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

9044

I N A S S E M B L Y

January 19, 2016

Introduced by M. of A. ORTIZ -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to requiring alcoholic beverages sold at retail for off-premises consumption include a calorie content value label

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

Section 1. Section 105 of the alcoholic beverage control law is amended by adding a new subdivision 24 to read as follows:

24. NO RETAIL LICENSEE FOR OFF-PREMISES CONSUMPTION SHALL SELL ANY ALCOHOLIC BEVERAGE WITHOUT A CALORIE CONTENT VALUE LABEL AFFIXED TO OR IMPRINTED UPON THE CONTAINER OF SUCH ALCOHOLIC BEVERAGE PURSUANT TO SECTION ONE HUNDRED SEVEN-A OF THIS ARTICLE.

S 2. Section 107-a of the alcoholic beverage control law is amended by adding a new subdivision 6 to read as follows:

6. (A) NO ALCOHOLIC BEVERAGE SHALL BE OFFERED FOR SALE FOR OFF-PREMISES CONSUMPTION UNLESS THERE IS A CALORIE CONTENT VALUE LABEL AFFIXED TO OR IMPRINTED UPON THE CONTAINER OF SUCH ALCOHOLIC BEVERAGE IN THE FORM AND WITH THE CONTENT REQUIRED BY THIS SUBDIVISION. SUCH CALORIE CONTENT VALUE SHALL BE LISTED CLEARLY AND CONSPICUOUSLY ON THE BOTTLE, CAN, OR OTHER SUCH CONTAINER OF THE ALCOHOLIC BEVERAGE IN A FONT AND FORMAT THAT IS AT LEAST AS PROMINENT, IN SIZE AND APPEARANCE, AS THAT USED TO POST THE ALCOHOL CONTENT OF SUCH ALCOHOLIC BEVERAGE. FOR PURPOSES OF THIS SUBDIVISION, "CALORIE CONTENT VALUE" MEANS THE NUMBER OF CALORIES IN AN ALCOHOLIC BEVERAGE IN THE SIZE AND PORTION NORMALLY OFFERED FOR SALE, AS DETERMINED PURSUANT TO A METHOD THAT COMPLIES WITH PARAGRAPH (B) OF THIS SUBDIVISION.

(B) CALORIE CONTENT VALUES REQUIRED BY THIS SUBDIVISION SHALL BE BASED UPON A VERIFIABLE ANALYSIS OF AN ALCOHOLIC BEVERAGE, WHICH MAY INCLUDE THE USE OF NUTRIENT DATABASES, LABORATORY TESTING, OR OTHER RELIABLE METHODS OF ANALYSIS, AND SHALL BE ROUNDED TO THE NEAREST TEN CALORIES FOR CALORIE CONTENT VALUES ABOVE FIFTY CALORIES AND TO THE NEAREST FIVE CALORIES FOR CALORIE CONTENT VALUES OF FIFTY CALORIES OR BELOW.

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

LBD13629-02-6

S 3. This act shall take effect one year after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made on or before such date.