

5875

2013-2014 Regular Sessions

I N A S S E M B L Y

March 7, 2013

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

AN ACT to amend the alcoholic beverage control law, in relation to prohibiting the sale of caffeinated or stimulant-enhanced alcoholic beverages

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

1 Section 1. Section 3 of the alcoholic beverage control law is amended
2 by adding a new subdivision 7-c to read as follows:
3 7-C. "CAFFEINATED OR STIMULANT-ENHANCED ALCOHOLIC BEVERAGE" MEANS AND
4 INCLUDES A BEER OR WINE PRODUCT THAT CONTAINS MORE THAN SIX PER CENTUM
5 ALCOHOL BY VOLUME AND AN UNSAFE FOOD ADDITIVE. FOR THE PURPOSES OF THIS
6 SUBDIVISION, "UNSAFE FOOD ADDITIVE" SHALL HAVE THE SAME MEANING AS
7 PROVIDED IN THE FEDERAL FOOD, DRUG, AND COSMETIC ACT (21 U.S.C. S 348)
8 AND SHALL INCLUDE, BUT NOT BE LIMITED TO, CAFFEINE OR OTHER STIMULANTS
9 DIRECTLY ADDED TO AN ALCOHOLIC BEVERAGE AS A SEPARATE INGREDIENT WITHOUT
10 APPROVAL BY FEDERAL REGULATION OR ACKNOWLEDGEMENT AS GENERALLY RECOG-
11 NIZED AS SAFE.
12 S 2. Section 100 of the alcoholic beverage control law is amended by
13 adding a new subdivision 8 to read as follows:
14 8. NO LICENSEE, PERMITTEE OR PERSON SHALL SELL, DELIVER OR GIVE AWAY,
15 OR CAUSE, PERMIT OR PROCURE TO BE SOLD, DELIVERED OR GIVEN AWAY ANY
16 CAFFEINATED OR STIMULANT-ENHANCED ALCOHOLIC BEVERAGE, AS DEFINED IN
17 SUBDIVISION SEVEN-C OF SECTION THREE OF THIS CHAPTER.
18 S 3. This act shall take effect on the one hundred eightieth day after
19 it shall have become a law; provided that the provisions of this act
20 shall not be deemed to prohibit any person, licensed to sell alcoholic
21 beverages at retail for on-premises or off-premises consumption, from
22 selling, delivering or giving away any caffeinated or stimulant-enhanced
23 alcoholic beverage to a distributor or manufacturer of such beverage

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

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1 within sixty days of the effective date of this act when the caffeinated
2 or stimulant-enhanced beverage was received by the retail licensee prior
3 to the effective date of this act. Effective immediately, the state
4 liquor authority is authorized to amend, add and/or repeal any rules and
5 regulations necessary to implement the provisions of this act on or
6 before its effective date.