

3109

2011-2012 Regular Sessions

I N S E N A T E

February 8, 2011

Introduced by Sen. KENNEDY -- 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 permitting licensees to provide beer samples

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

1 Section 1. Section 54 of the alcoholic beverage control law is amended
2 by adding a new subdivision 6 to read as follows:
3 6. (A) A LICENSEE OR HIS OR HER EMPLOYEE MAY SERVE AT THEIR LICENSED
4 ESTABLISHMENT SAMPLES OF BEER OR MALT BEVERAGES HE OR SHE SELLS AT SUCH
5 ESTABLISHMENT.
6 (B) EACH SAMPLE SHALL BE SERVED ONLY BY THE LICENSEE OR HIS OR HER
7 EMPLOYEE AND SHALL BE LIMITED TO ONE OUNCE OR LESS OF A BRAND OF BEER OR
8 MALT BEVERAGE SOLD BY THE LICENSEE AND NO CONSUMER OF LEGAL AGE SHALL BE
9 PROVIDED OR GIVEN MORE THAN FOUR SERVINGS OF SUCH SAMPLES IN ANY ONE
10 DAY.
11 (C) A PERSON VIOLATING THE PROVISIONS OF PARAGRAPH (B) OF THIS SUBDI-
12 VISION SHALL BE GUILTY OF A VIOLATION AND SHALL BE SENTENCED IN ACCORD-
13 ANCE WITH THE FOLLOWING:
14 (I) FOR A FIRST VIOLATION, THE COURT SHALL ORDER PAYMENT OF A FINE OF
15 NOT MORE THAN ONE HUNDRED DOLLARS.
16 (II) FOR A SECOND VIOLATION, THE COURT SHALL ORDER PAYMENT OF A FINE
17 OF NOT MORE THAN FIVE HUNDRED DOLLARS.
18 (III) FOR THIRD AND SUBSEQUENT VIOLATIONS, THE AUTHORITY MAY RECOVER,
19 AS PROVIDED IN SECTION ONE HUNDRED TWELVE OF THIS CHAPTER, THE PENAL SUM
20 OF THE BOND FILED BY THE LICENSEE.
21 S 2. Section 54-a of the alcoholic beverage control law is amended by
22 adding a new subdivision 4 to read as follows:

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

LBD07887-01-1

1 4. (A) A LICENSEE OR HIS OR HER EMPLOYEE MAY SERVE AT THEIR LICENSED
2 ESTABLISHMENT SAMPLES OF BEER OR MALT BEVERAGES HE OR SHE SELLS AT SUCH
3 ESTABLISHMENT.

4 (B) EACH SAMPLE SHALL BE SERVED ONLY BY THE LICENSEE OR HIS OR HER
5 EMPLOYEE AND SHALL BE LIMITED TO ONE OUNCE OR LESS OF A BRAND OF BEER OR
6 MALT BEVERAGE SOLD BY THE LICENSEE AND NO CONSUMER OF LEGAL AGE SHALL BE
7 PROVIDED OR GIVEN MORE THAN FOUR SERVINGS OF SUCH SAMPLES IN ANY ONE
8 DAY.

9 (C) A PERSON VIOLATING THE PROVISIONS OF PARAGRAPH (B) OF THIS SUBDI-
10 VISION SHALL BE GUILTY OF A VIOLATION AND SHALL BE SENTENCED IN ACCORD-
11 ANCE WITH THE FOLLOWING:

12 (I) FOR A FIRST VIOLATION, THE COURT SHALL ORDER PAYMENT OF A FINE OF
13 NOT MORE THAN ONE HUNDRED DOLLARS.

14 (II) FOR A SECOND VIOLATION, THE COURT SHALL ORDER PAYMENT OF A FINE
15 OF NOT MORE THAN FIVE HUNDRED DOLLARS.

16 (III) FOR THIRD AND SUBSEQUENT VIOLATIONS, THE AUTHORITY MAY RECOVER,
17 AS PROVIDED IN SECTION ONE HUNDRED TWELVE OF THIS CHAPTER, THE PENAL SUM
18 OF THE BOND FILED BY A LICENSEE.

19 S 3. This act shall take effect immediately. Effective immediately,
20 the state liquor authority is authorized to promulgate such rules and
21 regulations as it deems necessary or appropriate to implement the
22 provisions of this act to protect the health, safety and welfare of the
23 people of this state.