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

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2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the alcoholic beverage control law, in relation to authorizing certain distiller and winery licensees, singly or jointly, to apply for a special license to sell liquor at retail for consumption off the premises

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

Section 1. Section 61 of the alcoholic beverage control law is amended by adding a new subdivision 7 to read as follows:

7. NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, ANY ONE OR ANY COMBINATION OF DISTILLER LICENSEES OR WINERY LICENSEES, SINGLY OR JOINTLY, MAY APPLY TO THE LIQUOR AUTHORITY FOR A LICENSE OR LICENSES TO SELL LIQUOR AT RETAIL FOR CONSUMPTION OFF THE PREMISES. FOR LICENSEES APPLYING SINGLY, THE DURATION OF SUCH LICENSE SHALL BE CO-EXTENSIVE WITH THE DURATION OF SUCH LICENSEE'S WINERY LICENSE, AND THE FEE THEREFOR SHALL BE ONE THOUSAND DOLLARS IF SUCH RETAIL PREMISES IS LOCATED WITHIN A CITY HAVING A POPULATION OF ONE MILLION OR MORE, FIVE HUNDRED DOLLARS IF SUCH RETAIL PREMISES IS LOCATED WITHIN A CITY HAVING A POPULATION OF LESS THAN ONE MILLION AND MORE THAN ONE HUNDRED THOUSAND, AND TWO HUNDRED FIFTY DOLLARS FOR RETAIL PREMISES LOCATED ELSEWHERE WITHIN THE STATE. SUCH LICENSE SHALL ENTITLE THE HOLDER THEREOF TO SELL AT RETAIL FOR CONSUMPTION OFF THE PREMISES ANY NEW YORK STATE LABELLED LIQUOR AND NEW YORK STATE LABELLED WINE. SUCH LICENSE SHALL ALSO ENTITLE THE HOLDER THEREOF TO CONDUCT WINE AND LIQUOR TASTINGS. SUCH LICENSE SHALL ALSO AUTHORIZE THE SALE BY THE HOLDER THEREOF OF NEW YORK STATE LABELLED LIQUOR AND NEW YORK STATE LABELLED WINE IN SEALED CONTAINERS FOR OFF-PREMISES CONSUMPTION, FROM THE SPECIALLY LICENSED PREMISES OF ANY PERSON LICENSED PURSUANT TO SECTION EIGHTY-ONE-A OF THIS

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

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CHAPTER TO SELL WINE OR LIQUOR AT RETAIL FOR CONSUMPTION ON PREMISES IN WHICH THE PRINCIPAL BUSINESS IS THE OPERATION OF A LEGITIMATE THEATER OR SUCH OTHER LAWFUL ADULT ENTERTAINMENT OR RECREATIONAL FACILITY AS THE LIQUOR AUTHORITY MAY CLASSIFY FOR ELIGIBILITY PURSUANT TO SUBDIVISION SIX OF SECTION SIXTY-FOUR-A OF THIS ARTICLE. NOT MORE THAN FIVE SUCH LICENSES SHALL BE ISSUED, EITHER SINGLY OR JOINTLY, TO ANY LICENSED WINERY OR DISTILLERY. ALL OTHER PROVISIONS OF THIS CHAPTER RELATIVE TO LICENSES TO SELL WINE OR LIQUOR AT RETAIL FOR CONSUMPTION OFF THE PREMISES SHALL APPLY SO FAR AS APPLICABLE TO SUCH APPLICATION. THE LIQUOR AUTHORITY IS HEREBY AUTHORIZED TO ADOPT SUCH RULES AS IT MAY DEEM NECESSARY TO CARRY OUT THE PURPOSE OF THIS SUBDIVISION, PROVIDED THAT ALL LICENSES ISSUED PURSUANT TO THIS SUBDIVISION SHALL BE SUBJECT TO THE SAME RULES AND REGULATIONS AS ARE APPLICABLE TO THE SALE OF WINE OR LIQUOR AT RETAIL FOR CONSUMPTION OFF THE PREMISES OF THE WINERY OR DISTILLERY LICENSEE.

S 2. This act shall take effect immediately.