

# STATE OF NEW YORK

4229

2017-2018 Regular Sessions

## IN ASSEMBLY

February 1, 2017

Introduced by M. of A. ORTIZ, AUBRY, ARROYO, THIELE -- 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-e to read as follows:

3 7-e. "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. § 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 § 2. Section 100 of the alcoholic beverage control law is amended by  
13 adding a new subdivision 9 to read as follows:

14 9. 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-e of section three of this chapter.

18 § 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  
24 within sixty days of the effective date of this act when the caffeinated

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

LBD08879-01-7

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