# STATE OF NEW YORK

126

2019-2020 Regular Sessions

# IN ASSEMBLY

(Prefiled)

January 9, 2019

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

AN ACT to amend the alcoholic beverage control law, in relation to establishing on-premise liquor licenses for certified educators of alcoholic beverage instructional courses, establishing special permits for registered lecturers to conduct these courses, and establishing the "responsible alcohol education act"

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

Section 1. This act shall be known and may be cited as the "responsible alcohol education act."

§ 2. Section 3 of the alcoholic beverage control law is amended by adding a new subdivision 7-aa to read as follows:

7-aa. "Certified educator" means any persons or company owned and run by persons who have appropriate credentialing and who engage in the specific business of creating, selling, and executing instructional courses in the consumption and appreciation of wine, beer, and spirits. Certified educators must possess certification that is satisfactory to the state liquor authority ("authority"), including, but not limited to the following: (a) a certified specialist of wine or certified wine educator status as conferred by the Society of Wine Educators; (b) a Wine and Spirits Education Trust Diploma; (c) status as a certified sommelier; (d) the completion of a wine industry program at a technical college or culinary school; (e) certification as a cicerone; (f) completion of coursework from the Master Brewers Association of the Americas; (g) or any other certification program acceptable to the authority. Certified educators must also complete Training for Intervention Procedures (TIPS) or other certified alcohol training programs and have a valid certificate on file with the authority. Certified educators may individually perform instructional courses or be allowed to retain registered lecturers to serve as the on-site supervisors and teachers of each class and to oversee the pouring of beverages by volunteers working under their direction.

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

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§ 3. Section 3 of the alcoholic beverage control law is amended by adding a new subdivision 24-a to read as follows:

24-a. "Registered lecturer" means any person who possesses certification that is satisfactory to the authority and who is retained by a certified educator for the purpose of on-site supervision and instruction of each class, as well as to oversee the pouring of alcoholic beverages by volunteers working under their direction.

§ 4. The alcoholic beverage control law is amended by adding a new section 55-d to read as follows:

§ 55-d. Certified educator's licenses. The authority may issue a "certified educator license" to a person or company owned and run by persons who meet the requirements specified in subdivision seven-aa of section three of this chapter, at a biannual cost of two hundred dollars per license to a certified educator of alcoholic beverages, under the following conditions:

1. licenses shall be limited to a permanent location where classes will be held; should a certified educator need to move locations for any purpose, notice must be given to the authority, who will approve or deny the change to the course's location;

2. the license may be used to purchase or procure alcoholic beverages from domestic wholesalers, with the decisions to be made based on the judgment of the certified educator;

3. the license must be renewed every two years from the original date of issuance, and applications for renewal must be sent to the authority no less than thirty days before the anticipated date of expiration;

4. the license may be used to serve alcoholic beverages for educational purposes to any number of individuals over the age of twenty-one in any part of the state, unless a political subdivision adopts an ordinance prohibiting alcoholic beverage education;

5. all events conducted pursuant to this license must be conducted through advance registration, and no walk-in access to the general public is permitted;

6. all persons retained by a certified educator to engage in the instruction and supervision of each class must receive special permits, as specified in section ninety-nine-i of this chapter, that are issued by the authority for the purpose of supervising classes, providing educational instruction on alcoholic beverages, overseeing the pouring of beverages by volunteers, and carrying on the activities associated with alcoholic beverage education;

7. certified educators shall not sell alcohol for off-premises consumption and no orders may be taken for future sales;

8. except as provided for in this section, certified educators may hold classes at any location, whether or not the premises have a liquor license, subject to all applicable municipal and state alcoholic zoning laws and with the decision based on the judgment of the certified educator and approval by the authority;

9. classes shall not be conducted during business hours at retail businesses that do not have a liquor license nor shall classes be conducted after hours at a retail business that does have a liquor license;

10. certified educators shall maintain a suitable level of general liability insurance, and the policy shall be reported to the authority along with the license application;

11. prior to providing a licensee's first class authorized under this section, the licensee shall notify the authority as to the contents and location of the course's planned curriculum. Notification shall include

information that pertains to the exact duration and location of each class throughout the course, as well as how many participants will be in attendance, how many lecturers will be teaching the course, and how much alcohol will be served. Notification shall be sent by the licensee no less than thirty days before the first class of a new course cycle;

12. certified educators shall be subject to the powers and duties of the authority, as specified in section eighteen of this chapter; and

13. the authority shall adopt any rules consistent with and in furtherance of the implementation of this section.

