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

8506

I N S E N A T E

November 8, 2010

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the alcoholic beverage control law, in relation to including, for the purposes of distribution and retail sale, certain alcoholic beverages containing a stimulant within the definition of "liquor"

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

Section 1. Subdivisions 3 and 19 of section 3 of the alcoholic beverage control law are amended to read as follows:

3. "Beer" means and includes any fermented beverages of any name or description manufactured from malt, wholly or in part, or from any substitute therefor; PROVIDED, HOWEVER, THAT SUCH TERM SHALL NOT INCLUDE ANY ALCOHOLIC BEVERAGE THAT CONTAINS MORE THAN TWO PER CENTUM ALCOHOL BY VOLUME, IN COMBINATION WITH MORE THAN FIVE MILLIGRAMS PER OUNCE OF CAFFEINE OR ANY OTHER STIMULANT INCLUDING, BUT NOT LIMITED TO, GUARANA, GINSENG OR TAURINE THAT HAS AN EQUIVALENT EFFECT AS SUCH QUANTITY OF CAFFEINE.

19. "Liquor" means and includes any and all distilled or rectified spirits, brandy, whiskey, rum, gin, cordials or similar distilled alcoholic beverages, including all dilutions and mixtures of one or more of the foregoing; PROVIDED, FURTHER, THAT SOLELY FOR THE PURPOSES OF THE DISTRIBUTION, WHOLESALE AND RETAIL SALE THEREOF, SUCH TERM SHALL INCLUDE ANY ALCOHOLIC BEVERAGE THAT CONTAINS MORE THAN TWO PER CENTUM ALCOHOL BY VOLUME, IN COMBINATION WITH MORE THAN FIVE MILLIGRAMS PER OUNCE OF CAFFEINE OR ANY OTHER STIMULANT INCLUDING, BUT NOT LIMITED TO, GUARANA, GINSENG OR TAURINE THAT HAS AN EQUIVALENT EFFECT AS SUCH QUANTITY OF CAFFEINE.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided that the provisions of this act shall not apply to any retail sale of an alcoholic beverage which is received by a person licensed to sell alcoholic beverages for on-premises or off-premises consumption, within sixty days of the date this act shall have become a law. Effective immediately, the state liquor authority is authorized to amend, add and/or repeal any rules and regulations necessary to implement the provisions of this act on or before its effective date.

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

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