

STATE OF NEW YORK

8647

2017-2018 Regular Sessions

IN ASSEMBLY

September 1, 2017

Introduced by M. of A. McDONOUGH -- read once and referred to the
Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to prohibiting the
sale of snortable chocolate-based powder

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. The general business law is amended by adding a new section
2 399-dddd to read as follows:

3 § 399-dddd. Prohibition on the importation, distribution or sale of
4 snortable chocolate-based powder. 1. No person, firm, corporation, or
5 association shall import, distribute, sell or offer to sell any snorta-
6 ble chocolate-based powder.

7 2. For the purposes of this section, the term "snortable chocolate
8 based-powder" means any snortable chocolate-based powder which includes
9 cacao powder, as well as ginkgo biloba, taurine and guarana.

10 3. Whenever there shall be a violation of this section an application
11 may be made by the attorney general in the name of the people of the
12 state of New York to a court or justice having jurisdiction by a special
13 proceeding to issue an injunction, and upon notice to the defendant of
14 not less than five days, to enjoin and restrain the continuance of such
15 violations; and if it shall appear to the satisfaction of the court or
16 justice that the defendant has, in fact, violated this section, an
17 injunction may be issued by the court or justice, enjoining and
18 restraining any further violations, without requiring proof that any
19 person has, in fact, been injured or damaged thereby. In any such
20 proceeding, the court may make allowances to the attorney general as
21 provided in paragraph six of subdivision (a) of section eighty-three
22 hundred three of the civil practice law and rules, and direct restitu-
23 tion. Whenever the court shall determine that a violation of this
24 section has occurred, the court may impose a civil penalty of not more
25 than one thousand dollars for each violation. Each sale of a snortable

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

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1 chocolate-based powder in violation of this section shall constitute a
2 separate violation. In connection with any such proposed application,
3 the attorney general is authorized to take proof and make a determi-
4 nation of the relevant facts and to issue subpoenas in accordance with
5 the civil practice law and rules.

6 § 2. This act shall take effect immediately.