

STATE OF NEW YORK

3808

2021-2022 Regular Sessions

IN SENATE

January 30, 2021

Introduced by Sen. SKOUFIS -- 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 delivery fee waivers

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

1 Section 1. The alcoholic beverage control law is amended by adding a
2 new section 68 to read as follows:

3 § 68. Delivery fee waiver. 1. Notwithstanding any other provision of
4 law to the contrary, liquor wholesalers shall waive any delivery fee
5 assessed under this article for any order in excess of two hundred
6 dollars. Licensed liquor wholesalers shall not pass on delivery fees
7 that would otherwise be assessed on orders in excess of two hundred
8 dollars by any means, including but not limited to increases in product
9 pricing, reductions in discount programs or other means resulting in net
10 positive revenue for the wholesaler. Any delivery fee for a single order
11 shall equal seven dollars and fifty cents, adjusted annually for
12 inflation based on the consumer price index.

13 2. Any wholesaler assessing a delivery fee pursuant to this section
14 shall implement a customer fee transparency program. Such fee transpar-
15 ency program shall require wholesalers to disclose to any and all enti-
16 ties purchasing liquor from such wholesaler, at a minimum, a detailed
17 description of: (a) the fee; (b) a reasoning of the manner for assessing
18 such fee; and (c) methodology used to determine such fee for all
19 purchases. Wholesalers shall make such information readily available on
20 the customer invoice that assesses such delivery fee.

21 3. The authority shall approve any fee or charge imposed by a liquor
22 wholesaler to a customer. The authority shall make every effort to
23 provide adequate public notice and comment when considering such fee,
24 consistent with the state administrative procedure act, and make reason-

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

LBD06395-01-1

1 able due process accommodations to parties affected by the imposition of
2 such fees.

3 § 2. This act shall take effect on the ninetieth day after it shall
4 have become a law. Effective immediately, the addition, amendment and/or
5 repeal of any rule or regulation necessary for the implementation of
6 this act on its effective date are authorized to be made and completed
7 on or before such effective date.