

9754

I N A S S E M B L Y

January 21, 2010

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

AN ACT to amend the agriculture and markets law, in relation to requiring warning labels on energy beverages

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

1 Section 1. The agriculture and markets law is amended by adding a new
2 section 214-o to read as follows:

3 S 214-O. WARNING LABELS ON ENERGY BEVERAGES. 1. NOTWITHSTANDING ANY
4 INCONSISTENT PROVISION OF LAW TO THE CONTRARY, IF ANY PERSON, FIRM,
5 CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY, ASSOCIATION OR ANY
6 OTHER BUSINESS ASSOCIATION SELLS OR DISPLAYS FOR RETAIL SALE ANY ENERGY
7 BEVERAGE, THE PACKAGING OF SUCH BEVERAGE SHALL BEAR A WARNING LABEL AS
8 PRESCRIBED IN THIS SECTION WHICH SHALL BE PRINTED THEREON OR ATTACHED
9 THERETO. SUCH WARNING LABEL SHALL BE IN LETTERS NOT LESS THAN EIGHT
10 POINT TYPE AND SHALL APPEAR IN A BLACK BOX ON THE BEVERAGE, AND SHALL
11 CONTAIN THE FOLLOWING STATEMENT: "WARNING: EXCESSIVE CONSUMPTION OF
12 ENERGY BEVERAGES COULD POSE A SERIOUS HEALTH HAZARD. PLEASE USE
13 CAUTION."

14 2. ANY PERSON, FIRM, CORPORATION, PARTNERSHIP, LIMITED LIABILITY
15 COMPANY, OR ASSOCIATION, OR ITS OFFICERS OR AGENTS WHO OR WHICH VIOLATE
16 ANY OF THE PROVISIONS OF THIS SECTION OR ANY RULES OR REGULATIONS
17 PROMULGATED UNDER THIS SECTION SHALL BE LIABLE FOR A CIVIL PENALTY OF
18 ONE THOUSAND DOLLARS PER EACH ENERGY BEVERAGE WHICH VIOLATES THE
19 PROVISIONS OF THIS SECTION.

20 3. THE COMMISSIONER SHALL HAVE THE AUTHORITY AND POWER TO PRESCRIBE BY
21 REGULATIONS THE LABELING OF ENERGY BEVERAGES IN SUBDIVISION ONE OF THIS
22 SECTION WHICH ARE NOT SOLD BY PACKAGE OR CONTAINER.

23 4. FOR PURPOSES OF THIS SECTION ENERGY BEVERAGE SHALL INCLUDE BUT NOT
24 BE LIMITED TO A COMBINATION OF SOME OR ALL OF THE FOLLOWING INGREDIENTS:
25 SUGAR, METHYLXANTHINES, CAFFEINE, VITAMIN B, HERBS, GUARANA, ACAI,
26 TAURINE, GINSENG, MALTODEXTRIN, INOSITOL, CARNITINE, CREATINE, GLUCURO-
27 NOLACTONE AND GINKGO BILOBA.

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

LBD15440-01-0

1 S 2. This act shall take effect on the one hundred twentieth day after
2 it shall have become a law. Provided that the commissioner of agricul-
3 ture and markets is authorized and directed to promulgate any rules or
4 regulations necessary for the timely implementation of this act before
5 such effective date.