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

8508

I N S E N A T E

November 10, 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 providing enhanced penalties for licensees who sell certain alcoholic beverages to persons under the age of twenty-one years

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

Section 1. Section 65 of the alcoholic beverage control law is amended by adding a new subdivision 7 to read as follows:

7. ANY LICENSEE, OR ITS AGENT OR EMPLOYEE, WHO SELLS, DELIVERS OR GIVES AWAY, OR CAUSES, PERMITS OR PROCURES TO BE SOLD, DELIVERED OR GIVEN AWAY TO ANY PERSON, ACTUALLY OR APPARENTLY, UNDER THE AGE OF TWENTY-ONE YEARS, ANY ALCOHOLIC BEVERAGE THAT CONTAINS MORE THAN TWO PER CENTUM OF 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, SHALL BE GUILTY OF A CLASS E FELONY AS DEFINED IN THE PENAL LAW.

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

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

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