

5958

2011-2012 Regular Sessions

I N A S S E M B L Y

March 3, 2011

Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Economic Development

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:

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 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 ANY OF THE FOLLOWING SHALL
6 NOT CONSTITUTE ENGAGING IN ANOTHER BUSINESS WITHIN THE MEANING OF THIS
7 SUBDIVISION:
8 (A) lottery tickets, when duly authorized and lawfully conducted[, the
9 sale of];
10 (B) corkscrews [or the sale of];
11 (C) ice [or the sale of];
12 (D) publications, including prerecorded video and/or audio cassette
13 tapes, designed to help educate consumers in their knowledge and appre-
14 ciation of wine and wine products, as defined in section three of this
15 chapter[, or the sale of];
16 (E) non-carbonated, non-flavored mineral waters, spring waters and
17 drinking waters [or the sale of];
18 (F) glasses designed for the consumption of wine, racks designed for
19 the storage of wine, and devices designed to minimize oxidation in
20 bottles of wine which have been uncorked[, shall not constitute engaging
21 in another business within the meaning of this subdivision];
22 (G) TONIC WATER;
23 (H) BITTERS; AND
24 (I) MARASCHINO CHERRIES.

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

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

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

27 S 3. This act shall take effect immediately.