

6858

2013-2014 Regular Sessions

I N A S S E M B L Y

April 23, 2013

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.