

2133

2013-2014 Regular Sessions

I N S E N A T E

January 11, 2013

Introduced by Sen. MARTINS -- 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 permitting the holder of a wholesaler's license to sell certain food and seasonal specialty items and to install and operate automated teller machines

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

1 Section 1. Paragraph (a) of subdivision 1 of section 104 of the alco-
2 holic beverage control law, as amended by a chapter of the laws of 2012,
3 amending the alcoholic beverage control law relating to permitting the
4 holder of a wholesaler's license to sell certain food and seasonal
5 specialty items and to install and operate automated teller machines, as
6 proposed in legislative bills numbers S.5404-A and A.5565-A, is amended
7 to read as follows:
8 (a) No wholesaler shall be engaged in any other business on the prem-
9 ises to be licensed; except that nothing contained in this chapter
10 shall: (1) prohibit a beer wholesaler from (i) acquiring, storing or
11 selling non-alcoholic snack foods, as defined in paragraph (b) of this
12 subdivision, (ii) manufacturing, bottling, storing, or selling non-alco-
13 holic carbonated beverages, (iii) manufacturing, storing or selling
14 non-alcoholic non-carbonated soft drinks, mineral waters, spring waters,
15 drinking water, non-taxable malt or cereal beverages, juice drinks,
16 fruit or vegetable juices, ice, liquid beverage mixes and dry or frozen
17 beverage mixes, (iv) acquiring, storing or selling wine products, (v)
18 the sale of promotional items on such premises, or (vi) the sale of
19 tobacco products at retail by wholesalers who are licensed to sell beer
20 and other products at retail[,]; (2) prohibit a wholesaler authorized to
21 sell wine from manufacturing, acquiring or selling wine merchandise, as
22 defined in paragraph (d) of this subdivision[, or]; (3) prohibit a

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

LBD06101-01-3

1 licensed winery or licensed farm winery from engaging in the business of
2 a wine wholesaler for New York state labeled wines produced by any
3 licensed winery or licensed farm winery or prohibit such wine wholesaler
4 from exercising any of its rights pursuant to sections seventy-six and
5 seventy-six-a of this chapter provided that the operation of such beer
6 and wine wholesalers business shall be subject to such rules and regu-
7 lations as the liquor authority may prescribe[.]; (4) [The sale of the
8 following products at retail shall not constitute engaging in another
9 business within the meaning of this subdivision] PROHIBIT A BEER WHOLE-
10 SALER WHO IS AUTHORIZED TO SELL BEER AT RETAIL FROM SELLING AT RETAIL:
11 (i) candy, chewing gum and cough drops; (ii) non-refrigerated salsa;
12 (iii) cigarette lighters, lighter fluid, matches and ashtrays; (iv)
13 barbecue and picnic-related products and supplies, which shall include,
14 but not be limited to, charcoal, grills, propane gas, plastic and paper
15 cups[;], paper or plastic tablecloths and coolers; (v) beer making and
16 brewing supplies and publications, which shall include, but not be
17 limited to, books, magazines, equipment and ingredients; (vi) steins,
18 mugs and other glassware appropriate for the consumption of beer, malt
19 beverages and wine products; (vii) items typically used to serve beer
20 and malt beverages including, but not limited to, taps, kegerators,
21 [cozies] KOOZIES and beer socks; (viii) lemons, limes and oranges,
22 provided that no more than two dozen of each shall be displayed at any
23 one time; (ix) rock salt, ice and snow melting compounds, snow shovels;
24 windshield washer solvent; firewood; beach umbrellas; sunglasses and sun
25 block; and (x) prepaid telephone cards[.]; OR (5) [The] PROHIBIT THE
26 installation and operation of a single automated teller machine in [each
27 licensed] THE premises [shall not constitute engaging in another busi-
28 ness within the meaning of this subdivision] OF A BEER WHOLESALER WHO IS
29 AUTHORIZED TO SELL BEER AT RETAIL. For the purposes of this subdivision,
30 "automated teller machine" means a device which is linked to the
31 accounts and records of a banking institution and which enables consum-
32 ers to carry out banking transactions, including but not limited to,
33 account transfers, deposits, cash withdrawals, balance inquiries and
34 loan payments.

35 S 2. This act shall take effect on the same date and in the same
36 manner as a chapter of the laws of 2012, amending the alcoholic beverage
37 control law relating to permitting the holder of a wholesaler's license
38 to sell certain food and seasonal specialty items and to install and
39 operate automated teller machines, as proposed in legislative bills
40 numbers S.5404-A and A.5565-A, takes effect.