

9459

I N A S S E M B L Y

(PREFILED)

January 6, 2010

Introduced by M. of A. GALEF -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the alcoholic beverage control law, in relation to prohibiting gatherings where minors consume alcoholic beverages

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 132 to read as follows:
3 S 132. PROHIBITION OF GATHERINGS WHERE MINORS ARE CONSUMING ALCOHOLIC
4 BEVERAGES. 1. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL
5 HAVE THE FOLLOWING MEANINGS:
6 (A) "ALCOHOL" SHALL MEAN ETHYL ALCOHOL, HYDRATED OXIDE OF ETHYL OR
7 SPIRIT OF WINE FROM WHATEVER SOURCE OR BY WHATEVER PROCESSES PRODUCED.
8 (B) "ALCOHOLIC BEVERAGE" SHALL MEAN ALCOHOL, SPIRITS, LIQUOR, WINE,
9 BEER, CIDER AND EVERY LIQUID OR SOLID, PATENTED OR NOT, CONTAINING ALCO-
10 HOL, SPIRITS, WINE OR BEER AND CAPABLE OF BEING CONSUMED BY A HUMAN
11 BEING; EXCEPT THAT CONFECTIONARY CONTAINING ALCOHOL AS PROVIDED BY
12 SUBDIVISION TWELVE OF SECTION TWO HUNDRED OF THE AGRICULTURE AND MARKETS
13 LAW SHALL NOT BE REGARDED AS AN "ALCOHOLIC BEVERAGE" WITHIN THE MEANING
14 OF THIS SECTION. FOR PURPOSES OF THIS SECTION, "SPIRITS", "LIQUOR",
15 "WINE" AND "CIDER" ARE AS DEFINED IN SECTION THREE OF THIS CHAPTER.
16 (C) "BEER" SHALL MEAN ANY FERMENTED BEVERAGES OF ANY NAME OR
17 DESCRIPTION MANUFACTURED FROM MALT, WHOLLY OR IN PART, OR FROM ANY
18 SUBSTITUTE THEREFOR.
19 (D) "CIDER" SHALL MEAN THE PARTIALLY OR FULLY FERMENTED JUICE OF
20 FRESH, WHOLE APPLES, CONTAINING MORE THAN THREE AND TWO-TENTHS PER
21 CENTUM BUT NOT MORE THAN SEVEN PER CENTUM ALCOHOL BY VOLUME, WHEN USED
22 FOR BEVERAGE PURPOSES, AND TO WHICH NOTHING HAS BEEN ADDED TO INCREASE
23 THE ALCOHOLIC CONTENT PRODUCED BY NATURAL FERMENTATION.
24 (E) "GUARDIAN" SHALL MEAN A PERSON WHO, UNDER COURT ORDER, IS THE
25 LEGAL GUARDIAN OF THE PERSON OF A MINOR; OR A PUBLIC OR PRIVATE AGENCY
26 WITH WHOM THE MINOR HAS BEEN PLACED BY THE COURT.

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

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1 (F) "LIQUOR" SHALL MEAN ANY AND ALL DISTILLED OR RECTIFIED SPIRITS,
2 BRANDY, WHISKEY, RUM, GIN, CORDIAL, OR SIMILAR DISTILLED ALCOHOLIC
3 BEVERAGES, INCLUDING ALL DILUTIONS AND MIXTURES OF ONE OR MORE OF THE
4 FOREGOING.

5 (G) "MINOR" SHALL MEAN ANY PERSON UNDER TWENTY-ONE YEARS OF AGE.

6 (H) "PARENT" SHALL MEAN ANY PERSON WHO IS THE NATURAL PARENT, ADOPTIVE
7 PARENT, OR STEP-PARENT OF A MINOR.

8 (I) "PARTY", "GATHERING" OR "EVENT" SHALL MEAN A GROUP OF PERSONS WHO
9 HAVE ASSEMBLED OR ARE ASSEMBLING FOR A SOCIAL OCCASION OR SOCIAL ACTIV-
10 ITY.

11 (J) "SPIRITS" SHALL MEAN ANY BEVERAGE WHICH CONTAINS ALCOHOL OBTAINED
12 BY DISTILLATION MIXED WITH DRINKABLE WATER AND OTHER SUBSTANCES IN
13 SOLUTION.

14 (K) "WINE" SHALL MEAN THE PRODUCT OF THE NORMAL ALCOHOLIC FERMENTATION
15 OF THE JUICE OF FRESH, SOUND, RIPE GRAPES, WITH THE USUAL CELLAR TREAT-
16 MENT AND NECESSARY ADDITIONS TO CORRECT DEFECTS DUE TO CLIMATIC, SACCHA-
17 RINE AND SEASONAL CONDITIONS, INCLUDING CHAMPAGNE, SPARKLING AND FORTI-
18 FIED WINE OF AN ALCOHOLIC CONTENT NOT TO EXCEED TWENTY-FOUR PER CENTUM
19 BY VOLUME.

20 2. HOSTING, SUFFERING, PERMITTING, ORGANIZING, ALLOWING A PARTY, GATH-
21 ERING OR EVENT ON PRIVATE PROPERTY WHERE MINORS ARE CONSUMING ALCOHOLIC
22 BEVERAGES IS PROHIBITED.

23 (A) EXCEPT OTHERWISE PERMITTED BY LAW, NO PERSON SHALL HOST, SUFFER,
24 PERMIT, ORGANIZE, OR ALLOW A PARTY, GATHERING OR EVENT AT HIS OR HER
25 PLACE OF RESIDENCE OR OTHER PRIVATE PROPERTY, PLACE OR PREMISES OWNED BY
26 OR UNDER HIS OR HER CONTROL, WHERE THREE OR MORE MINORS ARE PRESENT AND
27 ALCOHOLIC BEVERAGES ARE BEING CONSUMED BY ANY MINOR.

28 (B) THIS SECTION SHALL NOT APPLY TO CONDUCT BETWEEN A MINOR CHILD AND
29 HIS OR HER PARENT OR GUARDIAN.

30 (C) THIS SECTION SHALL NOT APPLY TO ANY LOCATION OR PLACE REGULATED BY
31 THE LIQUOR AUTHORITY.

32 3. ANY PERSON OR CORPORATION FOUND TO BE GUILTY OF A VIOLATION OF THIS
33 SECTION BY A COURT OF LAW SHALL BE SUBJECT TO A CONVICTION OF A CLASS A
34 MISDEMEANOR, PUNISHABLE BY A FINE NOT TO EXCEED THREE THOUSAND DOLLARS
35 OR IMPRISONMENT FOR A PERIOD NOT TO EXCEED ONE YEAR, OR BOTH.

36 S 2. This act shall take effect immediately.