

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2015**

No. 95

Introduced by The Speaker (Council Member Mark-Viverito) and Council Members Gibson, Cohen, Arroyo, Barron, Chin, Johnson, Koo, Mendez, Richards, Rose, Wills, Crowley, Cumbo, Rosenthal, Greenfield, Kallos and Williams.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the revocation, suspension, or refusal to renew a cigarette dealer license due to the sale of synthetic drugs or imitation synthetic drugs.

Be it enacted by the Council as follows:

Section 1. Section 10-203 of the administrative code of the city of New York is amended by adding a new subdivision h to read as follows:

h. Any person who engages in business as a retail dealer pursuant to section 20-202 of the code shall be subject to:

1. a mandatory suspension of his or her retail dealer license for a period of thirty days for a violation of this section; or

2. a mandatory revocation of his or her retail dealer license, or of any subsequent license holder, for a second or subsequent violation of this section occurring on a different day at the same place of business within a three-year period, unless the subsequent license holder provides the commissioner of the agency that has commenced the proceeding to recover a civil penalty pursuant to subdivision d of this section with adequate documentation demonstrating that such subsequent license holder acquired the premises or business through an arm's length transaction, as defined in paragraph 5 of subdivision d of section 20-202 of the code, and that the sale or lease

was not conducted, in whole or in part, for the purpose of permitting the original licensee to avoid the effect of violations on the premises.

§ 2. Paragraphs 2 and 3 of subdivision a of section 20-206 of the administrative code of the city of New York, paragraph 2 as added by local law number 2 for the year 2000 and paragraph 3 as amended by local law number 69 for the year 2009, are amended, and a new paragraph 4 is added to such subdivision, to read as follows:

2. not paid, within the time permitted by law, any civil penalty or judgment duly imposed pursuant to the provisions of this subchapter or any rules promulgated thereunder or pursuant to chapter thirteen of title eleven of this code, or chapter forty of title eleven of this code relating to cigarette sales[.]; *or*

3. violated the provisions of section 17-714 of this code or any rules promulgated thereunder[.]; *or*

4. *violated any provision of section 10-203 of this code or any rules promulgated thereunder.*

§ 3. The commissioner of consumer affairs may promulgate rules as may be necessary for the purposes of carrying out the provisions of this local law.

§ 4. Severability. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

§ 5. This local law takes effect 60 days after it becomes law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on September 30, 2015 and approved by the Mayor on October 20, 2015.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 95 of 2015, Council Int. No. 885-A of 2015) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.