§ 5. The alcoholic beverage control law is amended by adding a new section 58-e to read as follows:

§ 58-e. Certified educator's licenses. The authority may issue a "certified educator license" to a person or company owned and run by persons who meet the requirements specified in subdivision seven-aa of section three of this chapter, at a biannual cost of two hundred dollars per license to a certified educator of alcoholic beverages, under the following conditions:

1. licenses shall be limited to a permanent location where classes will be held; should a certified educator need to move locations for any purpose, notice must be given to the authority, who will approve or deny the change to the course's location;

2. the license may be used to purchase or procure alcoholic beverages from domestic wholesalers, with the decisions to be made based on the judgment of the certified educator;

3. the license must be renewed every two years from the original date of issuance, and applications for renewal must be sent to the authority no less than thirty days before the anticipated date of expiration;

4. the license may be used to serve alcoholic beverages for educational purposes to any number of individuals over the age of twenty-one in any part of the state, unless a political subdivision adopts an ordinance prohibiting alcoholic beverage education;

5. all events conducted pursuant to this license must be conducted through advance registration, and no walk-in access to the general public is permitted;

6. all persons retained by a certified educator to engage in the instruction and supervision of each class must receive special permits, as specified in section ninety-nine-i of this chapter, that are issued by the authority for the purpose of supervising classes, providing educational instruction on alcoholic beverages, overseeing the pouring of beverages by volunteers, and carrying on the activities associated with alcoholic beverage education;

7. certified educators shall not sell alcohol for off-premises consumption and no orders may be taken for future sales;

8. except as provided for in this section, certified educators may hold classes at any location, whether or not the premises have a liquor license, subject to all applicable municipal and state alcoholic zoning laws and with the decision based on the judgment of the certified educator and approval by the authority;

9. classes shall not be conducted during business hours at retail businesses that do not have a liquor license nor shall classes be conducted after hours at a retail business that does have a liquor license;

10. certified educators shall maintain a suitable level of general liability insurance, and the policy shall be reported to the authority along with the license application;

11. prior to providing a licensee's first class authorized under this section, the licensee shall notify the authority as to the contents and location of the course's planned curriculum. Notification shall include information that pertains to the exact duration and location of each class throughout the course, as well as how many participants will be in attendance, how many lecturers will be teaching the course, and how much alcohol will be served. Notification shall be sent by the licensee no less than thirty days before the first class of a new course cycle;

12. certified educators shall be subject to the powers and duties of the authority, as specified in section eighteen of this chapter; and

13. the authority shall adopt any rules consistent with and in furtherance of the implementation of this section.

§ 6. The alcoholic beverage control law is amended by adding a new section 63-b to read as follows:

§ 63-b. Certified educator's licenses. The authority may issue a "certified educator license" to a person or company owned and run by persons who meet the requirements specified in subdivision seven-aa of section three of this chapter, at a biannual cost of two hundred dollars per license to a certified educator of alcoholic beverages, under the following conditions:

1. licenses shall be limited to a permanent location where classes will be held; should a certified educator need to move locations for any purpose, notice must be given to the authority, who will approve or deny the change to the course's location;

2. the license may be used to purchase or procure alcoholic beverages from domestic wholesalers, with the decisions to be made based on the judgment of the certified educator;

3. the license must be renewed every two years from the original date of issuance, and applications for renewal must be sent to the authority no less than thirty days before the anticipated date of expiration;

4. the license may be used to serve alcoholic beverages for educational purposes to any number of individuals over the age of twenty-one in any part of the state, unless a political subdivision adopts an ordinance prohibiting alcoholic beverage education;

5. all events conducted pursuant to this license must be conducted through advance registration, and no walk-in access to the general public is permitted;

6. all persons retained by a certified educator to engage in the instruction and supervision of each class must receive special permits, as specified in section ninety-nine-i of this chapter, that are issued by the authority for the purpose of supervising classes, providing educational instruction on alcoholic beverages, overseeing the pouring of beverages by volunteers, and carrying on the activities associated with alcoholic beverage education;

7. certified educators shall not sell alcohol for off-premises consumption and no orders may be taken for future sales;

8. except as provided for in this section, certified educators may hold classes at any location, whether or not the premises have a liquor license, subject to all applicable municipal and state alcoholic zoning laws and with the decision based on the judgment of the certified educator and approval by the authority;

9. classes shall not be conducted during business hours at retail businesses that do not have a liquor license nor shall classes be conducted after hours at a retail business that does have a liquor license;

10. certified educators shall maintain a suitable level of general liability insurance, and the policy shall be reported to the authority along with the license application;

11. prior to providing a licensee's first class authorized under this section, the licensee shall notify the authority as to the contents and location of the course's planned curriculum. Notification shall include information that pertains to the exact duration and location of each class throughout the course, as well as how many participants will be in attendance, how many lecturers will be teaching the course, and how much alcohol will be served. Notification shall be sent by the licensee no less than thirty days before the first class of a new course cycle;

12. certified educators shall be subject to the powers and duties of the authority, as specified in section eighteen of this chapter; and

13. the authority shall adopt any rules consistent with and in furtherance of the implementation of this section.

