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I N A S S E M B L Y

February 22, 2012

Introduced by M. of A. PAULIN, JAFFEE, LAVINE, REILLY, P. RIVERA, ROBERTS, SCARBOROUGH, WEPRIN, ZEBROWSKI -- Multi-Sponsored by -- M. of A. BOYLAND, COOK, MAGEE, THIELE, TITONE, WEISENBERG -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to providing alcoholic beverages on credit

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

1 Section 1. Subdivisions 5, 6 and 7 of section 100 of the alcoholic
2 beverage control law, subdivision 5 as amended by chapter 797 of the
3 laws of 1986, subdivision 6 as added by chapter 526 of the laws of 1939
4 and subdivision 7 as added by chapter 256 of the laws of 1978, are
5 amended to read as follows:
6 5. [No retail licensee for off-premises consumption shall sell, deliv-
7 er or give away, or cause, permit or procure to be sold, delivered or
8 given away any alcoholic beverage, other than as provided herein, on
9 credit: a retail licensee for off-premises consumption, except a winery
10 licensee, may accept third party credit cards for the sale of any alco-
11 holic beverage for which it is licensed; a winery licensee having the
12 right to sell wine at retail for off-premises consumption may accept
13 third party credit cards for the sale of said beverages at the winery
14 premises only; and any person duly authorized to sell wine at retail for
15 consumption off the premises may sell on credit to any regularly organ-
16 ized church, synagogue or religious organization, wines to be used for
17 sacramental purposes only. For purposes of this subdivision, beer and
18 wine products that are delivered and left at the residence of a consumer
19 without payment of the balance due thereon shall not constitute a sale
20 on credit.
21 6.] No licensee shall sell or purchase any receipts, certificates,
22 contracts or other documents issued for the storage of alcoholic bever-
23 ages except as provided by the rules of the liquor authority. The liquor
24 authority shall prescribe such rules for the purchase and sale of such
25 receipts, certificates, contracts or other documents issued for the

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

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1 storage of alcoholic beverages which, in its opinion, will best accom-
2 plish
3 (1) Elimination of fraudulent and deceptive transactions;
4 (2) Protection of purchasers against defaults by sellers;
5 (3) The delivery of the alcoholic beverages represented by such
6 receipts or documents, and
7 (4) The payment of all taxes due thereon to the state.
8 [7.] 6. Within ten days after filing a new application to sell liquor
9 at retail under section sixty-three, sixty-four, sixty-four-a or sixty-
10 four-b of this chapter, a notice thereof, in the form prescribed by the
11 authority, shall be posted by the applicant in a conspicuous place at
12 the entrance to the proposed premises. The applicant shall make reason-
13 able efforts to insure such notice shall remain posted throughout the
14 pendency of the application. The provisions hereof shall apply only
15 where no retail liquor license has previously been granted for the
16 proposed premise and shall, specifically, not be applicable to a
17 proposed sale of an existing business engaged in the retail sale of
18 liquor. The authority may adopt such rules it may deem necessary to
19 carry out the purpose of this subdivision.
20 S 2. This act shall take effect immediately.