



## Legislation Text

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**File #:** Res 0093-2014, **Version:** \*

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### Res. No. 93

Resolution urging the New York State Liquor Authority to require grocery and drug stores licensed to sell beer and/or wine for consumption off-premise, to locate all alcohol and related products in the furthestmost area away from the entrance of the store.

By Council Member Mendez

Whereas, In 2007, then Acting Surgeon General, Kenneth P. Moritsugu, M.D., M.P.H., outlined the "potential negative consequences of underage alcohol use on human maturation, particularly on the brain," and offered strategies to reduce underage alcohol consumption in a report entitled *Call to Action*; and

Whereas, The Surgeon General described underage alcohol consumption in the United States as "a widespread and persistent public health and safety problem that creates serious personal, social, and economic consequences for adolescents, their families, communities, and the Nation as a whole;" and

Whereas, According to the National Institutes of Health, alcohol is the drug of choice among America's adolescents, used by more young people than tobacco or illicit drugs; and

Whereas, A 2012 University of Michigan *Monitoring the Future Survey* found that a higher percentage of youth in 8th, 10th, and 12th grades used alcohol in the month prior to being surveyed than used tobacco or marijuana; and

Whereas, A 2010 National Survey on Drug Use and Health ("NSDUH") found that by age 15, approximately 50% of boys and girls have consumed an entire serving of alcohol; and

Whereas, The Surgeon General's *Call to Action* suggests that alcohol "prevention and reduction efforts must take into account the dynamic developmental processes of adolescence, the influence of an adolescent's environment, and the role of individual characteristics in the adolescent's decision to drink;" and

Whereas, One of the first steps to improve the environment around alcohol is to ensure the placement of alcohol advertising, promotions, and other means of marketing do not disproportionately expose youth to messages about alcohol; and

Whereas, The Centers for Disease Control and Prevention (“CDC”) found that during a point-of-purchase alcohol marketing and promotion survey done in 2003, "convenience stores (with or without gasoline) and small grocery stores had the most accessible alcohol products; and

Whereas, According to the CDC, single beers for purchase located most often near checkout locations "were most likely to be found in convenience stores (27%), convenience/gas stores (18%), and small grocery stores (27%);" and

Whereas, The New York State Liquor Authority (“SLA”) and its agency arm, the Division of Alcoholic Beverage Control (“ABC”), "regulate and control the manufacture and distribution of alcoholic beverages for the purpose of fostering and promoting temperance in their consumption and respect for and obedience to law;" and

Whereas, The SLA is also authorized by statute to "determine whether public convenience and advantage will be promoted by the issuance of licenses to traffic in alcoholic beverages and to carry out the increase or decrease in the number thereof and the location of premises licensed in the public interest;" and

Whereas, The SLA issues approximately 140 different types of licenses and permits to manufacturers, wholesalers, and retailers that seek to distribute alcoholic beverages within the State; and

Whereas, In the retail sector, businesses that sell alcohol for consumption at another location (i.e. package stores, grocery stores, drug stores, etc.) are issued "off-premises" licenses by the SLA; and

Whereas, The SLA requires that each applicant for an off-premises license submit a diagram of the layout of the store; and

Whereas, The SLA has no rules or regulations requiring these types of businesses to place alcohol related products at certain locations within the store; and

Whereas, The SLA *Handbook for Retail Licensees* lists ways to protect against selling to minors but lists nothing about the placement of alcohol advertisements and products, now therefore, be it

Resolved, That the Council of the City of New York urges the New York State Liquor Authority to require grocery and drug stores licensed to sell beer and/or wine for consumption off-premise, to locate all alcohol and related products in the furthestmost area away from the entrance of the store.

WJH  
Res 2043/2013  
1/29/14  
LS 139/2014