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

7188--A

2009-2010 Regular Sessions

I N A S S E M B L Y

March 25, 2009

Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the alcoholic beverage control law, in relation to the sale of tonic water, bitters and maraschino cherries at liquor stores

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

Section 1. Subdivision 4 of section 63 of the alcoholic beverage control law, as amended by chapter 603 of the laws of 1992, is amended to read as follows:

4. No licensee under this section shall be engaged in any other business on the licensed premises. The sale of ANY OF THE FOLLOWING SHALL NOT CONSTITUTE ENGAGING IN ANOTHER BUSINESS WITHIN THE MEANING OF THIS SUBDIVISION:

(A) lottery tickets, when duly authorized and lawfully conducted[, the sale of];

(B) corkscrews [or the sale of];

(C) ice [or the sale of];

(D) publications, including prerecorded video and/or audio cassette tapes, designed to help educate consumers in their knowledge and appreciation of wine and wine products, as defined in section three of this chapter[, or the sale of];

(E) non-carbonated, non-flavored mineral waters, spring waters and drinking waters [or the sale of];

(F) glasses designed for the consumption of wine, racks designed for the storage of wine, and devices designed to minimize oxidation in bottles of wine which have been uncorked[, shall not constitute engaging in another business within the meaning of this subdivision];

(G) TONIC WATER;

(H) BITTERS; AND

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

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(I) MARASCHINO CHERRIES.

S 2. Paragraph (a) of subdivision 1 of section 104 of the alcoholic beverage control law, as amended by chapter 223 of the laws of 2002, is amended to read as follows:

(a) No wholesaler shall be engaged in any other business on the premises to be licensed; except that nothing contained in this chapter shall (1) prohibit a beer wholesaler from (i) acquiring, storing or selling non-alcoholic snack foods, as defined in paragraph (b) of this subdivision, (ii) manufacturing, bottling, storing, or selling non-alcoholic carbonated beverages, (iii) manufacturing, storing or selling non-alcoholic non-carbonated soft drinks, mineral waters, spring waters, drinking water, non-taxable malt or cereal beverages, juice drinks, fruit or vegetable juices, ice, liquid beverage mixes and dry or frozen beverage mixes, (iv) acquiring, storing or selling wine products, (v) the sale of promotional items on such premises, or (vi) the sale of tobacco products at retail by wholesalers who are licensed to sell beer and other products at retail, (2) prohibit a wholesaler authorized to sell wine from manufacturing, acquiring or selling wine merchandise, as defined in paragraph (d) of this subdivision, [or] (3) prohibit a licensed winery or licensed farm winery from engaging in the business of a wine wholesaler for New York state labeled wines produced by any licensed winery or licensed farm winery or prohibit such wine wholesaler from exercising any of its rights pursuant to sections seventy-six and seventy-six-a of this chapter provided that the operation of such beer and wine wholesalers business shall be subject to such rules and regulations as the liquor authority may prescribe, OR (4) PROHIBIT A LIQUOR WHOLESALER FROM TRANSPORTING OR SELLING TONIC WATER, BITTERS AND MARASCHINO CHERRIES.

S 3. This act shall take effect immediately.