S T A T E O F N E W Y O R K

1075

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DINOWITZ, GALEF, DESTITO, KOON, GREENE, MILLMAN, CLARK, FIELDS, PEOPLES, MARKEY -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, BOYLAND, BURLING, CROUCH, DUPREY, GIGLIO, GUNTHER, HOOPER, MAGEE, McENENY, McKEVITT, PERRY, PHEFFER, SAYWARD, WALKER, WEISENBERG -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to products bearing illegal drug names

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

Section 1. Legislative intent. The legislature finds that there is a new breed of beverages containing large doses of caffeine, sugar, and a mixture of herbs and other substances, that are fast becoming the younger generation's pick-me-up of choice. These so-called energy or sports drinks are considered dietary supplements and are not subject to regulation by the federal food and drug administration. The legislature further finds that there is a new sports drink on the market, called "Cocaine", which, by its name, glamorizes an illegal and deadly stimulant that has ravaged families and entire neighborhoods. The president and chairman of the National Center on Addiction and Substance Abuse, Joseph A. Califano Jr., described this new drink as "insidious, disgraceful, irresponsible, reprehensible, and disgusting." Therefore, the legislature finds that the sale of products bearing such inflammatory names should be prohibited.

S 2. The general business law is amended by adding a new section 398-e to read as follows:

S 398-E. SALE OF PRODUCTS BEARING ILLEGAL DRUG NAMES. 1. IT SHALL BE UNLAWFUL TO SELL ANY PRODUCT BEARING THE NAME OF ANY CONTROLLED SUBSTANCE, AS DEFINED IN SECTION THIRTY-THREE HUNDRED SIX OF THE PUBLIC

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

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HEALTH LAW, THAT IS UNLAWFUL TO POSSESS OR SELL PURSUANT TO ARTICLE TWO HUNDRED TWENTY OF THE PENAL LAW.

2. A VIOLATION OF THE PROVISIONS OF THIS SECTION SHALL BE AN OFFENSE PUNISHABLE BY A FINE OF NOT MORE THAN FIVE THOUSAND DOLLARS. A VIOLATION OF THE PROVISIONS OF THIS ARTICLE AFTER HAVING BEEN PREVIOUSLY CONVICTED OF SUCH AN OFFENSE WITHIN THE PREVIOUS FIVE YEARS SHALL BE A CLASS B MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN TEN THOUSAND DOLLARS.

S 3. This act shall take effect immediately.