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

4928

2009-2010 Regular Sessions

I N  A S S E M B L Y

February 10, 2009

Introduced by M. of A. BRODSKY -- Multi-Sponsored by -- M. of A. SWEENEY -- 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 refusal of wholesaler to sell beer based on geographic district

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

Section 1. Section 53 of the alcoholic beverage control law, as amended by chapter 361 of the laws of 1994, is amended to read as follows:

S 53. Wholesaler's license. Any person may apply to the liquor authority for a license to sell beer at wholesale. NO WHOLESALER LICENSED PURSUANT TO THIS SECTION SHALL REFUSE TO SELL BEER TO ANY DULY LICENSED RETAILER OR WHOLESALER SOLELY BECAUSE OF THE GEOGRAPHIC LOCATION OF SUCH LICENSEE. Such application shall be in writing and verified and shall contain such information as the liquor authority shall require. Such application shall be accompanied by a check or draft for the amount required by this article for such license. If the liquor authority shall grant the application it shall issue a license in such form as shall be determined by its rules. Such a license shall contain a description of the licensed premises and in form and in substance shall be a license to the person therein specifically designated to sell beer at wholesale in the premises therein specifically licensed to duly licensed wholesalers, retailers and permittees in this state, and to sell or deliver beer to persons outside the state pursuant to the laws of the place of such sale or delivery. A wholesaler's license issued or renewed prior to July first, nineteen hundred sixty, and thereafter renewed or transferred, shall authorize the holder thereof to sell beer at retail to a person for consumption in his home; provided, however, that regardless of the date issued, renewed or transferred, a wholesaler's license issued to a brewer or to the wholly-owned

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

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subsidiary of a brewer, shall authorize the holder thereof to sell beer at retail to a person for consumption in his home.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.