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Int. No. 1097

By Council Members Riley, Marte, Banks, Brannan, Restler, Ossé, Brewer, Bottcher, Cabán and Gutiérrez

A Local Law to amend the administrative code of the city of New York, in relation to requiring certain retail stores to accept flexible benefit cards

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 15 to read as follows:

SUBCHAPTER 15

FLEXIBLE BENEFITS CARDS

§ 20-699.12 Definitions. As used in this subchapter, the following terms have the following meanings:

Covered store. The term "covered store" means a retail store that primarily sells food for off-site consumption or a retail store that includes a pharmacy.

Eligible item. The term "eligible item" means a product that may be purchased with a flexible benefit card, as determined by the issuer of the flexible benefit card.

Flexible benefits card. The term "flexible benefits card" means a card provided by a health insurance provider to an insured member that may be used to purchase items covered by the health insurance provider's policy.

§ 20-699.13 Acceptance of flexible benefits cards. Every covered store that accepts credit or debit card payment shall accept flexible benefits cards as a form of payment for eligible items.

§ 20-699.14 Enforcement. Any person that violates the provisions of this subchapter or any rules promulgated pursuant thereto is liable for a civil penalty of $250 for a first violation and $500 for any

subsequent violation within 18 months of a previous violation, except that the commissioner shall issue a warning instead of a notice of violation for any violation that occurs within 1 year after the effective date of the local law that added this section. For purposes of assessing penalties in accordance with this section, all violations committed by the same covered store on the same day count as 1 violation.

§ 20-699.15 Education and outreach. The commissioner shall provide outreach and education to covered stores to inform them of the requirement to accept flexible benefits cards pursuant to section 20-699.13.

§ 2. This local law takes effect 270 days after it becomes law, except that the commissioner of consumer and worker protection shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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