

1440--A

Cal. No. 979

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

---

Introduced by Sens. GALLIVAN, MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

AN ACT to amend the alcoholic beverage control law, in relation to permitting sales to holders of licenses to sell for on-premises consumption

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

1     Section 1. Section 79 of the alcoholic beverage control law is amended  
2     by adding a new subdivision 5 to read as follows:  
3     5. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS CHAPTER, ANY LICENSE  
4     UNDER THIS SECTION INCLUDES THE PRIVILEGES TO SELL WINE TO ANY PERSON  
5     LICENSED UNDER THIS CHAPTER TO SELL WINE AT RETAIL FOR CONSUMPTION ON  
6     THE PREMISES UNDER SECTION SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B,  
7     SIXTY-FOUR-C, SIXTY-FOUR-D, SEVENTY-NINE-B OR EIGHTY-ONE OF THIS CHAP-  
8     TER.  
9     S 2. Section 63 of the alcoholic beverage control law is amended by  
10    adding a new subdivision 7 to read as follows:  
11    7. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS CHAPTER, ANY LICENSE  
12    UNDER THIS SECTION INCLUDES THE PRIVILEGES TO SELL LIQUOR AND/OR WINE TO  
13    ANY PERSON LICENSED UNDER THIS CHAPTER TO SELL LIQUOR AND/OR WINE AT  
14    RETAIL FOR CONSUMPTION ON THE PREMISES UNDER SECTION SIXTY-FOUR, SIXTY-  
15    FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C, SIXTY-FOUR-D, SEVENTY-NINE-B, OR  
16    EIGHTY-ONE OF THIS CHAPTER.  
17    S 3. Subdivisions 3-a and 3-b of section 102 of the alcoholic beverage  
18    control law, as amended by chapter 458 of the laws of 1993, are amended  
19    to read as follows:

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

LBD04214-02-3

1     3-a. No licensee or permittee shall purchase or agree to purchase any  
2 alcoholic beverages from any person within the state who is not duly  
3 licensed to sell such alcoholic beverage as the case may be, at the time  
4 of such agreement and sale nor give any order for any alcoholic beverage  
5 to any individual who is not the holder of a solicitor's permit, except  
6 as provided for in section SIXTY-THREE, SEVENTY-NINE, eighty-five or  
7 ninety-nine-g of this chapter.

8     3-b. No retail licensee shall purchase, agree to purchase or receive  
9 any alcoholic beverage except from a person duly licensed within the  
10 state by the liquor authority to sell such alcoholic beverage at the  
11 time of such agreement and sale to such retail licensee, except as  
12 provided for in section SIXTY-THREE, SEVENTY-NINE, eighty-five or nine-  
13 ty-nine-g of this chapter.

14     S 4. This act shall take effect immediately.