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

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

§ 2. Subdivision 4 of section 63 of the alcoholic beverage control law, as amended by chapter 603 of the laws of 1992, 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, and wine-making and cider-making equipment and supplies including, but not limited to, home wine-making and cider-making kits, presses, pumps, bottling equipment, filters, yeasts, chemicals and other wine and cider additives, storage or fermenting vessels, barrels, tools and devices, shall not constitute engaging in another business within the meaning of this subdivision.

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