

STATE OF NEW YORK

576

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sens. KENNEDY, COMRIE -- read twice and ordered printed,
and when printed to be committed to the Committee on Investigations
and Government Operations

AN ACT to amend the alcoholic beverage control law, in relation to the
registration of kegs

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

1 Section 1. The alcoholic beverage control law is amended by adding a
2 new section 105-c to read as follows:

3 § 105-c. Registration of bulk retail sales of beer for off-premises
4 consumption. 1. Definition. As used in this section, the term "keg"
5 shall mean a vessel containing four or more gallons of beer.

6 2. No person licensed to sell beer at retail for off-premises consump-
7 tion pursuant to this chapter shall sell such beer by the keg unless
8 such keg shall have an identification label or tag attached thereto. An
9 identification label or tag shall consist of paper within a clear
10 protective coating, plastic, metal or another durable material that is
11 not easily damaged or destroyed. Identification labels used may contain
12 a nonpermanent adhesive material in order to apply the label directly to
13 an outside surface of a keg at the time of sale. Identification tags
14 shall be attached to the keg at the time of sale with nylon ties or
15 cording, wire ties or other metal attachment devices, or another durable
16 means of tying or attaching the tag to the keg. Such identification
17 label or tag shall be designed so that when affixed to a keg, such
18 labels or tags will not mar or otherwise physically damage the keg.
19 Such identification label or tag shall include the name and address of
20 the retail licensee, the name of the purchaser, and an individual iden-
21 tification number assigned by the retailer that uniquely identifies such
22 keg. The identification label or tag shall be kept on file with the
23 licensee for not less than ninety days from the date of return.

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

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1 3. Prior to the retail sale of beer in bulk by the keg for off-premis-
2 es consumption, the retail licensee shall cause the purchaser thereof to
3 sign a statement promulgated by the authority attesting under the penal-
4 ty of perjury the accuracy of the purchaser's name as shown on the iden-
5 tification label or tag, and that the purchaser will not allow consump-
6 tion of any of the beer in the keg in violation of the provisions of
7 sections sixty-five-a, sixty-five-b and sixty-five-c of this chapter,
8 and section 260.20 of the penal law. The licensee shall also record:

9 (a) the name and address of the purchaser;

10 (b) the identification card number from the purchaser's acceptable
11 documentation of age as provided in paragraph (b) of subdivision two of
12 section sixty-five-b of this chapter;

13 (c) the amount of the container deposit and the registration deposit;

14 (d) the date and time of the purchase; and

15 (e) the keg identification number required under subdivision two of
16 this section.

17 4. All such records and statements shall be maintained by the licensee
18 for a period of ninety days from the date of return. Such record and
19 statements shall remain open to inspection by authorized agents of the
20 authority and law enforcement officers during the licensee's normal
21 business hours.

22 5. Upon the retail sale of beer by the keg for off-premises consump-
23 tion, the retail licensee shall collect a fifty dollar registration
24 deposit on each keg of beer purchased. The registration deposit shall be
25 collected in addition to the purchase price of the beer, taxes thereon
26 and any other deposit collected by the licensee. Upon the return of a
27 keg to such licensee with the identification label or tag intact, the
28 registration deposit shall be returned to the purchaser and the retail
29 licensee shall remove such label or tag from each such keg. The regis-
30 tration deposit on each keg returned without the identification label or
31 tag required by this section shall be forfeited. The registration
32 deposit upon any keg not returned to the retail licensee within thirty
33 days of the date of purchase shall be forfeited.

34 6. In addition to the deposit collected pursuant to subdivision five
35 of this section, the retail licensee shall collect a twenty-five dollar
36 deposit on each tap provided to a customer. The deposit shall be
37 collected in addition to the purchase price of the beer, taxes thereon,
38 and any other deposit collected by the licensee. Upon the return of such
39 tap, the deposit provided pursuant to this subdivision shall be imme-
40 diately returned to the customer. The deposit for any tap not returned
41 within thirty days from the date of purchase shall be forfeited.

42 7. No person other than the licensee, a licensed wholesaler, a peace
43 officer, or an agent of the authority may intentionally remove an iden-
44 tification label or tag placed on a keg. The possession of a beer keg
45 without an identification label or tag or with a damaged label or tag in
46 violation of this section, or the removal or damage of an identification
47 label or tag in violation of this section shall be subject to a fine of
48 no less than two hundred fifty dollars nor more than four hundred fifty
49 dollars.

50 8. The authority is authorized to promulgate any rules and regulations
51 necessary to implement the provisions of this section. The authority
52 shall make readily available to licensees any keg identification labels
53 or tags required by subdivision one of this section for the cost of
54 manufacturing such tags or labels.

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