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

2327

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. REILICH, SCOZZAFAVA, KOLB, CALHOUN, THIELE, O'MARA -- Multi-Sponsored by -- M. of A. BACALLES, BALL, BARCLAY, BURLING, BUTLER, CONTE, CROUCH, DUPREY, ERRIGO, FINCH, HAWLEY, P. LOPEZ, MILLER, MOLINARO, OAKS, QUINN, RAIA, SALADINO, SAYWARD, TEDISCO, TOWNSEND -- 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 authorizing the sale of gift baskets containing alcoholic beverages packaged with New York grown agricultural products

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

Section 1. The alcoholic beverage control law is amended by adding a new section 76-g to read as follows:

S 76-G. SPECIAL LICENSE TO SELL WINE PACKAGED WITH NEW YORK AGRICULTURAL PRODUCTS. 1. ANY PERSON MAY APPLY TO THE LIQUOR AUTHORITY FOR A SPECIAL LICENSE TO SELL WINE WHICH IS PRODUCED IN NEW YORK AND WHICH IS PACKAGED WITH FOOD PRODUCTS IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. 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.

2. A LICENSE GRANTED PURSUANT TO THIS SECTION SHALL PERMIT THE SALE OF WINE PRODUCED IN NEW YORK STATE AS PART OF A PACKAGE WHICH CONSISTS OF AT LEAST FIFTY PERCENT FARM OR FOOD PRODUCTS WHICH HAVE BEEN GROWN, HARVESTED OR PRODUCED WHOLLY WITHIN NEW YORK STATE.

3. NO MORE THAN ONE LICENSE SHALL BE GRANTED TO ANY PERSON UNDER THIS SECTION.

4. LICENSEES UNDER THIS SECTION SHALL BE PERMITTED TO SELL WINE SO PACKAGED FOR CONSUMPTION OFF PREMISES AS WELL AS TO SHIP WINE AS PART OF

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

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A PACKAGE TO PERSONS WITHIN THIS STATE AND TO PERSONS OUTSIDE OF THIS STATE. LICENSEES SHALL COMPLY WITH ALL APPLICABLE PROVISIONS OF SECTIONS SEVENTY-NINE-C AND SEVENTY-NINE-D OF THIS ARTICLE.

5. TRANSFERENCE OF A LICENSE UNDER THIS SECTION MAY BE MADE IN ACCORDANCE WITH PUBLIC CONVENIENCE AND ADVANTAGE.

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