

MEMORANDUM

AN ACT to amend chapter 519 of the laws of 1999, amending the alcoholic beverage control law and the public health law relating to the sale of alcohol and tobacco products to minors, in relation to making permanent the provisions of such chapter

Purpose:

This bill would make permanent certain provisions of law relating to the sale of alcohol and tobacco products to minors.

Summary of Provisions:

Section 1 of this bill makes permanent the provisions of section 4 of Chapter 519 of the Laws of 1999, as amended by Chapter 578 of the Laws of 2005.

Existing Law:

Alcoholic Beverage Control Law (ABCL) § 65-b and Public Health Law (PHL) § 1399-cc were amended by Chapter 519 of the Laws of 1999 to create a voluntary procedure allowing merchants to utilize driver's license scanning devices to reduce minors' access to alcohol and tobacco products.

Legislative History:

This is a new bill.

Statement in Support:

New York has enacted a series of strong laws designed to reduce access by minors to alcohol by anyone under age 21 and tobacco to anyone under age 18. Chapter 519 of the Laws of 1999 provided a voluntary procedure by which retailers, restaurants, bars, clubs and other places of entertainment could utilize the latest automated scanning technology to verify the ages of their alcohol and tobacco purchasers, thereby reducing access to these products by minors.

Automated scanners or age and identity verification devices provide merchants with an affordable and reliable system of verification. Chapter 519 of the Laws of 1999 supplemented and strengthened existing law by adding unconditional loss of driving privileges as an additional penalty for minors who purchase or attempt to purchase alcoholic beverages or tobacco products. Chapter 519 also provided an additional affirmative defense to retail establishments that engage in the voluntary use of bar code and magnetic strip scanners. While Chapter 519 in no way relieved a merchant or his or her agent from their duty to use reasonable diligence in conducting a sale of tobacco and alcohol products, it did provide a means for a merchant to limit the human fallibility and shortcomings of his or her employees. Chapter 519 recognized the need to strictly protect patrons' privacy, and prohibits the sale or dissemination of any information recorded during the use of this bar code verification system.

Making this law permanent will permit merchants to continue to make use of this technology in their efforts to ensure they are not selling alcohol and tobacco to under-aged customers. The continued use of scanners reduces the potential for store clerks to mistakenly sell alcohol or tobacco products to an under-aged customer.

Budget Implications:

None. Chapter 519 of the Laws of 1999 created a wholly voluntary program. Only those merchants who wish to participate will incur the cost of installing and operating the scanning systems. There will be no costs to state or local government.

Effective Date:

This bill shall take effect immediately.

**LEGISLATIVE BILL # 112**

S. \_\_\_\_\_  
Senate  
\_\_\_\_\_

IN SENATE--Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

----- A.  
Assembly  
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IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the  
Committee on

\*ALCOBE\* \*State Liquor Authority 13  
R-2\*  
(Makes permanent certain provisions  
of law relating to the sale of alco-  
hol and tobacco products to minors)

Permanent tobacco/alc sale minor

AN ACT

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minors, in relation to making perma-  
nent the provisions of such chapter

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

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship  
of this proposal

|                 |                 |                 |                  |                |
|-----------------|-----------------|-----------------|------------------|----------------|
| s20 Adams       | s22 Golden      | s39 Larkin      | s11 Padavan      | s14 Smith      |
| s55 Alesi       | s33 Gonzalez    | s01 LaValle     | s21 Parker       | s58 Stachowski |
| s42 Bonacic     | s47 Griffo      | s40 Leibell     | s30 Perkins      | s16 Staviski   |
| s46 Breslin     | s06 Hannon      | s52 Libous      | s61 Rath         | s35 Stewart-   |
| s43 Bruno       | s36 Hassell-    | s45 Little      | s56 Robach       | Cousins        |
| s25 Connor      | Thompson        | s15 Maltese     | s13 Sabini       | s60 Thompson   |
| s50 DeFrancisco | s10 Huntley     | s05 Marcellino  | s41 Saland       | s03 Trunzo     |
| s32 Diaz        | s07 Johnson, C. | s62 Maziarz     | s19 Sampson      | s49 Valeaky    |
| s17 Dilan       | s04 Johnson, O. | s18 Montgomery  | s23 Savino       | s59 Volker     |
| s29 Duane       | s34 Klein       | s38 Morahan     | s31 Schneiderman | s53 Winner     |
| s44 Farley      | s26 Krueger     | s54 Nozzolio    | s28 Serrano      | s48 Wright     |
| s02 Flanagan    | s27 Kruger      | s12 Onorato     | s51 Seward       | s57 Young      |
| s08 Fuschillo   | s24 Lanza       | s37 Oppenheimer | s09 Skelos       |                |

