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

7357

2009-2010 Regular Sessions

I N A S S E M B L Y

March 31, 2009

Introduced by M. of A. MILLER -- 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 sale of certain items by wholesalers

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

Section 1. Subdivision 1 of section 104 of the alcoholic beverage control law, as amended by chapter 501 of the laws of 1984, paragraph (a) as amended and paragraph (d) as added by chapter 223 of the laws of 2002, and paragraph (c) as added by chapter 922 of the laws of 1986, is amended to read as follows:

1. (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 ANY non-alcoholic snack foods, [as defined in paragraph (b) of this subdivision] INCLUDING CONFECTIONARIES SUCH AS CANDY AND GUM, (ii) manufacturing, bottling, storing, or selling non-alcoholic carbonated beverages, (iii) manufacturing, storing or selling ANY 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, INCLUDING MERCHANDISE AND APPAREL SUPPLIED BY BREWERIES AND OTHER COMPANIES WHICH PROVIDE PRODUCTS FOR SALE WITH SUCH WHOLESALER, [or] (vi) the sale of tobacco products at retail by wholesalers who are licensed to sell beer and other products at retail, (VII) THE SALE OF HOME BREWING SUPPLIES AND EQUIPMENT SUCH AS THE HARDWARE AND INGREDIENTS TO BREW BEER AT HOME, (VIII) THE SALE OF ANY GLASSWARE, (IX) THE SALE OF BEER EQUIPMENT AND SUPPLIES SUCH AS PICNIC PUMPS, KEGERATORS, COLD PLATES, TAP SUPPLIES, BOTTLE OPENERS AND KEY CHAINS, (X) THE SALE OF COOLERS AND PAPER OR PLASTIC CUPS AND OTHER

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

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RELATED GOODS, OR (XI) THE SALE OF EDUCATIONAL AND PRINTED MATERIALS SUCH AS MAGAZINES, BOOKS, AND CALENDARS RELATED TO PRODUCTS SOLD BY SUCH WHOLESALER, (2) prohibit a wholesaler authorized to sell wine from manufacturing, acquiring or selling wine merchandise, as defined in paragraph [(d)] (C) 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.

(b) ["Non-alcoholic snack foods" as used in paragraph (a) of this subdivision shall include ready to eat finger foods ordinarily intended to be served cold or at room temperature, such as nut and seed meats, cooked pork rinds, pretzels, popped corn and a variety of other similar finger foods which are prepared from high-starch and/or cellulosic edible materials.

(c)] "Promotional items" are items which bear advertising information, are of nominal value, are obtained by a licensee through a supplier of alcoholic beverages and are designated and designed for unconditional sale or distribution to the public. The sale or distribution of promotional items shall be incidental to the licensee's sale of alcoholic beverages. All promotional items shall be properly invoiced.

[(d)] (C) "Wine merchandise" as used in paragraph (a) of this subdivision shall include corkscrews, ice, the sale of 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 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.

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