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2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

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

AN ACT to amend the alcoholic beverage control law, in relation to the shipment of alcoholic beverages into the state

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

1 Section 1. Legislative purpose. The legislature finds and declares
2 that the proper regulation and control of the manufacture, sale and
3 distribution of alcoholic beverages is in the best interest of the citizen of New York state. In furtherance of this policy the legislature
4 finds that requiring alcoholic beverage products to be maintained in a
5 warehouse owned or leased by a licensed New York state wholesaler for
6 forty-eight hours will allow the state liquor authority and the New York
7 state department of taxation and finance to verify the legality of such
8 product and the proper payment of taxes on such product.
9 S 2. Paragraph (a) of subdivision 1 of section 102 of the alcoholic
10 beverage control law, as amended by chapter 210 of the laws of 2005, is
11 amended to read as follows:
12 (a) Except as provided in section seventy-nine-c of this chapter, no
13 alcoholic beverages shall be shipped into the state unless the same
14 shall be consigned to a person duly licensed hereunder to traffic in
15 alcoholic beverages. SUCH ALCOHOLIC BEVERAGES SHALL BE STORED AT A PREMISES OR WAREHOUSE LOCATED IN THIS STATE THAT IS OWNED OR LEASED BY A
16 WHOLESALER LICENSED BY NEW YORK STATE FOR NOT LESS THAN FORTY-EIGHT
17 HOURS BEFORE DELIVERY TO A RETAIL LICENSEE. This prohibition shall apply
18 to all shipments of alcoholic beverages into New York state and includes
19 importation or distribution for commercial purposes, for personal use,
20 or otherwise, and irrespective of whether such alcoholic beverages were
21 purchased within or without the state, provided, however, this prohibition shall not apply to any shipment consigned to a New York resident
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EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 who has personally purchased alcoholic beverages for his personal use
2 while outside the United States for a minimum period of forty-eight
3 consecutive hours and which he has shipped as consignor to himself as
4 consignee. Purchases made outside the United States by persons other
5 than the purchaser himself, regardless whether made as his agent, or by
6 his authorization or on his behalf, are deemed not to have been
7 personally purchased within the meaning of this paragraph.

8 S 3. This act shall take effect on the first of January next succeed-
9 ing the date on which it shall have become a law.