§ 7. The alcoholic beverage control law is amended by adding a new section 80-a to read as follows:

§ 80-a. Certified educator's licenses. The authority may issue a "certified educator license" to a person or company owned and run by persons who meet the requirements specified in subdivision seven-aa of section three of this chapter, at a biannual cost of two hundred dollars per license to a certified educator of alcoholic beverages, under the following conditions:

1. licenses shall be limited to a permanent location where classes will be held; should a certified educator need to move locations for any purpose, notice must be given to the authority, who will approve or deny the change to the course's location;

2. the license may be used to purchase or procure alcoholic beverages from domestic wholesalers, with the decisions to be made based on the judgment of the certified educator;

3. the license must be renewed every two years from the original date of issuance, and applications for renewal must be sent to the authority no less than thirty days before the anticipated date of expiration;

4. the license may be used to serve alcoholic beverages for educational purposes to any number of individuals over the age of twenty-one in any part of the state, unless a political subdivision adopts an ordinance prohibiting alcoholic beverage education;

5. all events conducted pursuant to this license must be conducted through advance registration, and no walk-in access to the general public is permitted;

6. all persons retained by a certified educator to engage in the instruction and supervision of each class must receive special permits, as specified in section ninety-nine-i of this chapter, that are issued by the authority for the purpose of supervising classes, providing educational instruction on alcoholic beverages, overseeing the pouring of beverages by volunteers, and carrying on the activities associated with alcoholic beverage education;

7. certified educators shall not sell alcohol for off-premises consumption and no orders may be taken for future sales;

8. except as provided for in this section, certified educators may hold classes at any location, whether or not the premises have a liquor license, subject to all applicable municipal and state alcoholic zoning laws and with the decision based on the judgment of the certified educator and approval by the authority;

9. classes shall not be conducted during business hours at retail businesses that do not have a liquor license nor shall classes be

conducted after hours at a retail business that does have a liquor license;

10. certified educators shall maintain a suitable level of general liability insurance, and the policy shall be reported to the authority along with the license application;

11. prior to providing a licensee's first class authorized under this section, the licensee shall notify the authority as to the contents and location of the course's planned curriculum. Notification shall include information that pertains to the exact duration and location of each class throughout the course, as well as how many participants will be in attendance, how many lecturers will be teaching the course, and how much alcohol will be served. Notification shall be sent by the licensee no less than thirty days before the first class of a new course cycle;

12. certified educators shall be subject to the powers and duties of the authority, as specified in section eighteen of this chapter; and

13. the authority shall adopt any rules consistent with and in furtherance of the implementation of this section.

§ 8. The alcoholic beverage control law is amended by adding a new section 99-i to read as follows:

§ 99-i. Registered lecturers. The authority may issue a special permit to a person meeting the requirements specified in subdivision seven-aa of section three of this chapter, at a one-time cost of two hundred dollars, to be renewed biannually, subject to the following conditions:

1. registered lecturers must be directly retained by, as well as subject to the control of licensed certified educators;

2. registered lecturers shall be bound by the same credentialing requirements as are certified educators, as specified in subdivision seven-aa of section three of this chapter;

3. certified educators may employ and utilize any number of registered lecturers per class or per curriculum, with the decisions to be made based on the judgment of the certified educator;

4. registered lecturers shall not be required to maintain their own general liability insurance;

5. registered lecturers shall have the ability to conduct all activities associated with alcohol education, including but not limited to supervising classes, providing educational instruction on alcoholic beverages, and overseeing the pouring of beverages by volunteers; except that the permit shall not allow registered lecturers to purchase or procure alcoholic beverages for the purposes of alcohol education;

6. permits for registered lecturers shall be applied for through the authority no later than thirty days prior to the commencement of the first class or course taught by the registered lecturer;

7. the permit must be renewed every two years from the original date of issuance, and applications for renewal must be sent to the authority no less than thirty days before the anticipated date of expiration;

8. registered lecturers shall hold classes at locations that were previously approved by the certified educator and followed the procedures specified in subdivision ten of sections fifty-five-d, fifty-eight-e, sixty-three-b and eighty-a of this chapter;

9. registered lecturers shall be subject to the powers and duties of the authority, as specified in section eighteen of this chapter; and

10. the authority shall adopt any rules consistent with and in furtherance of the implementation of this section.

§ 9. This act shall take effect on the one hundred twentieth day after it shall have become a law.