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2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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Introduced by Sens. FUSCHILLO, DIAZ, LARKIN -- 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 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:

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

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

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

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

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

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

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

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