

2798

2011-2012 Regular Sessions

I N S E N A T E

February 1, 2011

Introduced by Sens. KLEIN, VALESKY -- read twice and ordered printed,
and when printed to be committed to the Committee on Investigations
and Government Operations

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivisions 3 and 19 of section 3 of the alcoholic bever-
2 age control law are amended to read as follows:
3 3. "Beer" means and includes any fermented beverages of any name or
4 description manufactured from malt, wholly or in part, or from any
5 substitute therefor; PROVIDED, HOWEVER, THAT SUCH TERM SHALL NOT INCLUDE
6 ANY ALCOHOLIC BEVERAGE THAT CONTAINS MORE THAN TWO PER CENTUM ALCOHOL BY
7 VOLUME, IN COMBINATION WITH MORE THAN FIVE MILLIGRAMS PER OUNCE OF
8 CAFFEINE OR ANY OTHER STIMULANT INCLUDING, BUT NOT LIMITED TO, GUARANA,
9 GINSENG OR TAURINE THAT HAS AN EQUIVALENT EFFECT AS SUCH QUANTITY OF
10 CAFFEINE.
11 19. "Liquor" means and includes any and all distilled or rectified
12 spirits, brandy, whiskey, rum, gin, cordials or similar distilled alco-
13 holic beverages, including all dilutions and mixtures of one or more of
14 the foregoing; PROVIDED, FURTHER, THAT SOLELY FOR THE PURPOSES OF THE
15 DISTRIBUTION, WHOLESALE AND RETAIL SALE THEREOF, SUCH TERM SHALL INCLUDE
16 ANY ALCOHOLIC BEVERAGE THAT CONTAINS MORE THAN TWO PER CENTUM ALCOHOL BY
17 VOLUME, IN COMBINATION WITH MORE THAN FIVE MILLIGRAMS PER OUNCE OF
18 CAFFEINE OR ANY OTHER STIMULANT INCLUDING, BUT NOT LIMITED TO, GUARANA,
19 GINSENG OR TAURINE THAT HAS AN EQUIVALENT EFFECT AS SUCH QUANTITY OF
20 CAFFEINE.
21 S 2. This act shall take effect on the one hundred eightieth day after
22 it shall have become a law; provided that the provisions of this act

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

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1 shall not apply to any retail sale of an alcoholic beverage which is
2 received by a person licensed to sell alcoholic beverages for on-premis-
3 es or off-premises consumption, within sixty days of the date this act
4 shall have become a law. Effective immediately, the state liquor author-
5 ity is authorized to amend, add and/or repeal any rules and regulations
6 necessary to implement the provisions of this act on or before its
7 effective date.