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

35

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. FUSCHILLO -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT to amend the alcoholic beverage control law, in relation to permitting the consumption of alcoholic beverages by minors

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

Section 1. The alcoholic beverage control law is amended by adding a new section 65-e to read as follows:

S 65-E. PROHIBITION OF PERMITTING THE CONSUMPTION OF ALCOHOLIC BEVERAGES BY ANY PERSON UNDER THE AGE OF TWENTY-ONE YEARS. 1. NO PERSON WHO IS OVER THE AGE OF TWENTY-ONE YEARS WHO OWNS, RENTS OR CONTROLS A PRIVATE RESIDENCE SHALL PERMIT THE CONSUMPTION OF ALCOHOLIC BEVERAGES BY ANY PERSON, ACTUALLY OR APPARENTLY, UNDER THE AGE OF TWENTY-ONE YEARS WHO IS PRESENT AT ANY PARTY, GATHERING OR EVENT ON THE PREMISES OF SUCH PERSON.

2. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "PARTY, GATHERING OR EVENT" SHALL MEAN THREE OR MORE PERSONS ASSEMBLED FOR A SOCIAL OCCASION OR ACTIVITY, WHERE AT LEAST ONE OF SUCH PERSONS IS NOT AN OWNER, TENANT OR REGULAR OCCUPANT OF THE PREMISES.

(B) "PERMIT" SHALL MEAN FAILING TO TAKE REASONABLE CORRECTIVE ACTION, INCLUDING, BUT NOT LIMITED TO: (A) MAKING A PROMPT DEMAND THAT SUCH PERSON UNDER THE AGE OF TWENTY-ONE YEARS EITHER FORFEIT AND REFRAIN FROM FURTHER CONSUMPTION OF SUCH ALCOHOLIC BEVERAGES OR DEPART FROM THE PREMISES OR (B) IF SUCH PERSON UNDER THE AGE OF TWENTY-ONE YEARS FAILS TO COMPLY WITH SUCH REQUEST, EITHER PROMPTLY REPORTING SUCH CONSUMPTION OF ALCOHOL BY A MINOR TO THE LOCAL LAW ENFORCEMENT AGENCY OR TO ANY OTHER PERSON HAVING A GREATER DEGREE OF AUTHORITY OVER THE CONDUCT OF SUCH MINOR.

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

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3. A VIOLATION OF SUBDIVISION ONE OF THIS SECTION SHALL BE PUNISHABLE FOR THE FIRST OFFENSE BY A FINE OF TWO HUNDRED FIFTY DOLLARS; FOR THE SECOND OFFENSE BY A FINE OF FIVE HUNDRED DOLLARS; AND FOR THE THIRD OFFENSE AND ANY SUBSEQUENT OFFENSE BY A FINE OF ONE THOUSAND DOLLARS OR IMPRISONMENT FOR A TERM NOT TO EXCEED ONE YEAR OR BY BOTH FINE AND IMPRISONMENT.

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