

6858

2013-2014 Regular Sessions

I N   A S S E M B L Y

April 23, 2013

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

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 ASSEM-  
BLY, 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  
22    CONSUMPTION as either a cashier or in any other position to which handl-  
23    ing of containers which may have held alcoholic beverages is necessary,

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

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

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

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

16 S 3. Section 106 of the alcoholic beverage control law is amended by  
17 adding a new subdivision 18 to read as follows:

18 18. NO RETAIL LICENSEE FOR ON-PREMISES CONSUMPTION WHICH HAS LESS THAN  
19 FIVE THOUSAND SQUARE FEET OF RETAIL SPACE MAY ENGAGE IN THE SALE OF  
20 MOTOR FUEL.

21 S 4. Subdivision 4 of section 81 of the alcoholic beverage control  
22 law, as amended by section 1 of part F of chapter 60 of the laws of  
23 2005, is amended to read as follows:

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

40 S 5. The liquor authority shall conduct a study of the provisions of  
41 this act, and shall issue a report to the governor, the temporary presi-  
42 dent of the senate, and the speaker of the assembly, on its findings, on  
43 or before January 31, 2016. Such study and report shall examine the  
44 effects of the enactment of this chapter, on overall economic activity,  
45 any and all increased tax revenue derived, and any and all public bene-  
46 fits and detriments, that may have arisen from permitting alcohol  
47 consumption in food stores together with a meal. Any food store selling  
48 alcoholic beverages for on-premises consumption together with a meal,  
49 shall provide the authority with whatever information it may request,  
50 that is necessary to complete the study and report so required.

51 S 6. The liquor authority is authorized to promulgate rules and regu-  
52 lations necessary for the effective implementation of the provisions of  
53 this act.

54 S 7. This act shall take effect on the sixtieth day after it shall  
55 have become a law; provided, however, that the provisions of this act  
56 shall expire and be deemed repealed December 31, 2016.