Legislation Details (With Text)

File #:	Int 0885-2015 **Version:** A	**Name:**	Revocation, suspension, or refusal to renew a cigarette dealer license due to the sale of synthetic drugs or imitation synthetic drugs.
Type:	Introduction	**Status:**	Enacted
		In control:	Committee on Consumer Affairs
On agenda:	9/17/2015		
Enactment date:	10/20/2015	**Enactment #:**	2015/095

Title: 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

Sponsors: Melissa Mark-Viverito, Vanessa L. Gibson, Andrew Cohen, Maria Del Carmen Arroyo, Inez D. Barron, Margaret S. Chin, Corey D. Johnson, Peter A. Koo, Rosie Mendez, Donovan J. Richards, Deborah L. Rose, Ruben Wills, Elizabeth S. Crowley, Laurie A. Cumbo, Helen K. Rosenthal, David G. Greenfield, Ben Kallos, Jumaane D. Williams

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Date	Ver.	Action By	Action	Result
9/17/2015	*	City Council	Introduced by Council	
9/17/2015	*	City Council	Referred to Comm by Council	
9/21/2015	*	Committee on Consumer Affairs	Laid Over by Committee	
9/21/2015	*	Committee on Consumer Affairs	Hearing Held by Committee	
9/21/2015	*	Committee on Public Safety	Hearing Held by Committee	
9/21/2015	*	Committee on Public Safety	Laid Over by Committee	
9/21/2015	*	Committee on Health	Hearing Held by Committee	
9/21/2015	*	Committee on Health	Laid Over by Committee	
9/21/2015	*	Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services	Hearing Held by Committee	
9/21/2015	*	Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services	Laid Over by Committee	
9/25/2015	*	Committee on Consumer Affairs	Hearing Held by Committee	
9/25/2015	*	Committee on Consumer Affairs	Amendment Proposed by Comm	
9/25/2015	*	Committee on Consumer Affairs	Amended by Committee	
9/25/2015	A	Committee on Consumer Affairs	Approved by Committee	Pass

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9/30/2015	A	City Council	Approved by Council	Pass
9/30/2015	A	City Council	Sent to Mayor by Council	
10/13/2015	A	Mayor	Hearing Held by Mayor	
10/20/2015	A	Mayor	Signed Into Law by Mayor	
10/21/2015	A	City Council	Recved from Mayor by Council	

Int. No. 885-A

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

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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.

DSS
LS #5968
9/21/15