

2009-2010 Regular Sessions

I N S E N A T E

January 9, 2009

Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the alcoholic beverage control law, in relation to the sale of wine supplies and accessories

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

1 Section 1. Subdivision 4 of section 63 of the alcoholic beverage
2 control law, as amended by chapter 603 of the laws of 1992, is amended
3 and a new subdivision 7 is added to read as follows:

4 4. No licensee under this section shall be engaged in any other busi-
5 ness on the licensed premises. The sale of lottery tickets, when duly
6 authorized and lawfully conducted, the sale of corkscrews or the sale of
7 ice or the sale of publications, including prerecorded video and/or
8 audio cassette tapes, designed to help educate consumers in their know-
9 ledge and appreciation of wine and wine products, as defined in section
10 three of this chapter, or the sale of non-carbonated, non-flavored
11 mineral waters, spring waters and drinking waters or the [sale of glass-
12 es designed for the consumption of wine, racks designed for the storage
13 of wine, and devices designed to minimize oxidation in bottles of wine
14 which have been uncorked] SALE OF WINE SUPPLIES AND ACCESSORIES, WHICH
15 SHALL INCLUDE ANY ITEM UTILIZED FOR THE STORAGE, TRANSPORT, SERVING OR
16 CONSUMPTION OF WINE OR FOR DECORATIVE PURPOSES WHETHER SOLD AS SINGLE
17 ITEMS OR COMBINED INTO A PACKAGE CONTAINING WINE OR A WINE PRODUCT,
18 shall not constitute engaging in another business within the meaning of
19 this subdivision.

20 7. NO LICENSEE MAY BE ASSESSED A CIVIL PENALTY FOR A VIOLATION OF
21 SUBDIVISION FOUR OF THIS SECTION, UNLESS THEY HAVE FIRST BEEN GIVEN A
22 WRITTEN WARNING FROM THE LIQUOR AUTHORITY, AFFORDING THEM NO LESS THAN
23 THIRTY DAYS NOTICE WITHIN WHICH TO CEASE ENGAGING IN OTHER BUSINESSES ON
24 THE LICENSED PREMISES. SUCH WARNING SHALL ENUMERATE THE SPECIFIC ITEMS
25 WHICH MUST BE REMOVED TO COMPLY WITH SUBDIVISION FOUR OF THIS SECTION.

26 S 2. This act shall take effect immediately.

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