

STATE OF NEW YORK

1440

2021-2022 Regular Sessions

IN ASSEMBLY

January 11, 2021

Introduced by M. of A. CAHILL -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to establishing on-premise liquor licenses for certified educators of alcoholic beverage instructional courses, establishing special permits for registered lecturers to conduct these courses, and establishing the "responsible alcohol education act"

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

1 Section 1. This act shall be known and may be cited as the "responsible alcohol education act."

2
3 § 2. Section 3 of the alcoholic beverage control law is amended by
4 adding a new subdivision 7-aa to read as follows:

5 7-aa. "Certified educator" means any persons or company owned and run
6 by persons who have appropriate credentialing and who engage in the
7 specific business of creating, selling, and executing instructional
8 courses in the consumption and appreciation of wine, beer, and spirits.
9 Certified educators must possess certification that is satisfactory to
10 the state liquor authority ("authority"), including, but not limited to
11 the following: (a) a certified specialist of wine or certified wine
12 educator status as conferred by the Society of Wine Educators; (b) a
13 Wine and Spirits Education Trust Diploma; (c) status as a certified
14 sommelier; (d) the completion of a wine industry program at a technical
15 college or culinary school; (e) certification as a cicerone; (f)
16 completion of coursework from the Master Brewers Association of the
17 Americas; (g) or any other certification program acceptable to the
18 authority. Certified educators must also complete Training for Inter-
19 vention Procedures (TIPS) or other certified alcohol training programs
20 and have a valid certificate on file with the authority. Certified
21 educators may individually perform instructional courses or be allowed
22 to retain registered lecturers to serve as the on-site supervisors and
23 teachers of each class and to oversee the pouring of beverages by volun-
24 teers working under their direction.

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

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§ 3. Section 3 of the alcoholic beverage control law is amended by adding a new subdivision 24-a to read as follows:

24-a. "Registered lecturer" means any person who possesses certification that is satisfactory to the authority and who is retained by a certified educator for the purpose of on-site supervision and instruction of each class, as well as to oversee the pouring of alcoholic beverages by volunteers working under their direction.

§ 4. The alcoholic beverage control law is amended by adding a new section 55-d to read as follows:

§ 55-d. Certified educator's licenses. The authority may issue a "certified educator license" to a person or company owned and run by persons who meet the requirements specified in subdivision seven-aa of section three of this chapter, at a biannual cost of two hundred dollars per license to a certified educator of alcoholic beverages, under the following conditions:

1. licenses shall be limited to a permanent location where classes will be held; should a certified educator need to move locations for any purpose, notice must be given to the authority, who will approve or deny the change to the course's location;

2. the license may be used to purchase or procure alcoholic beverages from domestic wholesalers, with the decisions to be made based on the judgment of the certified educator;

3. the license must be renewed every two years from the original date of issuance, and applications for renewal must be sent to the authority no less than thirty days before the anticipated date of expiration;

4. the license may be used to serve alcoholic beverages for educational purposes to any number of individuals over the age of twenty-one in any part of the state, unless a political subdivision adopts an ordinance prohibiting alcoholic beverage education;

5. all events conducted pursuant to this license must be conducted through advance registration, and no walk-in access to the general public is permitted;

6. all persons retained by a certified educator to engage in the instruction and supervision of each class must receive special permits, as specified in section ninety-nine-i of this chapter, that are issued by the authority for the purpose of supervising classes, providing educational instruction on alcoholic beverages, overseeing the pouring of beverages by volunteers, and carrying on the activities associated with alcoholic beverage education;

7. certified educators shall not sell alcohol for off-premises consumption and no orders may be taken for future sales;

8. except as provided for in this section, certified educators may hold classes at any location, whether or not the premises have a liquor license, subject to all applicable municipal and state alcoholic zoning laws and with the decision based on the judgment of the certified educator and approval by the authority;

9. classes shall not be conducted during business hours at retail businesses that do not have a liquor license nor shall classes be conducted after hours at a retail business that does have a liquor license;

10. certified educators shall maintain a suitable level of general liability insurance, and the policy shall be reported to the authority along with the license application;

11. prior to providing a licensee's first class authorized under this section, the licensee shall notify the authority as to the contents and location of the course's planned curriculum. Notification shall include

1 information that pertains to the exact duration and location of each
2 class throughout the course, as well as how many participants will be in
3 attendance, how many lecturers will be teaching the course, and how much
4 alcohol will be served. Notification shall be sent by the licensee no
5 less than thirty days before the first class of a new course cycle;

6 12. certified educators shall be subject to the powers and duties of
7 the authority, as specified in section eighteen of this chapter; and

8 13. the authority shall adopt any rules consistent with and in furth-
9 erance of the implementation of this section.

