

# STATE OF NEW YORK

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4304

2017-2018 Regular Sessions

## IN SENATE

February 8, 2017

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Introduced by Sen. ROBACH -- 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 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:

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

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

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

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1 bottling equipment, filters, yeasts, chemicals and other wine and cider  
2 additives, storage or fermenting vessels, barrels, tools and devices or  
3 the sale of gift bags, gift boxes, or wrapping, for alcoholic beverages  
4 purchased at the licensed premises shall not constitute engaging in  
5 another business within the meaning of this subdivision.

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

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

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