STATE OF NEW YORK

S. 5677 A. 7361

2017-2018 Regular Sessions

SENATE - ASSEMBLY

April 25, 2017

IN SENATE -- Introduced by Sen. MURPHY -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

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

AN ACT to amend the alcoholic beverage control law, in relation to removing prohibitions on manufacturers and wholesalers from having an interest in retail sales and removing the general prohibition of on-site breweries; and repealing certain provisions of such law relating thereto

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

Section 1. Paragraph (a) of subdivision 1 of section 101 of the alcoholic beverage control law is REPEALED and paragraphs (b), (c), (d) and (e) are relettered paragraphs (a), (b), (c) and (d).

§ 2. Paragraph (d) of subdivision 1 of section 101 of the alcoholic beverage control law, as added by chapter 557 of the laws of 1964 and as relettered by section one of this act, is amended to read as follows:

(d) The prohibitions and restrictions contained in paragraphs [~~b, c and d above~~] **(a), (b) and (c) of this subdivision** shall not apply to any contractual arrangements between a licensed manufacturer or wholesaler and a licensed retailer where such manufacturer or wholesaler has made a substantial investment, directly or through such retailer, in the construction, capitalization or furnishing of any exhibit, facility or installation in the area leased by the city of New York to New York World's Fair 1964-1965 Corporation, pursuant to chapter four hundred twenty-eight of the laws of nineteen hundred sixty, as amended, and such retailer is conducting his business as a part of such exhibit or installation or is responsible to such corporation for the construction, operation or maintenance of such exhibit, facility or installation. This

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

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modification to the prohibitions and restrictions contained in this paragraph shall continue until November first, nineteen hundred sixty-five.

§ 3. Subdivision 13 of section 106 of the alcoholic beverage control law is REPEALED.

§ 4. Subdivisions 18 and 19 of section 64-c of the alcoholic beverage control law are REPEALED.

§ 5. Subdivision 7 of section 103 of the alcoholic beverage control law, as amended by chapter 221 of the laws of 2011, is amended to read as follows:

7. Each manufacturer shall keep and maintain upon the licensed premises, adequate books and records of all transactions involving the manufacture and sale of his or its products, which shall show the ingredients but not the formula or recipe used in the manufacture of such alcoholic beverages together with the quantity of alcoholic beverages manufactured by such manufacturer; the names, addresses, and the license numbers of the purchasers of such alcoholic beverages, together with the quantities involved in such purchases, whether the same shall be sold within or without the state. Each sale shall be recorded separately on a numbered invoice, which shall have printed thereon the number, the name of the licensee, the address of the licensed premises, and the current license number. Such manufacturer shall deliver to the purchaser a true duplicate invoice stating the name and address of the purchaser, the quantity of alcoholic beverages, description by brands and the price of such alcoholic beverages, and a true, accurate and complete statement of the terms and conditions on which such sale is made. Any terms and conditions of a sale not stated on said invoice shall constitute a service within the meaning of paragraph [~~(c)~~] **(b)** of subdivision one of section one hundred one of this article. Such books, records and invoices shall be kept for a period of two years and shall be available for inspection by any authorized representative of the liquor authority. Provided, however, that any books and records required by this chapter to be maintained by a winery, farm winery, special winery, special farm winery or microwinery must be kept either upon the licensed premises or such other location as may be approved by the authority.

§ 6. Subdivision 10 of section 104 of the alcoholic beverage control law, as amended by chapter 162 of the laws of 1969, is amended to read as follows:

10. Each wholesaler shall keep and maintain upon the licensed premises, adequate books and records of all transactions involving the business transacted by such wholesaler, which shall show the amount of alcoholic beverages in gallons, purchased by such wholesaler together with the names, license numbers and places of business of the persons from whom the same was purchased and the amount involved in such purchases, as well as the amount of alcoholic beverages, in gallons, sold by such wholesaler together with the names, addresses, and license numbers of such purchasers whether the same shall be purchased or sold within or without the state. Each sale shall be recorded separately on a numbered invoice, which shall have printed thereon the number, the name of the licensee, the address of the licensed premises, and the current license number. Such wholesaler shall deliver to the purchaser a true duplicate invoice stating the name and address of the purchaser, the quantity of alcoholic beverages, description by brands and the price of such alcoholic beverages, and a true, accurate and complete statement of the terms and conditions on which such sale is made. Any terms and conditions of a sale not stated on said invoice shall constitute a service

within the meaning of [~~section one hundred and one, subdivision one (c) of this chapter~~] **paragraph (b) of subdivision one of section one hundred one of this article**. Such books, records and invoices shall be kept for a period of two years and shall be available for inspection by any authorized representative of the liquor authority.

§ 7. This act shall take effect immediately.