

1075

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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Introduced by M. of A. HEASTIE -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to permitting the holder of a wholesaler's license to sell certain food and seasonal specialty items and to install and operate automated teller machines

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

1     Section 1. Paragraph (a) of subdivision 1 of section 104 of the alco-  
2     holic beverage control law, as amended by a chapter of the laws of 2012,  
3     amending the alcoholic beverage control law relating to permitting the  
4     holder of a wholesaler's license to sell certain food and seasonal  
5     specialty items and to install and operate automated teller machines, as  
6     proposed in legislative bills numbers S.5404-A and A.5565-A, is amended  
7     to read as follows:  
8     (a) No wholesaler shall be engaged in any other business on the prem-  
9     ises to be licensed; except that nothing contained in this chapter  
10    shall: (1) prohibit a beer wholesaler from (i) acquiring, storing or  
11    selling non-alcoholic snack foods, as defined in paragraph (b) of this  
12    subdivision, (ii) manufacturing, bottling, storing, or selling non-alco-  
13    holic carbonated beverages, (iii) manufacturing, storing or selling  
14    non-alcoholic non-carbonated soft drinks, mineral waters, spring waters,  
15    drinking water, non-taxable malt or cereal beverages, juice drinks,  
16    fruit or vegetable juices, ice, liquid beverage mixes and dry or frozen  
17    beverage mixes, (iv) acquiring, storing or selling wine products, (v)  
18    the sale of promotional items on such premises, or (vi) the sale of  
19    tobacco products at retail by wholesalers who are licensed to sell beer  
20    and other products at retail[,]; (2) prohibit a wholesaler authorized to  
21    sell wine from manufacturing, acquiring or selling wine merchandise, as  
22    defined in paragraph (d) of this subdivision[, or]; (3) prohibit a

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

LBD06101-01-3

1 licensed winery or licensed farm winery from engaging in the business of  
2 a wine wholesaler for New York state labeled wines produced by any  
3 licensed winery or licensed farm winery or prohibit such wine wholesaler  
4 from exercising any of its rights pursuant to sections seventy-six and  
5 seventy-six-a of this chapter provided that the operation of such beer  
6 and wine wholesalers business shall be subject to such rules and regu-  
7 lations as the liquor authority may prescribe[.]; (4) [The sale of the  
8 following products at retail shall not constitute engaging in another  
9 business within the meaning of this subdivision] PROHIBIT A BEER WHOLE-  
10 SALER WHO IS AUTHORIZED TO SELL BEER AT RETAIL FROM SELLING AT RETAIL:  
11 (i) candy, chewing gum and cough drops; (ii) non-refrigerated salsa;  
12 (iii) cigarette lighters, lighter fluid, matches and ashtrays; (iv)  
13 barbecue and picnic-related products and supplies, which shall include,  
14 but not be limited to, charcoal, grills, propane gas, plastic and paper  
15 cups[;], paper or plastic tablecloths and coolers; (v) beer making and  
16 brewing supplies and publications, which shall include, but not be  
17 limited to, books, magazines, equipment and ingredients; (vi) steins,  
18 mugs and other glassware appropriate for the consumption of beer, malt  
19 beverages and wine products; (vii) items typically used to serve beer  
20 and malt beverages including, but not limited to, taps, kegerators,  
21 [cozies] KOOZIES and beer socks; (viii) lemons, limes and oranges,  
22 provided that no more than two dozen of each shall be displayed at any  
23 one time; (ix) rock salt, ice and snow melting compounds, snow shovels;  
24 windshield washer solvent; firewood; beach umbrellas; sunglasses and sun  
25 block; and (x) prepaid telephone cards[.]; OR (5) [The] PROHIBIT THE  
26 installation and operation of a single automated teller machine in [each  
27 licensed] THE premises [shall not constitute engaging in another busi-  
28 ness within the meaning of this subdivision] OF A BEER WHOLESALE WHO IS  
29 AUTHORIZED TO SELL BEER AT RETAIL. For the purposes of this subdivision,  
30 "automated teller machine" means a device which is linked to the  
31 accounts and records of a banking institution and which enables consum-  
32 ers to carry out banking transactions, including but not limited to,  
33 account transfers, deposits, cash withdrawals, balance inquiries and  
34 loan payments.

35 S 2. This act shall take effect on the same date and in the same  
36 manner as a chapter of the laws of 2012, amending the alcoholic beverage  
37 control law relating to permitting the holder of a wholesaler's license  
38 to sell certain food and seasonal specialty items and to install and  
39 operate automated teller machines, as proposed in legislative bills  
40 numbers S.5404-A and A.5565-A, takes effect.