

352--A

Cal. No. 665

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. GALLIVAN, BALL -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the alcoholic beverage control law, in relation to providing that no retail licensee for on-premises consumption shall intentionally adulterate, dilute or fortify the contents of any container of alcoholic beverages

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

1 Section 1. Paragraph (a) of subdivision 2 of section 106 of the alco-
2 holic beverage control law, as amended by chapter 512 of the laws of
3 2000, is amended to read as follows:
4 (a) No retail licensee for on-premises consumption, except corpo-
5 rations operating railroad cars or aircraft being operated on regularly
6 scheduled flights by a United States certificated airline or persons or
7 corporations operating a hotel, as defined in subdivision fourteen of
8 section three of this chapter, for exclusive use in the furnishing of
9 room service in the manner prescribed by rule or regulation of the state
10 liquor authority, shall keep upon the licensed premises any liquors
11 and/or wines in any cask, barrel, keg, hogshead or other container,
12 except in the original sealed package as received from the manufacturer
13 or wholesaler. Such containers shall have affixed thereto such labels as
14 may be required by the rules of the liquor authority, together with all
15 necessary federal revenue and New York state excise stamps as required
16 by law. No retail licensee for on-premises consumption shall reuse,
17 refill, tamper with, adulterate, dilute or fortify the contents of any
18 container of alcoholic beverages as received from the manufacturer or

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

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1 wholesaler. PROVIDED HOWEVER WHERE THE CONTENTS OF A CONTAINER OF ALCO-
2 HOLIC BEVERAGES HAS BEEN ADULTERATED, DILUTED OR FORTIFIED, NO FINES
3 SHALL BE ISSUED EXCEPT UPON A FINDING OF INTENT ON THE PART OF THE
4 LICENSEE AND IF NO INTENT SHALL BE FOUND, THE PENALTY SHALL NOT EXCEED A
5 LETTER OF WARNING.
6 S 2. This act shall take effect immediately.