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

6888

2015-2016 Regular Sessions

I N A S S E M B L Y

April 8, 2015

Introduced by M. of A. PAULIN, JAFFEE, LAVINE, ROBERTS, SCARBOROUGH, WEPRIN, ZEBROWSKI, HOOPER -- Multi-Sponsored by -- M. of A. COOK, MAGEE, THIELE, TITONE -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to providing alcoholic beverages on credit to an individual person

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

Section 1. Subdivisions 6 and 7 of section 100 of the alcoholic beverage control law, subdivision 6 as added by chapter 526 of the laws of 1939 and subdivision 7 as added by chapter 256 of the laws of 1978, are amended to read as follows:

6. NOTWITHSTANDING SUBDIVISION FIVE OF THIS SECTION, A RETAIL LICENSEE FOR OFF-PREMISES CONSUMPTION MAY SELL, DELIVER, GIVE AWAY, HOLD OR STORE, OR CAUSE, PERMIT OR PROCURE TO BE SOLD, DELIVERED, GIVEN AWAY, HELD OR STORED, ANY ALCOHOLIC BEVERAGE ON CREDIT TO ANY INDIVIDUAL PERSON, PROVIDED THAT THE ORDER ON CREDIT IS AT LEAST TWO HUNDRED DOLLARS. THE PROVISION OF THIS SUBDIVISION SHALL STILL APPLY IF THE RETAIL LICENSEE RETAINS THE ALCOHOLIC BEVERAGE FOR THE INDIVIDUAL PERSON.

7. No licensee shall sell or purchase any receipts, certificates, contracts or other documents issued for the storage of alcoholic beverages except as provided by the rules of the liquor authority. The liquor authority shall prescribe such rules for the purchase and sale of such receipts, certificates, contracts or other documents issued for the storage of alcoholic beverages which, in its opinion, will best accomplish

(1) Elimination of fraudulent and deceptive transactions;

(2) Protection of purchasers against defaults by sellers;

(3) The delivery of the alcoholic beverages represented by such receipts or documents, and

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

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(4) The payment of all taxes due thereon to the state.

[7.] 8. Within ten days after filing a new application to sell liquor at retail under section sixty-three, sixty-four, sixty-four-a or sixty-four-b of this chapter, a notice thereof, in the form prescribed by the authority, shall be posted by the applicant in a conspicuous place at the entrance to the proposed premises. The applicant shall make reasonable efforts to insure such notice shall remain posted throughout the pendency of the application. The provisions hereof shall apply only where no retail liquor license has previously been granted for the proposed premise and shall, specifically, not be applicable to a proposed sale of an existing business engaged in the retail sale of liquor. The authority may adopt such rules it may deem necessary to carry out the purpose of this subdivision.

S 2. This act shall take effect immediately.