STATE OF NEW YORK

1025

2023-2024 Regular Sessions

IN ASSEMBLY

January 13, 2023

Introduced by M. of A. BICHOTTE HERMELYN -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public buildings law, in relation to prohibiting the sale of tobacco products at vending stands leasing space and in vending machines in a state building

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

Section 1. Paragraphs (a) and (b) of subdivision 13 of section 3 of the public buildings law, paragraph (a) as added by chapter 83 of the laws of 1995 and paragraph (b) as amended by chapter 265 of the laws of 2013, are amended to read as follows:

(a) In his or her discretion, lease space in any public building or other premises under his or her supervision and control, pursuant to this article, to any person, firm or corporation, for the operation of restaurants, retail stores, vending stands for the sale of newspapers, periodicals, confections[~~, tobacco products~~] and such other articles *that are not tobacco products,* as may be approved by the commissioner for each stand, and for bootblack service. Any such lease shall be subject to such terms and conditions as he or she may deem proper, but for a term not exceeding five years, except that the commissioner may, in his or her discretion, lease space for a term of not more than ten years where extensive renovation or repair to or improvement of the space is required of or by the lessee and the commissioner determines that it is reasonable for the costs thereof to be amortized over a term greater than five years. Nothing herein shall restrict the commissioner from providing in any such lease for its renewal or extension, at the commissioner's option, for terms of five years or less. However, in order to provide blind persons with remunerative employment, enlarge their economic opportunities and facilitate their efforts to be self-supporting, whenever feasible, permits shall be given to the state

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

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department of social services for the operation of vending stands and machines.

(b) Issue to the office of children and family services a permit for any of the purposes mentioned in this subdivision to be operated by a blind person or persons as defined in subdivision four of section two hundred eight of the social services law or for the operation of vending machines and similar devices dispensing food, confections, [~~tobacco products,~~] coffee, tea, milk, soft drinks and such other articles**, that are not tobacco products,** as may be approved by him or her in consultation with the office of children and family services, for the benefit of the general purposes of the business enterprise program for the blind of the office of children and family services commission for the blind, and upon such terms and conditions as the commissioner may deem proper but without provision for payment of rent or other consideration for such permits, and for a term not exceeding five years, which permit may be extended and renewed. Such permit shall include a provision authorizing the office of children and family services to assign or transfer such permit to a blind person or persons, as herein referred to, for the purposes aforesaid, and it shall also provide that the office of children and family services shall send to the commissioner a notice of any assignment or transfer as aforesaid, which notice shall contain such information as the commissioner shall require. The permit and any assignment or transfer thereof shall reserve (i) to the office of children and family services the power of supervision over the conduct and operation of the premises covered thereby and (ii) to the commissioner of general services the right to revoke such permit or the assignment or transfer thereof upon the mailing to the last known address of the assignee or assignees a notice of such revocation to be effected within such period of time as the commissioner shall deem to be reasonable.

§ 2. This act shall take effect immediately; provided, however, that the provisions of this act shall not apply to any lease, renewal or extension of leased space entered into, or permit for the operation of a vending machine issued prior to such effective date.