STATE OF NEW YORK

10407

IN ASSEMBLY

April 19, 2018

Introduced by M. of A. WOERNER -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to authorizing the offering by wholesalers of quantity discounts on different sized bottles of the same type of liquor or wine

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (b) of subdivision 3 of section 101-b of the alcoholic beverage control law, as amended by section 1 of part E of chapter 56 of the laws of 2006, is amended to read as follows:

(b) No brand of liquor or wine shall be sold to or purchased by a retailer unless a schedule, as provided by this section, is transmitted to and received by the liquor authority, and is then in effect. Such schedule shall be transmitted to the authority in such form, manner, medium and format as the authority may direct; shall be deemed duly verified by the person submitting such schedule upon its transmission to the authority; and shall contain, with respect to each item, the exact brand or trade name, capacity of package, nature of contents, age and proof where stated on the label, the number of bottles contained in each case, the bottle and case price to retailers, the net bottle and case price paid by the seller, which prices, in each instance, shall be individual for each item and not in "combination" with any other item, the discounts for quantity, if any, and the discounts for time of payment, if any. **Provided, however, that for the purposes of offering quantity discounts of two cases or more to retailers, different products and/or different sized bottles with the same brand or trade name, and the same class and type that are price scheduled by one brand owner, or by the licensed wholesale agent for one brand owner, if the brand owner is not licensed by the authority, or with the approval of the authority, by a wholesaler, may be combined. For the purpose of this paragraph, a "class and type of a brand or trade name distilled spirit" shall also include the flavored product composed of that same class and type of distilled spirit. For the purposes of this paragraph, "brand or trade name" shall mean the name under which a product is commonly marketed and sold to the**

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

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general public, but shall not include a branded product marketed under a fanciful name which fanciful name, in addition to or in part, is in lieu of, the brand or trade name. Products from the same manufacturer or supplier shall not be combined for the purpose of offering quantity discounts unless such products of the same class and type are marketed and sold under the same brand or trade name, and shall not be combined with products of another manufacturer or supplier. Such brand of liquor or wine shall not be sold to retailers except at the price and discounts then in effect unless prior written permission of the authority is granted for good cause shown and for reasons not inconsistent with the purpose of this chapter. Such schedule shall be transmitted by each manufacturer selling such brand to retailers and by each wholesaler selling such brand to retailers.

§ 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.