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

1533

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DelMONTE, GUNTHER, CAHILL, SCHROEDER, ALESSI, ZEBROWSKI, LUPARDO, FIELDS, GABRYSZAK, MAGEE -- Multi-Sponsored by -- M. of A. PHEFFER, REILLY -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the alcoholic beverage control law, in relation to wholesale purchases of wine

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

Section 1. Subparagraphs 2 and 6 of paragraph (b) of subdivision 4 of section 76-a of the alcoholic beverage control law, as amended by chapter 514 of the laws of 2006, are amended to read as follows:

(2) Food items for the purpose of complimenting wine tastings[,] WHICH shall mean a diversified selection of food which is ordinarily consumed without the use of tableware and can conveniently be consumed while standing or walking. Such food items shall include but not be limited to: cheeses, fruits, vegetables, chocolates, breads and crackers.

(6) New York state labelled wine produced or manufactured by any other New York state winery or farm winery licensee. Such wine may be purchased outright by the licensee from a New York winery or farm winery licensee, PURCHASED FROM A WHOLESALER LICENSED PURSUANT TO SECTION SIXTY-TWO OF THIS CHAPTER OR SECTION SEVENTY-EIGHT OF THIS ARTICLE or obtained on a consignment basis pursuant to a written agreement between the selling and purchasing licensee.

S 2. Subparagraph 6 of paragraph (b) of subdivision 4 of section 76-a of the alcoholic beverage control law, as amended by chapter 571 of the laws of 2008, is amended to read as follows:

(6) New York state labelled wine or liquors produced or manufactured by any other New York state winery or farm winery licensee or by the holder of a class A-1, B-1, or C distiller's license. Such wine or liquors may be purchased outright by the licensee from a New York winery

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

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or farm winery licensee, PURCHASED FROM A WHOLESALER LICENSED PURSUANT TO SECTION SIXTY-TWO OF THIS CHAPTER OR SECTION SEVENTY-EIGHT OF THIS ARTICLE or the holder of a class A-1, B-1, or C distiller's license or obtained on a consignment basis pursuant to a written agreement between the selling and purchasing licensee.

S 3. Subparagraphs 2 and 6 of paragraph (b) of subdivision 4 of section 77 of the alcoholic beverage control law, as amended by chapter 514 of the laws of 2006, are amended to read as follows:

(2) Food items for the purpose of complimenting wine tastings[,] WHICH shall mean a diversified selection of food which is ordinarily consumed without the use of tableware and can conveniently be consumed while standing or walking. Such food items shall include but not be limited to: cheeses, fruits, vegetables, chocolates, breads and crackers.

(6) New York state labelled wine produced or manufactured by any other New York state winery or farm winery licensee. Such wine may be purchased outright by the licensee from a New York winery or farm winery licensee, PURCHASED FROM A WHOLESALER LICENSED PURSUANT TO SECTION SIXTY-TWO OF THIS CHAPTER OR SECTION SEVENTY-EIGHT OF THIS ARTICLE or obtained on a consignment basis pursuant to a written agreement between the selling and purchasing licensee.

S 4. This act shall take effect immediately; provided, however that the amendments made to subparagraph 6 of paragraph (b) of subdivision 4 of section 76-a of the alcoholic beverage control law made by section two of this act, shall take effect on the same date and same manner as section 6 of chapter 571 of the laws of 2008 takes effect.