



Legislation Text

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Int. No. 619

By Council Members Holden, Nurse and Sanchez

A Local Law to amend the administrative code of the city of New York, in relation to the sale of aerosol spray paint cans and broad tipped indelible markers

Be it enacted by the Council as follows:

Section 1. The heading of subchapter 3 of chapter 4 of title 20 of the administrative code of the city of New York, as added by local law number 30 for the year 2009, is amended to read as follows:

Subchapter 3: [Etching Acid] Graffiti Instruments

§ 2. Section 20-611 of the administrative code of the city of New York, as added by local law number 30 for the year 2009, is amended to read as follows:

§20-611 Definitions. [Whenever used in this subchapter, the following terms shall] As used in this chapter, the following terms have the following meanings:

Broad tipped indelible marker. The term "broad tipped indelible marker" has the same meaning set forth in subdivision e of section 10-117.

[1. "Dealer of etching acid" shall mean] Dealer of etching acid. The term "dealer of etching acid" means any person, firm, partnership, corporation or company that engages in the business of dispensing etching acid.

Dealer of graffiti instruments. The term "dealer of graffiti instruments" means any person, firm, partnership, corporation or company that engages in the business of dispensing etching acid, aerosol spray paint can(s) or broad tipped indelible marker(s).

[2. "Dispense" shall mean] Dispense. The term "dispense" means to dispose of, give away, give, lease, loan, keep for sale, offer, offer for sale, sell, transfer or otherwise dispose of.

[3. “Etching acid” shall have] Etching acid. The term “etching acid” has the same meaning as set forth in subdivision e of section 10-117.

[4. “Personal information” shall mean] Personal information. The term “personal information” means data pertaining to the purchaser of etching acid that may be used to identify such purchaser. Such information [shall be] is limited to the purchaser’s name, address, type of identification used in the purchase, identification number, if applicable, the date of purchase and amount of acid dispensed to the purchaser.

[5. “Purchasing records” shall mean] Purchasing records. The term “purchasing records” means all written or electronically recorded personal information about a purchaser of etching acid gathered at the time of purchase by a dealer of etching acid as required by this subchapter.

§3. Subdivision 1 of section 20-612 of the administrative code of the city of New York, as added by local law number 30 for the year 2009, is amended to read as follows:

1. Every dealer of [etching acid] graffiti instruments shall request valid photo identification from each purchaser of etching acid, aerosol spray paint cans or broad tipped indelible markers at the time of such purchase and, if the item purchased is etching acid, shall contemporaneously record in writing or electronically such purchaser's personal information.

§4. Section 20-613 of the administrative code of the city of New York, as added by local law number 30 for the year 2009, is amended to read as follows:

§20-613 Posting notice. Every dealer of [etching acid] graffiti instruments shall conspicuously post at every table, desk or counter where orders are placed and/or payment is made a notice, the form and manner of which are to be provided by rule of the commissioner, indicating that all purchasers of etching acid, aerosol spray paint cans or broad tipped indelible markers shall be required to provide valid photo identification and, if the purchase is of etching acid, their personal information and such information shall be recorded by the dealer of etching acid prior to purchase.

§5. This local law takes effect 90 days after it becomes law.

Session 12

AM

LS # 249

7/15/22

Session 11

CJG/BG

LS # 1264

Int. # 201 - 2018