

4565

2013-2014 Regular Sessions

I N   S E N A T E

April 10, 2013

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Introduced by Sen. FARLEY -- 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 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 ASSEMBLY, 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,  
24 shall be permitted to handle the containers if such have been presented  
25 for redemption in accordance with the provisions of title ten of article

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

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twenty-seven of the environmental conservation law, and (3) any person under the age of eighteen years employed as a dishwasher, busboy, or other such position as to which handling of containers which may have held alcoholic beverages is necessary shall be permitted to do so under the direct supervision of a person of legal age to purchase alcoholic beverages in the state.

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

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

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

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

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

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

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

S 6. The liquor authority is authorized to promulgate rules and regulations necessary for the effective implementation of the provisions of this act.

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