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

3849

2013-2014 Regular Sessions

I N S E N A T E

February 22, 2013

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

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:

Section 1. Legislative purpose. The legislature finds and declares that the proper regulation and control of the manufacture, sale and distribution of alcoholic beverages is in the best interest of the citizens of New York state. In furtherance of this policy the legislature finds that requiring alcoholic beverage products to be maintained in a warehouse owned or leased by a licensed New York state wholesaler for twenty-four hours will allow the state liquor authority and the New York state department of taxation and finance to verify the legality of such product and the proper payment of taxes on such product.

S 2. Paragraph (a) of subdivision 1 of section 102 of the alcoholic beverage control law, as amended by chapter 210 of the laws of 2005, is amended to read as follows:

(a) Except as provided in section seventy-nine-c of this chapter, no alcoholic beverages shall be shipped into the state unless the same shall be consigned to a person duly licensed hereunder to traffic in alcoholic beverages. NO SUCH ALCOHOLIC BEVERAGES SHALL BE DELIVERED TO A RETAIL LICENSEE OTHER THAN FROM INVENTORY STORED AT A PREMISES OR WAREHOUSE LOCATED IN THIS STATE THAT IS OWNED, RENTED OR LEASED BY A WHOLESALER LICENSED BY THE STATE OF NEW YORK. SUCH INVENTORY SHALL BE DEEMED TO INCLUDE ONLY ALCOHOLIC BEVERAGES WHICH SHALL HAVE BEEN STORED IN SUCH PREMISES OR WAREHOUSE FOR AT LEAST A PERIOD OF TWENTY-FOUR CONTINUOUS HOURS. This prohibition shall apply to all shipments of alcoholic beverages into New York state and includes importation or distribution for commercial purposes, for personal use, or otherwise, and irre-

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

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spective of whether such alcoholic beverages were purchased within or without the state, provided, however, this prohibition shall not apply to any shipment consigned to a New York resident who has personally purchased alcoholic beverages for his personal use while outside the United States for a minimum period of forty-eight consecutive hours and which he has shipped as consignor to himself as consignee. Purchases made outside the United States by persons other than the purchaser himself, regardless whether made as his agent, or by his authorization or on his behalf, are deemed not to have been personally purchased within the meaning of this paragraph.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.