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

8216

I N S E N A T E

June 16, 2010

Introduced by Sen. C. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the alcoholic beverage control law, in relation to beer wholesale licenses

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

Section 1. Subdivisions 3-a and 3-b of section 3 of the alcoholic beverage control law are renumbered subdivisions 3-b and 3-c and a new subdivision 3-a is added to read as follows:

3-A. "BEVERAGE CENTER" SHALL MEAN A PREMISES WHICH DEVOTES NOT LESS THAN NINETY PERCENT OF ITS PUBLIC FLOOR SPACE EXCLUSIVELY TO THE DISPLAY OF ALCOHOLIC AND NON-ALCOHOLIC BEVERAGES.

S 2. Section 53 of the alcoholic beverage control law, as amended by chapter 361 of the laws of 1994, is amended to read as follows:

S 53. Wholesaler's license. 1. Any person may apply to the liquor authority for a license to sell beer at wholesale. 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. Such a license shall contain a description of the licensed premises and in form and in substance shall be a license to the person therein specifically designated to sell beer at wholesale in the premises therein specifically licensed to duly licensed wholesalers, retailers and permittees in this state, and to sell or deliver beer to persons outside the state pursuant to the laws of the place of such sale or delivery.

2. A wholesaler's license issued or renewed prior to July first, nineteen hundred sixty, and thereafter renewed or transferred, shall authorize the holder thereof to sell beer at retail to a person for consumption in his home; provided, however, that [regardless] UPON THE RENEWAL OR TRANSFER OF SUCH LICENSE AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND ELEVEN, SUCH LICENSE SHALL NO LONGER AUTHORIZE THE SALE OF BEER AT RETAIL. UPON SUCH RENEWAL OR TRANSFER, THE LICENSEE MAY RETAIN THE

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

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WHOLESALE LICENSE WITHOUT SUCH RETAIL SALES OR APPLY TO THE AUTHORITY TO OPERATE A BEVERAGE CENTER PURSUANT TO SECTION FIFTY-FOUR OF THIS ARTICLE.

3. REGARDLESS of the date issued, renewed or transferred, a wholesaler's license issued to a brewer or to the wholly-owned subsidiary of a brewer, shall authorize the holder thereof to sell beer at retail to a person for consumption in his home.

S 3. Subdivision 4 of section 54 of the alcoholic beverage control law, as amended by chapter 503 of the laws of 1954, is amended to read as follows:

4. No such license shall be issued, however, to any person for any premises other than a grocery store, drug store, OR A BEVERAGE CENTER, AS THOSE TERMS ARE DEFINED IN SECTION THREE OF THIS CHAPTER, or duly licensed supply ship operating in harbors in Lake Erie.

S 4. Section 54 of the alcoholic beverage control law is amended by adding a new subdivision 6 to read as follows:

6. A LICENSE TO OPERATE AS A BEVERAGE CENTER, PURSUANT TO SUBDIVISION THREE OF THIS SECTION, SHALL BE ISSUED ONLY TO THE HOLDER OF A BEER WHOLESALER LICENSE ISSUED OR RENEWED PRIOR TO JULY FIRST, NINETEEN HUNDRED SIXTY, AND THEREAFTER RENEWED OR TRANSFERRED, WHO, UPON THE RENEWAL OR TRANSFER OF SUCH LICENSE AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND ELEVEN, SEEKS TO EXCHANGE ITS WHOLESALE LICENSE FOR A RETAIL LICENSE.

S 5. This act shall take effect immediately.