

5488

2013-2014 Regular Sessions

I N   S E N A T E

May 16, 2013

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Introduced by Sen. MARCELLINO -- 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  
providing for the sale of cider by a wholesale wine licensee

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

1     Section 1. Section 62 of the alcoholic beverage control law, as  
2 amended by chapter 361 of the laws of 1994, is amended to read as  
3 follows:  
4     S 62. Wholesaler's liquor license. Any person may apply to the liquor  
5 authority for a license to sell liquor at wholesale. Such application  
6 shall be in writing and verified and shall contain such information as  
7 the liquor authority shall require. Such application shall be accompa-  
8 nied by a check or draft for the amount required by this article for  
9 such license. If the liquor authority shall grant the application it  
10 shall issue a license in such form as shall be determined by its rules.  
11 Such license shall contain a description of the licensed premises and in  
12 form and in substance shall be a license to the person therein specif-  
13 ically designated to sell liquors at wholesale in the premises therein  
14 specifically licensed to duly licensed wholesalers, retailers and  
15 permittees in this state, and to sell liquor in bulk to a licensed  
16 rectifier or to a permittee engaged in the manufacture of products which  
17 are unfit for beverage use, for use in the manufacture of products  
18 produced and sold by such rectifier or permittee, and to sell or deliver  
19 liquor to persons outside the state pursuant to the laws of the place of  
20 such sale or delivery. Such a license shall also include the privilege  
21 to sell wine at wholesale under the same terms and conditions without  
22 the payment of any additional fee. A WHOLESALE LIQUOR LICENSEE, AS  
23 DEFINED UNDER THIS CHAPTER SHALL, UPON THE PAYMENT OF AN ADDITIONAL  
24 ANNUAL LICENSE FEE OF ONE HUNDRED TWENTY-FIVE DOLLARS, BE PERMITTED TO

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

LBD11137-01-3

1 SELL CIDER AS DEFINED UNDER THIS CHAPTER AT WHOLESALE FROM DULY LICENSED  
2 PREMISES, TO DULY LICENSED BEER, WINE AND LIQUOR RETAILERS AND TO OTHER  
3 HOLDERS OF LICENSES UNDER THIS CHAPTER, IN BOTTLES, BARRELS OR CASKS,  
4 AND TO SELL AND DELIVER CIDER TO PERSONS OUTSIDE THE STATE PURSUANT TO  
5 THE LAWS OF THE PLACE OF SUCH DELIVERY.

6 S 2. Subdivision 2 of section 78 of the alcoholic beverage control  
7 law, as amended by chapter 204 of the laws of 1963, is amended to read  
8 as follows:

9 2. Upon payment to the liquor authority of an additional annual fee of  
10 one hundred twenty-five dollars, the liquor authority may in its  
11 discretion and upon such terms and conditions as it may prescribe, issue  
12 to a wholesale wine licensee upon application therefor a certificate  
13 authorizing such wholesaler to sell wine at retail in sealed containers  
14 to a regularly organized church, synagogue or religious organization for  
15 sacramental purposes. A WHOLESALE WINE LICENSEE, AS DEFINED UNDER THIS  
16 CHAPTER SHALL, UPON THE PAYMENT OF AN ADDITIONAL ANNUAL LICENSE FEE OF  
17 ONE HUNDRED TWENTY-FIVE DOLLARS, BE PERMITTED TO SELL CIDER AS DEFINED  
18 UNDER THIS CHAPTER AT WHOLESALE FROM DULY LICENSED PREMISES, TO DULY  
19 LICENSED BEER, WINE AND LIQUOR RETAILERS AND TO OTHER HOLDERS OF  
20 LICENSES UNDER THIS CHAPTER, IN BOTTLES, BARRELS OR CASKS, AND TO SELL  
21 AND DELIVER CIDER TO PERSONS OUTSIDE THE STATE PURSUANT TO THE LAWS OF  
22 THE PLACE OF SUCH DELIVERY.

23 S 3. This act shall take effect immediately.