S T A T E O F N E W Y O R K

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I N A S S E M B L Y

April 29, 2010

Introduced by M. of A. TEDISCO -- Multi-Sponsored by -- M. of A. CROUCH -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the alcoholic beverage control law and the tax law, in relation to regulating the sale of alcoholic beverages and tobacco products via computer

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

Section 1. Section 65 of the alcoholic beverage control law is amended by adding a new subdivision 7 to read as follows:

7. NO PERSON WHETHER WITHIN OR WITHOUT THE STATE, SHALL ACCEPT ANY OFFER TO PURCHASE ANY ALCOHOLIC BEVERAGE AT RETAIL WHICH OFFER IS MADE USING ANY COMPUTER COMMUNICATION SYSTEM OR ELECTRONIC DATA STORAGE MEDIUM ALLOWING THE INPUT, OUTPUT, EXAMINATION OR TRANSFER OF COMPUTER DATA OR COMPUTER PROGRAMS FROM ONE COMPUTER TO ANOTHER UNLESS THE ALCOHOLIC BEVERAGES ARE DELIVERED TO THE PURCHASER AT AN ESTABLISHMENT LICENSED TO SELL SUCH ALCOHOLIC BEVERAGES AT RETAIL IN THIS STATE. SUCH SALES SHALL BE SUBJECT TO ALL THE PROVISIONS OF THIS CHAPTER REGULATING SALES.

S 2. Section 480-a of the tax law is amended by adding a new subdivision 2-a to read as follows:

2-A. NO PERSON WHETHER WITHIN OR WITHOUT THE STATE, SHALL ACCEPT ANY OFFER TO PURCHASE ANY TOBACCO PRODUCTS AT RETAIL WHICH OFFER IS MADE USING ANY COMPUTER COMMUNICATION SYSTEM OR ELECTRONIC DATA STORAGE MEDIUM ALLOWING THE INPUT, OUTPUT, EXAMINATION OR TRANSFER OF COMPUTER DATA OR COMPUTER PROGRAMS FROM ONE COMPUTER TO ANOTHER UNLESS THE TOBACCO PRODUCTS ARE DELIVERED TO THE PURCHASER AT AN ESTABLISHMENT REGISTERED TO SELL SUCH TOBACCO PRODUCTS AT RETAIL IN THIS STATE. SUCH SALES SHALL BE SUBJECT TO ALL THE PROVISIONS OF THIS CHAPTER REGULATING SALES.

S 3. This act shall take effect on the thirtieth day after it shall have become a law.

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

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