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

606

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the alcoholic beverage control law, in relation to authorizing certain wholesalers authorized to sell beer at retail for off premises consumption to sell certain goods

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

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

(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 non-alcoholic snack foods, as defined in paragraph (b) of this subdivision, (ii) manufacturing, bottling, storing, or selling non-alcoholic carbonated beverages, (iii) manufacturing, storing or selling 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, or (vi) the sale of tobacco products at retail by wholesalers who are licensed to sell beer and other products at retail, (2) prohibit a wholesaler authorized to sell wine from manufacturing, acquiring or selling wine merchandise, as defined in paragraph (d) 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

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

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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, OR (4) PROHIBIT THE HOLDER OF A WHOLESALER'S LICENSE ISSUED OR RENEWED PRIOR TO JULY FIRST, NINETEEN HUNDRED SIXTY AND IS THEREAFTER CONTINUOUSLY RENEWED AND/OR TRANSFERRED, WHICH LICENSE AUTHORIZES THE HOLDER THEREOF TO SELL BEER AT RETAIL FOR OFF PREMISES CONSUMPTION, FROM ACQUIRING, STORING OR SELLING, AND DEVOTING NOT MORE THAN TWENTY-FIVE PERCENT OF THE PUBLIC FLOOR SPACE OF THE LICENSED PREMISES FOR THE DISPLAY AND SALE AT RETAIL OF (I) FOOD, INCLUDING ALL MATERIAL, WHETHER LIQUID, SOLID OR MIXED, AND WHETHER SIMPLE OR COMPOUND, USED OR INTENDED FOR CONSUMPTION BY HUMAN BEINGS OR DOMESTIC ANIMALS NORMALLY KEPT AS HOUSEHOLD PETS, AND ALL SUBSTANCES OR INGREDIENTS TO BE ADDED THERETO FOR ANY PURPOSE, (II) NAPKINS, FACIAL TISSUES, TOILET TISSUES, FOIL WRAPPING, PLASTIC WRAPPING, PAPER TOWELING OR DISPOSABLE PLATES, (III) DETERGENTS, SOAPS OR OTHER CLEANSING AGENTS, (IV) NON-PRESCRIPTION DRUGS, FEMALE HYGIENE PRODUCTS OR TOILETRIES, OR (V) SEASONAL SPECIALTY ITEMS, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, CHARCOAL, BARBECUE GRILLS, BARBECUE SUPPLIES, PROPANE GAS, FIREWOOD, ROCK SALT, BEACH UMBRELLAS, SUNGLASSES, SUNBLOCK AND SUCH ITEMS AS PROVIDED BY THE RULES AND REGULATIONS OF THE LIQUOR AUTHORITY.

S 2. This act shall take effect immediately.