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

5077

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. LENTOL -- 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 the shipment of alcoholic beverages into the state

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

Section 1. Paragraphs (a) and (b) of subdivision 1 of section 102 of the alcoholic beverage control law, as amended by chapter 210 of the laws of 2005, are amended to read as follows:

(a) (I) Except as provided in section seventy-nine-c of this chapter, SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH, no alcoholic beverages shall be shipped into the state unless the same shall be consigned to a person duly licensed [hereunder] PURSUANT TO THIS CHAPTER to traffic in alcoholic beverages. [This] EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THIS prohibition shall apply to all shipments of alcoholic beverages into New York state and includes importation or distribution for commercial purposes, for personal use, or otherwise, and irrespective of whether such alcoholic beverages were purchased within or without the state, provided, however, this prohibition shall not apply to any shipment consigned to a New York resident who has personally purchased alcoholic beverages for his personal use while outside the United States for a minimum period of forty-eight consecutive hours and which he has shipped as consignor to himself as consignee. Purchases made outside the United States by persons other than the purchaser himself, regardless whether made as his agent, or by his authorization or on his behalf, are deemed not to have been personally purchased within the meaning of this paragraph.

(II) WITH RESPECT TO ANY STATE THAT PROHIBITS THE OUT-OF-STATE SHIPMENT OF ALCOHOLIC BEVERAGES TO ANYONE OTHER THAN A LICENSEE OF THE STATE AND FURTHER REQUIRES THAT SUCH ALCOHOLIC BEVERAGES BE STORED AT A PREMISES OR WAREHOUSE LOCATED WITHIN SUCH STATE MAINTAINED BY SUCH LICENSEE,

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

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NO ALCOHOLIC BEVERAGES SHALL BE SHIPPED FROM SAID STATE, INTO THIS STATE UNLESS THE SAME SHALL BE CONSIGNED TO A PERSON DULY LICENSED AS A WHOLESALER OF ALCOHOLIC BEVERAGES IN THIS STATE. IN SUCH INSTANCES, SUCH ALCOHOLIC BEVERAGES SHALL BE STORED AT A PREMISES OR WAREHOUSE LOCATED IN THIS STATE AND MAINTAINED BY A LICENSED WHOLESALER FOR NOT LESS THAN FORTY-EIGHT HOURS BEFORE DELIVERY TO A RETAIL LICENSEE.

(b) Except as provided in section seventy-nine-c of this chapter, no common carrier or other person shall bring or carry into the state any alcoholic beverages, unless the same shall be consigned, IN ACCORDANCE WITH PARAGRAPH (C) OF THIS SUBDIVISION, to a person duly licensed [hereunder] PURSUANT TO THIS CHAPTER to traffic in alcoholic beverages, provided, however, that alcoholic beverages may be delivered by a trucking permittee from a steamship or railroad station or terminal to a New York resident who has personally purchased alcoholic beverages for his personal use while outside the United States for a minimum period of forty-eight consecutive hours, and which he has shipped as consignor to himself as consignee, and except as so stated, no trucking permittee shall accept for delivery, deliver or transport from a steamship or railroad station or terminal any shipment of alcoholic beverages consigned to a non-licensed person having his home or business in New York state. Purchases of alcoholic beverages made outside the United States by persons other than the purchaser himself, regardless whether made as his agent, or by his authorization or on his behalf, are deemed not to have been personally purchased within the meaning of this paragraph.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.