



**New York State YMCA
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Committee Assignment: Assembly Liberty 2

Bill #: AL-12

1 **Sponsors:** Aidan Westfall, Colin Hansen
2

3 **AN ACT TO:** Amend the New York State Penal Law Section 230.00 to make
4 prostitution sanctionable only without a license issued from the New York State
5 Department of Health, and to amend New York State Public Health Law Sections 2310
6 – 2334 to create a license for prostitution and houses of prostitution issued and
7 regulated by the Department of Health.
8

9 *The People of the State of New York, represented in the Senate and assembly, do*
10 *enact as follows:*
11

12 **PURPOSE:** An Act to amend the New York State Penal Law Section 230 and New
13 York State Public Health Law sections 2320 – 2334 to legalize the profession of
14 prostitution with a license issued and regulated by the New York State Department of
15 Health.
16

17 **SUMMARY OF PROVISIONS:**

18 **Section 1:** Definitions:

- 19 **1. "Unlicensed prostitution"** shall mean any act of prostitution, as defined in
20 the Penal Law and Public Health Law, that is not licensed by the New York State
21 Department of Health pursuant to Section 2310 of the New York State Public
22 Health Law.
23 **2. "License holder"** one who was licensed by the Commissioner of the Department
24 of Health a license to practice prostitution.

25 **Section 2:** Amends the New York State Penal Law as follows:

26 **§ 230.00 Unlicensed Prostitution.**

27 A person is guilty of unlicensed prostitution when such person engages or agrees or
28 offers to engage in sexual conduct with another person in return for a fee without a
29 license issued by the New York State Department of Health pursuant to Section 2310
30 of the New York State Public Health Law. Unlicensed Prostitution is a class B
31 Misdemeanor.

32 Amends the New York State Public Health Law as follows:

33 § 2310 License and registration required. On and after January 1, 2021, no person
34 shall practice prostitution unless he or she is licensed by the commissioner of the
35 department of health or his or her designee and registered by the department
36 pursuant to the provisions of this article.

37 1. An applicant shall be eligible for a license as provided in this article upon payment
38 to the department of an application fee of forty dollars and the submission of
39 satisfactory evidence, verified by oath or affirmation, that the applicant:

40 ___ (a) is at least twenty-one years of age; and

41 ___ (b) is of good mental and physical health as determined by the department.

42 2. An applicant who is denied licensure may petition the commissioner for
43 reconsideration.

44 3. The department shall issue a license to candidates who meet the requirements
45 specified in this chapter. The license shall expire at the end of six months from the



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46 time of issuance. To maintain a license, the license holder must provide to the
47 department with satisfactory evidence that the license holder fulfills the application
48 requirements for license set forth in this chapter. In addition, when seeking to
49 maintain a license, the license holder must pay the department a license fee of two
50 hundred dollars.

51 4. The department may promulgate regulations for the practice of prostitution. After
52 a public hearing and with satisfactory evidence of violation of departmental
53 regulations, the commissioner, or his or her designee, may revoke a license without
54 any compensation to the license holder.

55 Section 4: Amends the New York State Public Health Law as follows:

56 §§ 2320 -2334 within these sections, any statement of "prostitution" shall be replaced
57 with "unlicensed prostitution".

58

59 **JUSTIFICATION:**

60 Prostitution is widely recognized as the oldest profession. It exists, and will continue
61 to do so, even with criminal sanctions against the activity. By recognizing this fact,
62 the State may, through licensure, control the act of prostitution. By requiring licenses
63 for prostitution, the Department of Health will regulate health standards for licensed
64 professionals. In addition, the Department of Health will collect funds from license
65 fees, which will be entered into the General Fund. Moreover, licensing prostitution will
66 remove the business from the hands of organized crime, and reduce sex trafficking
67 and other associated activities. Lastly, by removing the risk of sexually transmitted
68 diseases from prostitution, it is anticipated that New York will save additional millions
69 of dollars by reducing the number of victims treated for such diseases.

70

71 **FISCAL IMPLICATIONS:**

72 This bill is expected to generate millions of dollars in revenue through licensure fees
73 and income taxes. In addition, this Act will save the public millions of dollars by
74 reducing the number of victims treated for sexually transmitted diseases.

75

76 **EFFECTIVE DATE:**

77 The law will go into effect January 1, 2021.