STATE OF NEW YORK

754--A

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. PHEFFER AMATO -- read once and referred to the Committee on Consumer Affairs and Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to prohibiting the sale of whipped cream chargers to persons under the age of twenty-one

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The general business law is amended by adding a new section 399-hh to read as follows:

§ 399-hh. Sale of whipped cream chargers. 1. For purposes of this section, the term "whipped cream charger" shall mean a steel cylinder or cartridge filled with nitrous oxide (N2O) that is used as a whipping agent in a whipped cream dispenser.

2. No person, corporation, partnership, limited liability company, firm or any other business entity doing business within this state shall sell or offer for sale a whipped cream charger to any person under the age of twenty-one.

3. Any person, corporation, partnership, limited liability company, firm, or other business entity doing business within the state selling, offering for sale, or distributing whipped cream chargers shall require proof of legal age prior to allowing an individual to purchase or receive a shipment of whipped cream chargers. Such identification need not be required of any individual who reasonably appears to be at least twenty-five years of age, provided, however, that such appearance shall not constitute a defense in any proceeding alleging the sale or distribution of whipped cream chargers to an individual under twenty-one years of age.

4. Any person, corporation, partnership, limited liability company, firm or any other business entity that violates the provisions of this

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

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section shall be subject to a civil penalty of not more than two hundred fifty dollars for an initial offense and not more than five hundred dollars for the second and each subsequent offense.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.