

STATE OF NEW YORK

4661

2019-2020 Regular Sessions

IN SENATE

March 20, 2019

Introduced by Sen. KAMINSKY -- 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 requiring certain licenses to brew or sell beer to include the certificate of authority number

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

1 Section 1. Subdivision 1 of section 51 of the alcoholic beverage
2 control law, as amended by chapter 361 of the laws of 1994, is amended
3 to read as follows:

4 1. Any person may apply to the liquor authority for a license to brew
5 beer within this state for sale. Such application shall be in writing
6 and verified and shall contain such information as the liquor authority
7 shall require. Such application shall be accompanied by a check or draft
8 for the amount required by this article for such license. If the liquor
9 authority shall grant the application, it shall issue a license in such
10 form as shall be determined by its rules. Such license shall contain a
11 description of the licensed premises and in form and in substance shall
12 be a license to the person therein specifically designated to brew beer
13 in the premises therein specifically licensed. Such a license shall also
14 contain the certificate of authority number.

15 § 2. Section 53 of the alcoholic beverage control law, as amended by
16 chapter 361 of the laws of 1994, is amended to read as follows:

17 § 53. Wholesaler's license. Any person may apply to the liquor
18 authority for a license to sell beer at wholesale. Such application
19 shall be in writing and verified and shall contain such information as
20 the liquor authority shall require. Such application shall be accompa-
21 nied by a check or draft for the amount required by this article for
22 such license. If the liquor authority shall grant the application it
23 shall issue a license in such form as shall be determined by its rules.

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

LBD10724-01-9

1 Such a license shall contain a description of the licensed premises and
2 in form and in substance shall be a license to the person therein
3 specifically designated to sell beer at wholesale in the premises there-
4 in specifically licensed to duly licensed wholesalers, retailers and
5 permittees in this state, and to sell or deliver beer to persons outside
6 the state pursuant to the laws of the place of such sale or delivery.

7 Such a license shall also contain the certificate of authority number. A
8 wholesaler's license issued or renewed prior to July first, nineteen
9 hundred sixty, and thereafter renewed or transferred, shall authorize
10 the holder thereof to sell beer at retail to a person for consumption in
11 his home; provided, however, that regardless of the date issued, renewed
12 or transferred, a wholesaler's license issued to a brewer or to the
13 wholly-owned subsidiary of a brewer, shall authorize the holder thereof
14 to sell beer at retail to a person for consumption in his home.

15 § 3. Section 53-a of the alcoholic beverage control law, as amended by
16 chapter 361 of the laws of 1994, is amended to read as follows:

17 § 53-a. Vendor's license. In cities having a population of one
18 million or more, any individual person may apply for a license to sell
19 beer as a vendor. Such application shall be in writing, and verified,
20 and shall contain such information as the liquor authority shall
21 require. Such application shall be accompanied by a check or draft for
22 the amount required by this article for such license. If the liquor
23 authority shall grant the application it shall issue a license in such
24 form as shall be determined by its rules. Such a license shall contain a
25 description of the licensed premises and in form and in substance shall
26 be a license to the person therein specifically designated to sell beer
27 as a vendor in cities having a population of one million or more only,
28 from the premises therein specifically licensed. Such a license shall
29 also contain the certificate of authority number. A vendor's license
30 shall authorize the holder thereof to sell beer at retail to be deliv-
31 ered by such vendor to a person for consumption in his home and shall
32 authorize the holder thereof to operate one vehicle for the delivery of
33 beer, but shall not authorize the sale to any person or licensee for
34 resale.

35 § 4. Subdivision 5 of section 54 of the alcoholic beverage control law
36 is amended to read as follows:

37 5. Such license shall contain a description of the licensed premises
38 and in form and in substance shall be a license to the person specif-
39 ically designated therein to sell beer at retail in the premises specif-
40 ically licensed, not to be consumed upon said premises. Such a license
41 shall also contain the certificate of authority number.

42 § 5. Subdivision 3 of section 54-a of the alcoholic beverage control
43 law, as added by chapter 235 of the laws of 1987, is amended to read as
44 follows:

45 3. Such license shall contain a description of the licensed premises
46 and in form and in substance shall be a license to the person specif-
47 ically designated therein to sell beer and wine products at retail in
48 the premises specifically licensed, not to be consumed upon said prem-
49 ises. Such a license shall also contain the certificate of authority
50 number.

51 § 6. Subdivision 2 of section 55 of the alcoholic beverage control law
52 is amended to read as follows:

53 2. Such a license shall contain a description of the licensed premises
54 and in form and in substance shall be a license to the person therein
55 specifically designated to sell beer in the premises therein specif-
56 ically licensed, at retail, to be consumed upon such premises. Such

1 license shall also include the privilege of selling beer at retail to be
2 consumed off the premises. Such a license shall also contain the certif-
3 icate of authority number.
4 § 7. This act shall take effect immediately.