

# STATE OF NEW YORK

10534

## IN ASSEMBLY

May 28, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Cymbrowitz)  
-- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to authorizing retail licensees for on-premises consumption to sell and/or deliver alcoholic beverages for consumption off the premises

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

1 Section 1. Subdivision 3 of section 106 of the alcoholic beverage  
2 control law, as amended by chapter 297 of the laws of 2016, is amended  
3 and a new subdivision 3-a is added to read as follows:

4 3. ~~[No]~~ Except as provided in subdivision three-a of this section, no  
5 retail licensee for on-premises consumption shall sell, deliver or give  
6 away, or cause or permit or procure to be sold, delivered or given away  
7 any liquors and/or wines for consumption off the premises where sold.  
8 The provisions of this subdivision shall not prohibit a licensed winery  
9 or farm winery from allowing a patron to leave the winery or farm winery  
10 with a partially consumed bottle of wine provided that the removal of  
11 the bottle is done in accordance with subdivision four of section eight-  
12 y-one of this chapter.

13 3-a. (a) Notwithstanding any other provision of law to the contrary, a  
14 retail licensee for on-premises consumption, upon approval by the  
15 authority, may sell and/or deliver certain alcoholic beverages for  
16 consumption off the premises where sold. Such licensee may only sell  
17 and/or deliver for consumption off the premises alcoholic beverages for  
18 which such licensee is licensed to sell for consumption on the premises.

19 (b) A retail licensee for on-premises consumption shall only permit  
20 the sale or delivery of alcoholic beverages:

21 (i) with the purchase of food;

22 (ii) in any closed or sealed container not to exceed sixteen fluid  
23 ounces per container for beer or cider, five fluid ounces per container  
24 for wine, and ten fluid ounces per container for liquor mixed with non-  
25 alcoholic beverages, provided such sale or delivery is consistent with  
26 municipal open container ordinances; and

27 (iii) during licensed hours of operation.

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

LBD16363-02-0

1     (c) Deliveries shall be made in:  
2     (i) a vehicle permitted by the authority; or  
3     (ii) a vehicle owned and operated by a retail licensee or its employee  
4     provided the person making the delivery shall have upon his or her  
5     person while so delivering a copy of the current license issued by the  
6     authority.

7     § 2. This act shall take effect immediately.