

2015-2016 Regular Sessions

I N   S E N A T E

(PREFILED)

January 7, 2015

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Introduced by Sen. GALLIVAN -- 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 amending schedules which have been filed with the liquor authority

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

1     Section 1. Subdivision 4 of section 101-b of the alcoholic beverage  
2     control law, as amended by chapter 102 of the laws of 1979, is amended  
3     to read as follows:  
4     4. Each such schedule required by paragraph (a) of subdivision three  
5     of this section shall be filed on or before the twenty-fifth day of each  
6     month and the prices and discounts set forth therein shall become effective  
7     on the first day of the second succeeding calendar month and shall  
8     be in effect for such second succeeding calendar month. Each such schedule  
9     required by paragraph (b) of subdivision three of this section shall  
10    be filed on or before the fifth day of each month, and the prices and  
11    discounts set forth therein shall become effective on the first day of  
12    the calendar month following the filing thereof, and shall be in effect  
13    for such calendar month. Within ten days after the filing of such schedule  
14    the authority shall make them or a composite thereof available for  
15    inspection by licensees. Within three business days after such  
16    inspection is provided for, a wholesaler may amend his filed schedule  
17    for sales to retailers [in order to meet lower competing prices and  
18    discounts for liquor or wine of the same brand or trade name, and of  
19    like age and quality, filed pursuant to this section by any licensee  
20    selling such brand], provided such amended prices are [not] lower and  
21    SUCH AMENDED discounts are [not] greater [than those to be met]. Any  
22    amended schedule so filed shall become effective on the first day of the  
23    calendar month following the filing thereof and shall be in effect for

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

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1 such calendar month. All schedules filed shall be subject to public  
2 inspection, from the time that they are required to be made available  
3 for inspection by licensees, and shall not be considered confidential.  
4 Each manufacturer and wholesaler shall retain in his licensed premises  
5 for inspection by licensees a copy of his filed schedules as then in  
6 effect. The liquor authority may make such rules as shall be appropriate  
7 to carry out the purpose of this section.

8 S 2. Paragraph (c) of subdivision 5 of section 101-b of the alcoholic  
9 beverage control law, as added by chapter 769 of the laws of 1986, is  
10 amended to read as follows:

11 (c) Within ten days after the filing of such schedules the authority  
12 shall make them or a composite thereof available for inspection by  
13 licensees. Within three business days after such inspection is provided  
14 for, a wholesaler may amend his filed schedule for sales to retailers  
15 [in order to meet lower competing prices and discounts for wine of the  
16 same brand or trade name, and of like age and quality, filed pursuant to  
17 this section by any licensee selling such brand], provided such amended  
18 prices are [not] lower and SUCH AMENDED discounts are [not] greater  
19 [than those to be met]. Any amended schedule so filed shall become  
20 effective on the first day of the calendar month following the filing  
21 thereof and shall be in effect until the effective date of the next  
22 filing.

23 S 3. This act shall take effect immediately.