

# STATE OF NEW YORK

2787

2017-2018 Regular Sessions

## IN ASSEMBLY

January 23, 2017

Introduced by M. of A. LAVINE, ZEBROWSKI, GUNTHER, GALEF, M. G. MILLER, THIELE, TITONE, CAHILL -- Multi-Sponsored by -- M. of A. ABBATE, BARCLAY, BUTLER, CROUCH, FINCH, GIGLIO, GOODELL, GRAF, McLAUGHLIN, MONTESANO, RAIA, SALADINO -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to the sale of non-food wine or liquor supplies, accessories and/or barware

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

Section 1. Subdivision 4 of section 63 of the alcoholic beverage control law, as amended by chapter 297 of the law of 2016, is amended to read as follows:

4. No licensee under this section shall be engaged in any other business on the licensed premises. The sale of lottery tickets, when duly authorized and lawfully conducted, the sale of corkscrews or the sale of ice or the sale of publications, including prerecorded video and/or audio cassette tapes, designed to help educate consumers in their knowledge and appreciation of wine and wine products, as defined in section three of this chapter, or the sale of non-carbonated, non-flavored mineral waters, spring waters and drinking waters or the ~~[sale of glasses designed for the consumption of wine, racks designed for the storage of wine, and devices designed to minimize oxidation in bottles of wine which have been uncorked]~~, sale of non-food wine or liquor supplies, accessories and/or barware, which shall include, but not be limited to, any item utilized for the storage, transport, serving or consumption of wine or liquor or for decorative purposes whether sold as single items or combined into a package containing wine or liquor, publications, subscription services, memberships, loyalty programs and education in the form of live, webinar or prerecorded content designed to help educate consumers in their knowledge, use, consumption and appreciation of alcoholic beverages, including recipes and food and beverage pairing,

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

LBD07883-01-7

1 and wine-making and cider-making equipment and supplies including, but  
2 not limited to, home wine-making and cider-making kits, presses, pumps,  
3 bottling equipment, filters, yeasts, chemicals and other wine and cider  
4 additives, storage or fermenting vessels, barrels, tools and devices or  
5 the sale of gift bags, gift boxes, or wrapping, for alcoholic beverages  
6 purchased at the licensed premises shall not constitute engaging in  
7 another business within the meaning of this subdivision.

8 § 2. Subdivision 4 of section 63 of the alcoholic beverage control  
9 law, as amended by chapter 603 of the laws of 1992, is amended to read  
10 as follows:

11 4. No licensee under this section shall be engaged in any other busi-  
12 ness on the licensed premises. The sale of lottery tickets, when duly  
13 authorized and lawfully conducted, the sale of corkscrews or the sale of  
14 ice or the sale of publications, including prerecorded video and/or  
15 audio cassette tapes, designed to help educate consumers in their know-  
16 ledge and appreciation of wine and wine products, as defined in section  
17 three of this chapter, or the sale of non-carbonated, non-flavored  
18 mineral waters, spring waters and drinking waters or the [~~sale of glass-~~  
19 ~~es designed for the consumption of wine, racks designed for the storage~~  
20 ~~of wine, and devices designed to minimize oxidation in bottles of wine~~  
21 ~~which have been uncorked] sale of non-food wine or liquor supplies,  
22 accessories and/or barware, which shall include, but not be limited to,  
23 any item utilized for the storage, transport, serving or consumption of  
24 wine or liquor or for decorative purposes whether sold as single items  
25 or combined into a package containing wine or liquor, publications,  
26 subscription services, memberships, loyalty programs and education in  
27 the form of live, webinar or prerecorded content designed to help  
28 educate consumers in their knowledge, use, consumption and appreciation  
29 of alcoholic beverages, including recipes and food and beverage pairing,  
30 and wine-making and cider-making equipment and supplies including, but  
31 not limited to, home wine-making and cider-making kits, presses, pumps,  
32 bottling equipment, filters, yeasts, chemicals and other wine and cider  
33 additives, storage or fermenting vessels, barrels, tools and devices,  
34 shall not constitute engaging in another business within the meaning of  
35 this subdivision.~~

36 § 3. This act shall take effect immediately; provided, however, that  
37 the amendments to subdivision 4 of section 63 of the alcoholic beverage  
38 control law made by section one of this act shall be subject to the  
39 expiration and reversion of such subdivision pursuant to section 18 of  
40 chapter 297 of the laws of 2016, as amended, when upon such date the  
41 provisions of section two of this act shall take effect.