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

4251

2011-2012 Regular Sessions

I N A S S E M B L Y

February 2, 2011

Introduced by M. of A. GABRYSZAK, PHEFFER, GUNTHER, CAHILL, JAFFEE, CASTRO, MAISEL, MAGNARELLI -- Multi-Sponsored by -- M. of A. BRENNAN, BURLING, CALHOUN, CONTE, COOK, CROUCH, GALEF, GIGLIO, HOOPER, JORDAN, P. LOPEZ, LUPARDO, MAGEE, McENENY, MOLINARO, MONTESANO, MURRAY, REILLY -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to cooperative agreements by licensees to sell at retail for consumption off the premises

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

Section 1. Section 105 of the alcoholic beverage control law is amended by adding a new subdivision 24 to read as follows:

24. COOPERATIVE AGREEMENTS BY LICENSEES TO SELL AT RETAIL FOR CONSUMPTION OFF THE PREMISES. FOR THE PURPOSES OF PURCHASING ONLY, ANY TWO OR MORE PERSONS LICENSED PURSUANT TO SECTIONS SIXTY-THREE AND/OR SEVENTY-NINE OF THIS CHAPTER MAY JOIN IN AN AGREEMENT TO MAKE JOINT PURCHASES OF LIQUOR AND/OR WINE IN LARGER QUANTITIES THAN MIGHT OTHERWISE BE PURCHASED; PROVIDED, HOWEVER, THAT ALL SUCH ALCOHOLIC BEVERAGES PURCHASED PURSUANT TO ANY SUCH AGREEMENT SHALL BE DISTRIBUTED TO NONE OTHER THAN A LICENSEE WHO IS A PARTY TO SUCH AGREEMENT. A COOPERATIVE AGREEMENT, AS AUTHORIZED UNDER THIS SUBDIVISION, SHALL BE VOID IF: (A) WITHIN A CITY WITH A POPULATION OF ONE MILLION OR MORE, THE PREMISES OPERATING UNDER SUCH COOPERATIVE AGREEMENT AUTHORIZED IN THIS SUBDIVISION ARE LOCATED MORE THAN ONE MILE FROM ONE ANOTHER; (B) OUTSIDE OF A CITY WITH A POPULATION OF ONE MILLION OR MORE, THE PREMISES OPERATING UNDER SUCH COOPERATIVE AGREEMENT AUTHORIZED IN THIS SUBDIVISION ARE LOCATED MORE THAN FIFTY MILES FROM ONE ANOTHER; OR (C) ANY PERSON LICENSED PURSUANT TO SECTIONS SIXTY-THREE AND/OR SEVENTY-NINE OF THIS CHAPTER WHO CHOOSES TO PARTICIPATE IN SUCH COOPERATIVE AGREEMENT AND HAS BEEN EXCLUDED FROM SUCH AGREEMENT ON GROUNDS OTHER THAN BEING LOCATED OUTSIDE EITHER AREA SET FORTH IN PARAGRAPH (A) OR (B) OF THIS SUBDIVISION. THE AUTHORITY MAY PROMULGATE SUCH RULES AND REGULATIONS AS MAY BE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBDIVISION.

S 2. This act shall take effect immediately.

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

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