



NEW YORK STATE SENATOR

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Laws to Protect Domestic Violence Victims and Encourage Solar Energy Use Among Measures That Take Effect on January 1, 2013

ANDREW J LANZA December 28, 2012

A new sales tax exemption designed to encourage solar energy use and a law to provide new protections for domestic violence victims highlight the list of new state laws that take effect on January 1, 2013. Other measures that take effect on New Years Day include laws that help craft brewers distribute their products, prohibit the sale of e-cigarettes to minors, and authorize new ways for colleges to provide health insurance for students.

DOMESTIC VIOLENCE PROTECTIONS -- Part of the new domestic violence reform law, designed to protect victims' health care and insurance information, (Chapter 491, S7638), takes effect on January 1, 2012. The landmark law, sponsored by Senator Andrew Lanza, includes several important provisions to protect victims of domestic violence and establish stronger criminal penalties to punish individuals who commit acts of domestic violence.

As of the first of the year, victims of domestic violence who seek medical and/or mental health services and use their health insurance to pay for that care, can designate alternative contact information so they may receive health insurance correspondence in a safe location of their own choosing, such as the home of a friend or family member, a post office box, or a shelter.

SOLAR ENERGY SALES TAX EXEMPTION – A new law taking effect on January 1st (Chapter 406, S3203B) exempts the sale and installation of commercial solar energy systems equipment from state sales tax and compensating use taxes. Under the new law, municipalities will also have the authority to provide this exemption from local sales and use taxes.

DISTRIBUTION OF BEER PRODUCED BY SMALL, INDEPENDENT BREWERS -- This new law (Chapter 367, S1315) will give New York's craft breweries the means to end unfavorable, exclusive contracts with beer wholesalers.

In 1996, the Beer Franchise Law strengthened distributing contracts to protect small, family-owned wholesalers from arbitrary termination by large multinational breweries. Since then, the number of wholesalers has dropped in New York State from 112 in 1996 to fewer than 60 today.

This measure will help the growth of the state's small independent breweries by allowing them to end costly exclusive contracts with large wholesalers that do not market or promote their brands without having to undertake lengthy legal procedures that may not provide relief.

The law defines small brewers as those who produce less than 300,000 barrels of beer annually, and whose sales to a wholesaler are three percent or less of a multi-brand beer wholesaler's annual business.

BAN ELECTRONIC CIGARETTES FOR MINORS -- A new law (Chapter 448, S2926B) will prohibit the sale of electronic cigarettes to people under the age of 18 years of age.

ALLOWING COLLEGES TO SELF-INSURE FOR STUDENT HEALTH CARE – This law (Chapter 246, S7314A) will allow eligible private and public colleges and universities in New

York State to self-insure for their students' health insurance needs. An advantage to becoming self-insured is that the plan can be designed to meet the needs of the students and can reduce administrative costs, compared to basic, more expensive commercial insurance plans. Most states in the country already allow private colleges and universities to self-insure for their students' health insurance.

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