

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

6909--A

Cal. No. 1067

I N S E N A T E

April 9, 2012

Introduced by Sens. FARLEY, PERALTA, STOROBIN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the alcoholic beverage control law, in relation to off-premises beer and wine products sales in premises licensed for on-premises consumption; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Subdivision 2-a of section 100 of the alcoholic beverage
2 control law, as amended by chapter 249 of the laws of 2002, is amended
3 to read as follows:
4 2-a. No retailer shall employ, or permit to be employed, or shall
5 suffer to work, on any premises licensed for retail sale hereunder, any
6 person under the age of eighteen years, as a hostess, waitress, waiter,
7 or in any other capacity where the duties of such person require or
8 permit such person to sell, dispense or handle alcoholic beverages;
9 except that: (1) any person under the age of eighteen years and employed
10 by any person holding a grocery or drug store beer license OR A LICENSE
11 TO SELL ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION shall be permit-
12 ted to handle and deliver beer and wine products WHICH ARE SOLD FOR
13 OFF-PREMISES CONSUMPTION for such licensee, (2) any person under the age
14 of eighteen employed as a cashier by a person holding a grocery or drug
15 store beer license OR A LICENSE TO SELL ALCOHOLIC BEVERAGES FOR ON-PREM-
16 ISES CONSUMPTION shall be permitted to record and receive payment for
17 beer and wine product sales SOLD FOR OFF-PREMISES CONSUMPTION when in
18 the presence of and under the direct supervision of a person eighteen
19 years of age or over, (2-a) any person under the age of eighteen years
20 and employed by a person holding a grocery store or drug store beer
21 license OR A LICENSE TO SELL ALCOHOLIC BEVERAGES FOR ON-PREMISES

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

LBD14273-04-2

1 CONSUMPTION as either a cashier or in any other position to which handl-
2 ing of containers which may have held alcoholic beverages is necessary,
3 shall be permitted to handle the containers if such have been presented
4 for redemption in accordance with the provisions of title ten of article
5 twenty-seven of the environmental conservation law, and (3) any person
6 under the age of eighteen years employed as a dishwasher, busboy, or
7 other such position as to which handling of containers which may have
8 held alcoholic beverages is necessary shall be permitted to do so under
9 the direct supervision of a person of legal age to purchase alcoholic
10 beverages in the state.

11 S 2. The opening paragraph of subdivision 5 of section 106 of the
12 alcoholic beverage control law, as amended by chapter 83 of the laws of
13 1995, is amended to read as follows:

14 No alcoholic beverages shall be sold, offered for sale or given away
15 FOR CONSUMPTION ON THE PREMISES upon any premises licensed to sell alco-
16 holic beverages at retail [for on-premises consumption,] during the
17 following hours:

18 S 3. Subdivision 4 of section 81 of the alcoholic beverage control
19 law, as amended by section 1 of part F of chapter 60 of the laws of
20 2005, is amended to read as follows:

21 4. A restaurant licensed to sell wine under this section may permit a
22 patron to remove one unsealed bottle of wine for off-premises consump-
23 tion provided that the patron has purchased a full course meal and
24 consumed a portion of the bottle of wine with such meal on the restau-
25 rant premises. For the purposes of this subdivision the term "full
26 course meal" shall mean a diversified selection of food which is ordi-
27 narily consumed with the use of tableware and cannot conveniently be
28 consumed while standing or walking. A partially consumed bottle of wine
29 that is to be removed from the premises pursuant to this subdivision
30 shall be securely sealed by the licensee or an agent of the licensee
31 prior to removal from the premises, in a bag such that it is visibly
32 apparent that such resealed bottle of wine has not been tampered with.
33 Such licensee or agent of the licensee shall provide a dated receipt for
34 the bottle of wine to the patron. THE PROVISIONS OF THIS SUBDIVISION
35 SHALL NOT APPLY TO FOOD STORES LICENSED TO PREPARE FOODS UNDER ARTICLE
36 TWENTY-C OF THE AGRICULTURE AND MARKETS LAW.

37 S 4. The liquor authority shall conduct a study of the provisions of
38 this act, and shall issue a report to the governor, the temporary presi-
39 dent of the senate, and the speaker of the assembly, on its findings, on
40 or before April 30, 2015. Such study and report shall examine the
41 effects of the enactment of this chapter, on overall economic activity,
42 any and all increased tax revenue derived, and any and all public bene-
43 fits and detriments, that may have arisen from permitting alcohol
44 consumption in food stores together with a meal. Any food store selling
45 alcoholic beverages for on-premises consumption together with a meal,
46 shall provide the authority with whatever information it may request,
47 that is necessary to complete the study and report so required.

48 S 5. The liquor authority is authorized to promulgate rules and regu-
49 lations necessary for the effective implementation of the provisions of
50 this act.

51 S 6. This act shall take effect June 30, 2012; provided, however, that
52 the provisions of this act shall expire and be deemed repealed June 30,
53 2015.