STATE OF NEW YORK

5330

2017-2018 Regular Sessions

IN SENATE

March 21, 2017

Introduced by Sen. MURPHY -- 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 reciprocal wine shipping privileges

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

Section 1. Subdivision 1 of section 79-c of the alcoholic beverage control law, as amended by chapter 184 of the laws of 2005, is amended to read as follows:

1. Authorization. Notwithstanding any provision of law, rule or regulation to the contrary, any holder of a license to manufacture wine **or any holder of a retail license to sell wine for off-premises consumption,** in any other state who obtains an out-of-state direct shipper's license, as provided in this section, may ship no more than thirty-six cases (no more than nine liters each case) of wine produced **or sold** by such license holder per year directly to a resident of New York who is at least twenty-one years of age, for such resident's personal use and not for resale, provided the state in which such person is so licensed affords lawful means for shipments of wine to be received by a resident thereof who is at least twenty-one years of age, for such resident's personal use and not for resale, from a person licensed in this state as a manufacturer **or retail licensee** and, provided further, that the state in which such out-of-state winery **or retail premises** is located affords to New York state winery and farm winery licensees **or New York state retail licensees** reciprocal shipping privileges, meaning shipping privileges that are substantially similar to the requirements in this section. No person shall place an order for shipment of wine unless they are twenty-one years of age or older. Any common carrier with a permit issued pursuant to this chapter to whom such out-of-state shipper's

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

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license is presented is authorized to make delivery of shipments provided for hereunder in this state in compliance with this section.

§ 2. Subdivision 2 of section 79-c of the alcoholic beverage control law, as amended by chapter 221 of the laws of 2011, is amended to read as follows:

2. License. Before sending any shipment hereunder to a resident in this state, the out-of-state shipper shall first obtain a license from the authority under procedures prescribed by rules and regulations of the authority and after providing the authority with a true copy of its current license to manufacture wine **or its current retail license to sell wine for off-premises consumption** in the applicant's state of domicile along with a copy of the applicant's federal basic permit after payment of an annual fee of one hundred twenty-five dollars. Notwithstanding the provisions of section one hundred ten of this chapter, the authority in its discretion, may excuse an out-of-state winery **or retail licensee** from the submission of such information.

§ 3. Paragraph (a) of subdivision 3 of section 79-c of the alcoholic beverage control law, as amended by chapter 221 of the laws of 2011, is amended to read as follows:

(a) ship no more than thirty-six cases (no more than nine liters each case) per year of wine produced **or sold** by such license holder directly to a New York state resident who is at least twenty-one years of age, for such resident's personal use and not for resale;

§ 4. This act shall take effect on the ninetieth day after it shall have become a law.