

# 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:

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

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

5 7-aa. "Certified educator" means any persons or company owned and run  
6 by persons who have appropriate credentialing and who engage in the  
7 specific business of creating, selling, and executing instructional  
8 courses in the consumption and appreciation of wine, beer, and spirits.  
9 Certified educators must possess certification that is satisfactory to  
10 the state liquor authority ("authority"), including, but not limited to  
11 the following: (a) a certified specialist of wine or certified wine  
12 educator status as conferred by the Society of Wine Educators; (b) a  
13 Wine and Spirits Education Trust Diploma; (c) status as a certified  
14 sommelier; (d) the completion of a wine industry program at a technical  
15 college or culinary school; (e) certification as a cicerone; (f)  
16 completion of coursework from the Master Brewers Association of the  
17 Americas; (g) or any other certification program acceptable to the  
18 authority. Certified educators must also complete Training for Inter-  
19 vention Procedures (TIPS) or other certified alcohol training programs  
20 and have a valid certificate on file with the authority. Certified  
21 educators may individually perform instructional courses or be allowed  
22 to retain registered lecturers to serve as the on-site supervisors and  
23 teachers of each class and to oversee the pouring of beverages by volun-  
24 teers working under their direction.

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

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

3 24-a. "Registered lecturer" means any person who possesses certifi-  
4 ication that is satisfactory to the authority and who is retained by a  
5 certified educator for the purpose of on-site supervision and instruc-  
6 tion of each class, as well as to oversee the pouring of alcoholic  
7 beverages by volunteers working under their direction.

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

10 § 55-d. Certified educator's licenses. The authority may issue a  
11 "certified educator license" to a person or company owned and run by  
12 persons who meet the requirements specified in subdivision seven-aa of  
13 section three of this chapter, at a biannual cost of two hundred dollars  
14 per license to a certified educator of alcoholic beverages, under the  
15 following conditions:

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

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

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

26 4. the license may be used to serve alcoholic beverages for educa-  
27 tional purposes to any number of individuals over the age of twenty-one  
28 in any part of the state, unless a political subdivision adopts an ordi-  
29 nance prohibiting alcoholic beverage education;

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

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

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

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

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

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

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

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

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

8 13. the authority shall adopt any rules consistent with and in furth-  
9 erance of the implementation of this section.

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

12 § 58-e. Certified educator's licenses. The authority may issue a  
13 "certified educator license" to a person or company owned and run by  
14 persons who meet the requirements specified in subdivision seven-aa of  
15 section three of this chapter, at a biannual cost of two hundred dollars  
16 per license to a certified educator of alcoholic beverages, under the  
17 following conditions:

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

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

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

28 4. the license may be used to serve alcoholic beverages for educa-  
29 tional purposes to any number of individuals over the age of twenty-one  
30 in any part of the state, unless a political subdivision adopts an ordi-  
31 nance prohibiting alcoholic beverage education;

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

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

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

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

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

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

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

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

11 13. the authority shall adopt any rules consistent with and in furth-  
12 erance of the implementation of this section.

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

15 § 63-b. Certified educator's licenses. The authority may issue a  
16 "certified educator license" to a person or company owned and run by  
17 persons who meet the requirements specified in subdivision seven-aa of  
18 section three of this chapter, at a biannual cost of two hundred dollars  
19 per license to a certified educator of alcoholic beverages, under the  
20 following conditions:

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

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

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

31 4. the license may be used to serve alcoholic beverages for educa-  
32 tional purposes to any number of individuals over the age of twenty-one  
33 in any part of the state, unless a political subdivision adopts an ordi-  
34 nance prohibiting alcoholic beverage education;

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

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

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

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

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

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

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

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

14 13. the authority shall adopt any rules consistent with and in furth-  
15 erance of the implementation of this section.

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

18 § 80-a. Certified educator's licenses. The authority may issue a  
19 "certified educator license" to a person or company owned and run by  
20 persons who meet the requirements specified in subdivision seven-aa of  
21 section three of this chapter, at a biannual cost of two hundred dollars  
22 per license to a certified educator of alcoholic beverages, under the  
23 following conditions:

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

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

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

34 4. the license may be used to serve alcoholic beverages for educa-  
35 tional purposes to any number of individuals over the age of twenty-one  
36 in any part of the state, unless a political subdivision adopts an ordi-  
37 nance prohibiting alcoholic beverage education;

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

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

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

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

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

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

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

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

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

16 13. the authority shall adopt any rules consistent with and in furth-  
17 erance of the implementation of this section.

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

20 § 99-i. Registered lecturers. The authority may issue a special permit  
21 to a person meeting the requirements specified in subdivision seven-aa  
22 of section three of this chapter, at a one-time cost of two hundred  
23 dollars, to be renewed biannually, subject to the following conditions:

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

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

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

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

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

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

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

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

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

52 10. the authority shall adopt any rules consistent with and in furth-  
53 erance of the implementation of this section.

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