. Such rules and regulations shall include a  
3 requirement that all curriculums include training related to human traf-  
4 ficking awareness. Such human trafficking awareness training curriculum  
5 shall be developed in conjunction with, and approved by, the New York  
6 state interagency task force on human trafficking. Such human traffick-  
7 ing awareness training program shall be implemented by each entity  
8 authorized to give and administer an alcohol training awareness program.  
9 Any such entity that does not implement a human trafficking awareness  
10 program as part of its curriculum shall no longer be authorized to  
11 administer any alcohol training awareness program and shall not be  
12 eligible to be certified as a state liquor authority school. Any alco-  
13 hol training awareness program that is currently certified by the state  
14 liquor authority shall lose its certification if such program fails to  
15 include human trafficking awareness training as part of its curriculum.

16 (c) A certificate of completion or renewal thereof issued by an entity  
17 authorized to give and administer an alcohol training awareness program  
18 pursuant to this subdivision to licensees and their employees authorized  
19 to sell alcoholic beverages at retail for off-premises consumption shall  
20 not be invalidated by a change of employment to another such licensee. A  
21 certificate of completion or renewal thereof issued by an entity author-  
22 ized to give and administer an alcohol training awareness program pursu-  
23 ant to this subdivision to licensees and their employees authorized to  
24 sell alcoholic beverages at retail for on-premises consumption shall not  
25 be invalidated by a change of employment to another such licensee.  
26 Attendance at any course established pursuant to this section shall be  
27 in person, through distance learning methods, or through an internet  
28 based online program.

29 § 3. This act shall take effect on the thirtieth day after it shall  
30 have become a law, provided, however, that the amendments to subdivision  
31 10 of section 18 of the alcoholic beverage control law made by section  
32 one of this act shall not affect the expiration of such subdivision and  
33 shall be deemed to expire therewith; and provided further that section  
34 two of this act shall take effect on the same date as the reversion of  
35 subdivision 12 of section 17 of the alcoholic beverage control law as  
36 provided in section 4 of chapter 118 of the laws of 2012, as amended.  
37 Effective immediately, the addition, amendment and/or repeal of any rule  
38 or regulation necessary for the implementation of this act on its effec-  
39 tive date are authorized and directed to be made and completed on or  
40 before such effective date.