

# STATE OF NEW YORK

11335

## IN ASSEMBLY

May 11, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Shimsky) --  
read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to  
restricting advertisements for alcoholic beverages

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

1 Section 1. Section 17 of the alcoholic beverage control law is amended  
2 by adding a new subdivision 10 to read as follows:

3 10. To promulgate rules that require any holder of a license or permit  
4 issued pursuant to this chapter to implement responsible drinking  
5 programs that include comprehensive employee trainings on responding to  
6 circumstances in which individuals present signs of alcohol abuse or  
7 suffering from the disease of alcoholism and requirements for such  
8 licensee or permit holder to assess, prevent, and address alcohol abuse  
9 by users under the age of thirty. The authority shall establish a  
10 hotline or other method of communication that will allow any person to  
11 confidentially report information about prohibited conduct to the  
12 authority. The authority shall promulgate rules governing the investi-  
13 gation and resolution of a charge of any person purported to have  
14 engaged in prohibited conduct.

15 § 2. Section 17 of the alcoholic beverage control law is amended by  
16 adding a new subdivision 15 to read as follows:

17 15. To promulgate rules that require any holder of a license or permit  
18 issued pursuant to this chapter to implement responsible drinking  
19 programs that include comprehensive employee trainings on responding to  
20 circumstances in which individuals present signs of alcohol abuse or  
21 suffering from the disease of alcoholism and requirements for such  
22 licensee or permit holder to assess, prevent, and address alcohol abuse  
23 by users under the age of thirty. The authority shall establish a  
24 hotline or other method of communication that will allow any person to  
25 confidentially report information about prohibited conduct to the  
26 authority. The authority shall promulgate rules governing the investi-  
27 gation and resolution of a charge of any person purported to have  
28 engaged in prohibited conduct.

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

LBD10079-01-5

§ 3. The alcoholic beverage control law is amended by adding a new section 107-b to read as follows:

§ 107-b. Advertising restrictions. 1. As used in this section, the term "advertisement" shall mean any notice or communication to the public or any information concerning alcoholic beverages of a licensee or permit applicant through broadcasting, publication or any other means of dissemination, including electronic dissemination. Promotional activities are considered advertisements for purposes of this section.

2. No person shall directly or indirectly promote, offer or advertise any alcoholic beverage to persons located in New York state unless licensed pursuant to this chapter.

3. Advertising shall be based upon fact, and shall not be false, deceptive or misleading, and no advertising by or on behalf of a licensee shall:

(a) Use any type, size, location, lighting, illustration, graphic depiction or color resulting in the obscuring of any material fact;

(b) Fail to clearly and conspicuously specify and state any material conditions or limiting factors;

(c) Depict any person under the age of twenty-one consuming an alcoholic beverage and related activities; or

(d) Fail to designate and state the name and location of the licensed facility conducting the advertisement. The location of the licensed facility need not be included on billboards within thirty miles of such facility.

4. Each advertisement shall, clearly and conspicuously, state an alcoholism hotline number required pursuant to subdivision seven of this section.

5. Each licensee or permit applicant shall provide to the authority at its main office a complete and accurate copy of all advertisements within five business days of the advertisement's public dissemination. Licensees or permit applicants shall discontinue the public dissemination upon receipt of notice from the authority to discontinue an advertisement.

6. A licensee or permit applicant shall maintain a complete record of all advertisements for a period of at least two years. Records shall be made available to the authority upon request.

7. (a) Advertisements for alcoholic beverages shall contain an alcoholism assistance message comparable to one of the following: (i) If you or someone you know suffer from alcoholism, help is available. Call (877-8-HOPENY) or text HOPENY (46769); (ii) Suffering from Alcoholism? Call (877-8-HOPENY) or text HOPENY (46769); or (iii) any other message approved in writing by the authority.

(b) Unless otherwise approved in writing by the authority, the alcoholism assistance message shall meet the following requirements: (i) for signs, direct mail marketing materials, posters and other print advertisements, the height of the font used for the alcoholism assistance message must be the greater of: (1) the same size as the majority of the text used in the sign, direct mail marketing material, poster or other print advertisement; and (2) two percent of the height or width, whichever is greater, of the sign, direct mail marketing material, poster or other print advertisement; (ii) for billboards, the height of the font used for the alcoholism assistance message must be at least five percent of the height or width, whichever is greater, of the face of the billboard; (iii) for video and television, the alcoholism assistance message must be visible for either: (1) the entire time the video or television advertisement is displayed, in which case the height of the font used

1 for the problem alcoholism assistance message must be at least two  
2 percent of the height or width, whichever is greater, of the image that  
3 will be displayed; or (2) from the first time an alcoholic beverage,  
4 alcohol or the licensed facility name is displayed or orally referenced,  
5 and on a dedicated screenshot visible for at least the last three  
6 seconds of the video or television advertisement. If the licensee elects  
7 to use this option, the height of the font used for the alcoholism  
8 assistance message displayed: (A) during the advertisement must be at  
9 least two percent of the height or width, whichever is greater, of the  
10 image that will be displayed; and (B) on the dedicated screen shot must  
11 be at least eight percent of the height or width, whichever is greater,  
12 of the image that will be displayed; (iv) for websites, including social  
13 media sites and mobile phone applications: (1) the problem alcoholism  
14 assistance message must be posted on each webpage or profile page and on  
15 any alcoholic beverage related advertisement posted on the webpage or  
16 profile page; (2) the height of the font used for the problem alcoholism  
17 assistance message must be at least the same size as the majority of the  
18 text used in the webpage or profile page; and (3) for advertisements  
19 posted on the webpage or profile page, the height of the font used for  
20 the alcoholism assistance message must comply with clause two of this  
21 subparagraph.

22 § 4. This act shall take effect on the one hundred twentieth day after  
23 it shall have become a law, provided, however that the amendments to  
24 section 17 of the alcoholic beverage control law made by section one of  
25 this act shall be subject to the expiration and reversion of such  
26 section pursuant to section 4 of chapter 118 of the laws of 2012, as  
27 amended, when upon such date the provisions of section two of this act  
28 shall take effect.