

# STATE OF NEW YORK

5989

2019-2020 Regular Sessions

## IN SENATE

May 16, 2019

Introduced by Sen. KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the alcoholic beverage control law, in relation to the shipment of alcoholic beverages into the state

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

1 Section 1. Legislative purpose. The legislature finds and declares  
2 that the proper regulation and control of the manufacture, sale and  
3 distribution of alcoholic beverages is in the best interest of the citi-  
4 zens of New York state. The legislature also believes it is in the  
5 interest of the citizens of New York state to promote and support the  
6 state's wine and craft spirits industry. In furtherance of these poli-  
7 cies the legislature finds that requiring alcoholic beverage products to  
8 be maintained in a warehouse owned or leased by a licensed New York  
9 state wholesaler for twenty-four hours will allow the state liquor  
10 authority and the New York state department of taxation and finance to  
11 verify the legality of such product and the proper payment of taxes on  
12 such product.

13 § 2. Paragraph (a) of subdivision 1 of section 102 of the alcoholic  
14 beverage control law, as amended by chapter 210 of the laws of 2005, is  
15 amended to read as follows:

16 (a) Except as provided in section seventy-nine-c of this chapter, no  
17 alcoholic beverages shall be shipped into the state unless the same  
18 shall be consigned to a person duly licensed hereunder to traffic in  
19 alcoholic beverages. No such alcoholic beverages shall be delivered to a  
20 retail licensee other than from inventory stored at a premises or ware-  
21 house located in this state that is owned, rented or leased by a whole-  
22 saler licensed by the state of New York. Such inventory shall be deemed  
23 to include only alcoholic beverages which shall have been stored in such  
24 premises or warehouse for a period of at least twenty-four continuous

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

LBD11851-01-9

1 hours. This prohibition shall apply to all shipments of alcoholic bever-  
2 ages into New York state and includes importation or distribution for  
3 commercial purposes, for personal use, or otherwise, and irrespective of  
4 whether such alcoholic beverages were purchased within or without the  
5 state, provided, however, this prohibition shall not apply to any ship-  
6 ment consigned to a New York resident who has personally purchased alco-  
7 holic beverages for his personal use while outside the United States for  
8 a minimum period of forty-eight consecutive hours and which he has  
9 shipped as consignor to himself as consignee. Purchases made outside the  
10 United States by persons other than the purchaser himself, regardless  
11 whether made as his agent, or by his authorization or on his behalf, are  
12 deemed not to have been personally purchased within the meaning of this  
13 paragraph.

14 § 3. This act shall take effect on the first of January next succeed-  
15 ing the date on which it shall have become a law.