

STATE OF NEW YORK

4343

2017-2018 Regular Sessions

IN SENATE

February 10, 2017

Introduced by Sen. GALLIVAN -- 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 permitting sales to holders of licenses to sell for on-premises consumption

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

1 Section 1. Section 79 of the alcoholic beverage control law is amended
2 by adding a new subdivision 5 to read as follows:

3 5. Notwithstanding any other provisions of this chapter, any license
4 under this section includes the privileges to sell wine to any person
5 licensed under this chapter to sell wine at retail for consumption on
6 the premises under section sixty-four, sixty-four-a, sixty-four-b,
7 sixty-four-c, sixty-four-d, seventy-nine-b or eighty-one of this chap-
8 ter. Any such sales shall be subject to section one hundred one-aa of
9 this chapter. Prior to making any sales to on-premises licensees, a
10 licensee under this chapter shall obtain a permit from the federal Alco-
11 hol and Tobacco Tax and Trade Bureau authorizing it to sell wine at
12 wholesale and shall register as a distributor of alcoholic beverages
13 with the state department of taxation and finance.

14 § 2. Section 63 of the alcoholic beverage control law is amended by
15 adding a new subdivision 7 to read as follows:

16 7. Notwithstanding any other provisions of this chapter, any license
17 under this section includes the privileges to sell liquor and/or wine to
18 any person licensed under this chapter to sell liquor and/or wine at
19 retail for consumption on the premises under section sixty-four, sixty-
20 four-a, sixty-four-b, sixty-four-c, sixty-four-d, seventy-nine-b, or
21 eighty-one of this chapter. Any such sales shall be subject to section
22 one hundred one-aa of this chapter. Prior to making any sales to
23 on-premises licensees, a licensee under this chapter shall obtain a

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

LBD09885-01-7

1 permit from the federal Alcohol and Tobacco Tax and Trade Bureau author-
2 izing it to sell wine and/or liquor at wholesale, and shall register as
3 a distributor of alcoholic beverages with the state department of taxa-
4 tion and finance.

5 § 3. Subdivisions 3-a and 3-b of section 102 of the alcoholic beverage
6 control law, as amended by chapter 458 of the laws of 1993, are amended
7 to read as follows:

8 3-a. No licensee or permittee shall purchase or agree to purchase any
9 alcoholic beverages from any person within the state who is not duly
10 licensed to sell such alcoholic beverage as the case may be, at the time
11 of such agreement and sale nor give any order for any alcoholic beverage
12 to any individual who is not the holder of a solicitor's permit, except
13 as provided for in section sixty-three, seventy-nine, eighty-five or
14 ninety-nine-g of this chapter.

15 3-b. No retail licensee shall purchase, agree to purchase or receive
16 any alcoholic beverage except from a person duly licensed within the
17 state by the liquor authority to sell such alcoholic beverage at the
18 time of such agreement and sale to such retail licensee, except as
19 provided for in section sixty-three, seventy-nine, eighty-five or nine-
20 ty-nine-g of this chapter.

21 § 4. This act shall take effect immediately.