

628--A

Cal. No. 219

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. FUSCHILLO, DIAZ, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- committee discharged and said bill committed to the Committee on Alcoholism and Drug Abuse -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the alcoholic beverage control law, in relation to permitting the consumption of alcoholic beverages by persons under the age of twenty-one

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The alcoholic beverage control law is amended by adding a
2 new section 65-e to read as follows:
3 S 65-E. PROHIBITION OF PERMITTING THE CONSUMPTION OF ALCOHOLIC BEVER-
4 AGES BY ANY PERSON UNDER THE AGE OF TWENTY-ONE YEARS. 1. NO PERSON WHO
5 IS OVER THE AGE OF TWENTY-ONE YEARS WHO OWNS, RENTS OR CONTROLS A
6 PRIVATE RESIDENCE SHALL PERMIT THE CONSUMPTION OF ALCOHOLIC BEVERAGES BY
7 ANY PERSON ACTUALLY OR APPARENTLY UNDER THE AGE OF TWENTY-ONE YEARS WHO
8 IS PRESENT AT ANY PARTY, GATHERING OR EVENT ON THE PREMISES OF SUCH
9 PERSON WHEN SUCH PERSON KNOWS OR HAS REASON TO KNOW THAT SUCH PARTY,
10 GATHERING OR EVENT IS TAKING PLACE AT HIS OR HER RESIDENCE.
11 2. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE
12 THE FOLLOWING MEANINGS:
13 (A) "PARTY, GATHERING OR EVENT" SHALL MEAN THREE OR MORE PERSONS
14 ASSEMBLED FOR A SOCIAL OCCASION OR ACTIVITY, WHERE AT LEAST ONE OF SUCH
15 PERSONS IS NOT AN OWNER, TENANT OR REGULAR OCCUPANT OF THE PREMISES.
16 (B) "PERMIT" SHALL MEAN FAILING TO TAKE REASONABLE CORRECTIVE ACTION,
17 INCLUDING, BUT NOT LIMITED TO: (I) MAKING A PROMPT DEMAND THAT SUCH
18 PERSON UNDER THE AGE OF TWENTY-ONE YEARS EITHER FORFEIT AND REFRAIN FROM

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD00389-03-1

1 FURTHER CONSUMPTION OF SUCH ALCOHOLIC BEVERAGES OR DEPART FROM THE PREM-
2 ISES: OR (II) IF SUCH PERSON UNDER THE AGE OF TWENTY-ONE YEARS FAILS TO
3 COMPLY WITH SUCH REQUEST, EITHER PROMPTLY REPORTING SUCH CONSUMPTION OF
4 ALCOHOL BY A PERSON UNDER THE AGE OF TWENTY-ONE TO THE LOCAL LAW
5 ENFORCEMENT AGENCY OR TO ANY OTHER PERSON HAVING A GREATER DEGREE OF
6 AUTHORITY OVER THE CONDUCT OF SUCH MINOR.

7 3. NOTWITHSTANDING THE FOREGOING, THIS SECTION SHALL NOT APPLY IF THE
8 ALCOHOLIC BEVERAGE IS GIVEN: (I) BY A PARENT OR GUARDIAN WHO IS PRESENT
9 AND HAS EXPRESSLY PERMITTED SUCH CONSUMPTION; OR (II) FOR RELIGIOUS
10 PURPOSES.

11 4. A VIOLATION OF SUBDIVISION ONE OF THIS SECTION SHALL BE PUNISHABLE
12 FOR THE FIRST OFFENSE BY A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS; THE
13 SECOND OFFENSE SHALL BE A CLASS B MISDEMEANOR; AND THE THIRD OFFENSE AND
14 ANY SUBSEQUENT OFFENSE SHALL BE A CLASS A MISDEMEANOR.

15 S 2. This act shall take effect on the sixtieth day after it shall
16 have become a law.