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the  
multi-sponsorship of this proposal:

|                   |                  |                   |                 |                  |
|-------------------|------------------|-------------------|-----------------|------------------|
| a049 Abbate       | a010 Conte       | a098 Gunther      | a027 Mayersohn  | a076 Rivera, P.  |
| a001 Alessi       | a032 Cook        | a139 Hawley       | a112 McDonald   | a056 Robinson    |
| a021 Alfano       | a107 Crouch      | a148 Hayes        | a019 McDonough  | a067 Rosenthal   |
| a084 Arroyo       | a063 Cusick      | a083 Heastie      | a104 McEneny    | a012 Saladino    |
| a118 Aubertine    | a045 Cymbrowitz  | a028 Nevesi       | a017 McKeivitt  | a113 Sayward     |
| a035 Aubry        | a138 DelMonte    | a048 Hiking       | a102 Miller     | a029 Scarborough |
| a136 Bacalles     | a116 Destito     | a018 Hooper       | a052 Millman    | a140 Schimminger |
| a099 Ball         | a086 Diaz, L.    | a144 Hoyt         | a103 Molonaro   | a145 Schroeder   |
| a124 Barclay      | a085 Diaz, R.    | a060 Hyer-Spencer | a132 Morelle    | a122 Scozzafava  |
| a014 Barra        | a081 Dinowitz    | a042 Jacobs       | a037 Nolan      | a038 Semnerio    |
| a082 Benedetto    | a114 Duprey      | a095 Jaffee       | a128 Oaks       | a064 Silver      |
| a079 Benjamin     | a003 Eddington   | a057 Jeffries     | a069 O'Donnell  | a093 Spano       |
| a073 Bing         | a004 Englebright | a131 John         | a137 O'Mara     | a121 Stirpe      |
| a055 Boyland      | a130 Errigo      | a074 Kavanagh     | a051 Ortix      | a011 Sweeney     |
| a008 Boyle        | a072 Espallat    | a100 Kirwan       | a150 Parment    | a110 Tedisco     |
| a089 Bradley      | a071 Farrell     | a129 Kolb         | a088 Paulin     | a002 Thiele      |
| a044 Brennan      | a005 Fields      | a135 Koon         | a141 Peoples    | a031 Titus       |
| a092 Brodsky      | a123 Finch       | a034 Lafayette    | a039 Peralta    | a105 Tonko       |
| a046 Brook-Krasny | a007 Fitzpatrick | a025 Lancman      | a058 Perry      | a054 Towns       |
| a147 Burling      | a143 Gabryszak   | a091 Latimer      | a023 Pheffer    | a115 Townsend    |
| a117 Butler       | a090 Galef       | a013 Lavine       | a068 Powell     | a015 Walker      |
| a101 Cahill       | a133 Gantt       | a050 Lentol       | a087 Pretlow    | a041 Weinstein   |
| a096 Calhoun      | a036 Gianaris    | a125 Lifton       | a146 Quinn      | a020 Walsenberg  |
| a043 Camara       | a149 Giglio      | a127 Lopez, P.    | a097 Rabbitt    | a024 Weprin      |
| a106 Canestrari   | a066 Glick       | a053 Lopez, V.    | a009 Raia       | a070 Wright      |
| a026 Carrozza     | a040 Gordon, D.  | a126 Lupardo      | a006 Ramos      | a022 Young       |
| a119 Christensen  | a108 Gordon, T.  | a111 Magea        | a134 Kellich    | a094 Zebrowski   |
| a033 Clark        | a075 Gottfried   | a120 Magnarelli   | a109 Keilly     | a016             |
| a142 Cole         | a065 Grannis     | a059 Maissel      | a078 Rivera, J. | a061             |
| a047 Colton       | a077 Greene      | a030 Markey       | a080 Rivera, N. | a062             |

1) Single House Bill (introduced and printed separately in either or both  
houses). Uni-Bill (introduced simultaneously in both houses and printed as one  
bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed  
copies of bill and 4 copies of memorandum in support (single house); or 4 signed  
copies of bill and 8 copies of memorandum in support (uni-bill).

1 Section 1. Section 4 of chapter 519 of the laws of 1999, amending the  
2 alcoholic beverage control law and the public health law relating to the  
3 sale of alcohol and tobacco products to minors, as amended by chapter  
4 578 of the laws of 2005, is amended to read as follows:

5 § 4. This act shall take effect September 1, 1999[, and shall remain  
6 in full force and effect until January 1, 2008 when upon such date the  
7 provisions of this act shall expire and be deemed repealed]; provided,  
8 however, the state liquor authority, state department of motor vehicles  
9 and state department of health shall promulgate rules and regulations  
10 necessary to implement the provisions of this act on or before such  
11 date[; provided further that the provisions of this act shall apply  
12 after such expiration date to any proceeding pursuant to the alcoholic  
13 beverage control law or public health law to invoke or enforce the  
14 provisions of this act which were commenced prior to such expiration  
15 date]; and provided, further however, that the amendments to section  
16 65-b of the alcoholic beverage control law made by section two of this  
17 act shall not affect the repeal of such section and shall be deemed  
18 repealed therewith.

19 § 2. This act shall take effect immediately.