

5170

2011-2012 Regular Sessions

I N A S S E M B L Y

February 14, 2011

Introduced by M. of A. ORTIZ, AUBRY, P. RIVERA, STEVENSON, N. RIVERA,
GIBSON -- Multi-Sponsored by -- M. of A. ARROYO, ROBINSON, THIELE --
read once and referred to the Committee on Economic Development

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 65 of the alcoholic beverage control law is amended
2 by adding a new subdivision 3-a read as follows:
3 3-A. ANY LICENSEE, OR ITS AGENT OR EMPLOYEE, WHO SELLS, DELIVERS OR
4 GIVES AWAY, OR CAUSES, PERMITS OR PROCURES TO BE SOLD, DELIVERED OR
5 GIVEN AWAY TO ANY PERSON, ACTUALLY OR APPARENTLY, UNDER THE AGE OF TWEN-
6 TY-ONE YEARS, ANY ALCOHOLIC BEVERAGE THAT CONTAINS MORE THAN TWO PER
7 CENTUM OF ALCOHOL BY VOLUME, IN COMBINATION WITH MORE THAN FIVE MILLI-
8 GRAMS PER OUNCE OF CAFFEINE OR ANY OTHER STIMULANT INCLUDING, BUT NOT
9 LIMITED TO, GUARANA, GINSENG OR TAURINE THAT HAS AN EQUIVALENT EFFECT AS
10 SUCH QUANTITY OF CAFFEINE, SHALL BE GUILTY OF A CLASS E FELONY AS
11 DEFINED IN THE PENAL LAW.
12 S 2. This act shall take effect on the thirtieth day after it shall
13 have become a law.

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

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