10 § 5. The alcoholic beverage control law is amended by adding a new
11 section 58-e to read as follows:

12 § 58-e. Certified educator's licenses. The authority may issue a
13 "certified educator license" to a person or company owned and run by
14 persons who meet the requirements specified in subdivision seven-aa of
15 section three of this chapter, at a biannual cost of two hundred dollars
16 per license to a certified educator of alcoholic beverages, under the
17 following conditions:

18 1. licenses shall be limited to a permanent location where classes
19 will be held; should a certified educator need to move locations for any
20 purpose, notice must be given to the authority, who will approve or deny
21 the change to the course's location;

22 2. the license may be used to purchase or procure alcoholic beverages
23 from domestic wholesalers, with the decisions to be made based on the
24 judgment of the certified educator;

25 3. the license must be renewed every two years from the original date
26 of issuance, and applications for renewal must be sent to the authority
27 no less than thirty days before the anticipated date of expiration;

28 4. the license may be used to serve alcoholic beverages for educa-
29 tional purposes to any number of individuals over the age of twenty-one
30 in any part of the state, unless a political subdivision adopts an ordi-
31 nance prohibiting alcoholic beverage education;

32 5. all events conducted pursuant to this license must be conducted
33 through advance registration, and no walk-in access to the general
34 public is permitted;

35 6. all persons retained by a certified educator to engage in the
36 instruction and supervision of each class must receive special permits,
37 as specified in section ninety-nine-i of this chapter, that are issued
38 by the authority for the purpose of supervising classes, providing
39 educational instruction on alcoholic beverages, overseeing the pouring
40 of beverages by volunteers, and carrying on the activities associated
41 with alcoholic beverage education;

42 7. certified educators shall not sell alcohol for off-premises
43 consumption and no orders may be taken for future sales;

44 8. except as provided for in this section, certified educators may
45 hold classes at any location, whether or not the premises have a liquor
46 license, subject to all applicable municipal and state alcoholic zoning
47 laws and with the decision based on the judgment of the certified educa-
48 tor and approval by the authority;

49 9. classes shall not be conducted during business hours at retail
50 businesses that do not have a liquor license nor shall classes be
51 conducted after hours at a retail business that does have a liquor
52 license;

53 10. certified educators shall maintain a suitable level of general
54 liability insurance, and the policy shall be reported to the authority
55 along with the license application;

11. prior to providing a licensee's first class authorized under this section, the licensee shall notify the authority as to the contents and location of the course's planned curriculum. Notification shall include information that pertains to the exact duration and location of each class throughout the course, as well as how many participants will be in attendance, how many lecturers will be teaching the course, and how much alcohol will be served. Notification shall be sent by the licensee no less than thirty days before the first class of a new course cycle;

12. certified educators shall be subject to the powers and duties of the authority, as specified in section eighteen of this chapter; and

13. the authority shall adopt any rules consistent with and in furtherance of the implementation of this section.

§ 6. The alcoholic beverage control law is amended by adding a new section 63-b to read as follows:

§ 63-b. Certified educator's licenses. The authority may issue a "certified educator license" to a person or company owned and run by persons who meet the requirements specified in subdivision seven-aa of section three of this chapter, at a biannual cost of two hundred dollars per license to a certified educator of alcoholic beverages, under the following conditions:

1. licenses shall be limited to a permanent location where classes will be held; should a certified educator need to move locations for any purpose, notice must be given to the authority, who will approve or deny the change to the course's location;

2. the license may be used to purchase or procure alcoholic beverages from domestic wholesalers, with the decisions to be made based on the judgment of the certified educator;

3. the license must be renewed every two years from the original date of issuance, and applications for renewal must be sent to the authority no less than thirty days before the anticipated date of expiration;

4. the license may be used to serve alcoholic beverages for educational purposes to any number of individuals over the age of twenty-one in any part of the state, unless a political subdivision adopts an ordinance prohibiting alcoholic beverage education;

5. all events conducted pursuant to this license must be conducted through advance registration, and no walk-in access to the general public is permitted;

6. all persons retained by a certified educator to engage in the instruction and supervision of each class must receive special permits, as specified in section ninety-nine-i of this chapter, that are issued by the authority for the purpose of supervising classes, providing educational instruction on alcoholic beverages, overseeing the pouring of beverages by volunteers, and carrying on the activities associated with alcoholic beverage education;

7. certified educators shall not sell alcohol for off-premises consumption and no orders may be taken for future sales;

8. except as provided for in this section, certified educators may hold classes at any location, whether or not the premises have a liquor license, subject to all applicable municipal and state alcoholic zoning laws and with the decision based on the judgment of the certified educator and approval by the authority;

9. classes shall not be conducted during business hours at retail businesses that do not have a liquor license nor shall classes be conducted after hours at a retail business that does have a liquor license;

1 10. certified educators shall maintain a suitable level of general
2 liability insurance, and the policy shall be reported to the authority
3 along with the license application;

4 11. prior to providing a licensee's first class authorized under this
5 section, the licensee shall notify the authority as to the contents and
6 location of the course's planned curriculum. Notification shall include
7 information that pertains to the exact duration and location of each
8 class throughout the course, as well as how many participants will be in
9 attendance, how many lecturers will be teaching the course, and how much
10 alcohol will be served. Notification shall be sent by the licensee no
11 less than thirty days before the first class of a new course cycle;

12 12. certified educators shall be subject to the powers and duties of
13 the authority, as specified in section eighteen of this chapter; and

14 13. the authority shall adopt any rules consistent with and in furth-
15 erance of the implementation of this section.

16 § 7. The alcoholic beverage control law is amended by adding a new
17 section 80-a to read as follows:

18 § 80-a. Certified educator's licenses. The authority may issue a
19 "certified educator license" to a person or company owned and run by
20 persons who meet the requirements specified in subdivision seven-aa of
21 section three of this chapter, at a biannual cost of two hundred dollars
22 per license to a certified educator of alcoholic beverages, under the
23 following conditions:

24 1. licenses shall be limited to a permanent location where classes
25 will be held; should a certified educator need to move locations for any
26 purpose, notice must be given to the authority, who will approve or deny
27 the change to the course's location;

28 2. the license may be used to purchase or procure alcoholic beverages
29 from domestic wholesalers, with the decisions to be made based on the
30 judgment of the certified educator;

31 3. the license must be renewed every two years from the original date
32 of issuance, and applications for renewal must be sent to the authority
33 no less than thirty days before the anticipated date of expiration;

34 4. the license may be used to serve alcoholic beverages for educa-
35 tional purposes to any number of individuals over the age of twenty-one
36 in any part of the state, unless a political subdivision adopts an ordi-
37 nance prohibiting alcoholic beverage education;

38 5. all events conducted pursuant to this license must be conducted
39 through advance registration, and no walk-in access to the general
40 public is permitted;

41 6. all persons retained by a certified educator to engage in the
42 instruction and supervision of each class must receive special permits,
43 as specified in section ninety-nine-i of this chapter, that are issued
44 by the authority for the purpose of supervising classes, providing
45 educational instruction on alcoholic beverages, overseeing the pouring
46 of beverages by volunteers, and carrying on the activities associated
47 with alcoholic beverage education;

48 7. certified educators shall not sell alcohol for off-premises
49 consumption and no orders may be taken for future sales;

50 8. except as provided for in this section, certified educators may
51 hold classes at any location, whether or not the premises have a liquor
52 license, subject to all applicable municipal and state alcoholic zoning
53 laws and with the decision based on the judgment of the certified educa-
54 tor and approval by the authority;

55 9. classes shall not be conducted during business hours at retail
56 businesses that do not have a liquor license nor shall classes be

1 conducted after hours at a retail business that does have a liquor
2 license;

3 10. certified educators shall maintain a suitable level of general
4 liability insurance, and the policy shall be reported to the authority
5 along with the license application;

6 11. prior to providing a licensee's first class authorized under this
7 section, the licensee shall notify the authority as to the contents and
8 location of the course's planned curriculum. Notification shall include
9 information that pertains to the exact duration and location of each
10 class throughout the course, as well as how many participants will be in
11 attendance, how many lecturers will be teaching the course, and how much
12 alcohol will be served. Notification shall be sent by the licensee no
13 less than thirty days before the first class of a new course cycle;

14 12. certified educators shall be subject to the powers and duties of
15 the authority, as specified in section eighteen of this chapter; and

16 13. the authority shall adopt any rules consistent with and in furth-
17 erance of the implementation of this section.

18 § 8. The alcoholic beverage control law is amended by adding a new
19 section 99-i to read as follows:

20 § 99-i. Registered lecturers. The authority may issue a special permit
21 to a person meeting the requirements specified in subdivision seven-aa
22 of section three of this chapter, at a one-time cost of two hundred
23 dollars, to be renewed biannually, subject to the following conditions:

24 1. registered lecturers must be directly retained by, as well as
25 subject to the control of licensed certified educators;

26 2. registered lecturers shall be bound by the same credentialing
27 requirements as are certified educators, as specified in subdivision
28 seven-aa of section three of this chapter;

29 3. certified educators may employ and utilize any number of registered
30 lecturers per class or per curriculum, with the decisions to be made
31 based on the judgment of the certified educator;

32 4. registered lecturers shall not be required to maintain their own
33 general liability insurance;

34 5. registered lecturers shall have the ability to conduct all activ-
35 ities associated with alcohol education, including but not limited to
36 supervising classes, providing educational instruction on alcoholic
37 beverages, and overseeing the pouring of beverages by volunteers; except
38 that the permit shall not allow registered lecturers to purchase or
39 procure alcoholic beverages for the purposes of alcohol education;

40 6. permits for registered lecturers shall be applied for through the
41 authority no later than thirty days prior to the commencement of the
42 first class or course taught by the registered lecturer;

43 7. the permit must be renewed every two years from the original date
44 of issuance, and applications for renewal must be sent to the authority
45 no less than thirty days before the anticipated date of expiration;

46 8. registered lecturers shall hold classes at locations that were
47 previously approved by the certified educator and followed the proce-
48 dures specified in subdivision ten of sections fifty-five-d, fifty-
49 eight-e, sixty-three-b and eighty-a of this chapter;

50 9. registered lecturers shall be subject to the powers and duties of
51 the authority, as specified in section eighteen of this chapter; and

52 10. the authority shall adopt any rules consistent with and in furth-
53 erance of the implementation of this section.

54 § 9. This act shall take effect on the one hundred twentieth day after
55 it shall have become a law.