

STATE OF NEW YORK

7258--A

2019-2020 Regular Sessions

IN ASSEMBLY

April 18, 2019

Introduced by M. of A. RODRIGUEZ -- read once and referred to the Committee on Economic Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the alcoholic beverage control law, in relation to licensing restrictions for manufacturers and wholesalers of alcoholic beverages and retail licensees

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

1 Section 1. The opening paragraph of paragraph (a) of subdivision 1 of
2 section 101 of the alcoholic beverage control law, as amended by chapter
3 318 of the laws of 2016, is amended to read as follows:

4 Be interested directly or indirectly in any premises licensed under
5 this chapter where any alcoholic beverage is sold at retail; or in any
6 business licensed under this chapter devoted wholly or partially to the
7 sale of any alcoholic beverage at retail by stock ownership, interlock-
8 ing directors, mortgage or lien or any personal or real property, or by
9 any other means. The provisions of this paragraph shall not apply to

10 § 2. Subdivision 16 of section 105 of the alcoholic beverage control
11 law, as amended by chapter 621 of the laws of 1944, is amended to read
12 as follows:

13 16. No retail licensee to sell liquors and/or wines for off-premises
14 consumption licensed under this chapter shall be interested, directly or
15 indirectly, in any premises licensed under this chapter where liquors,
16 wines or beer are manufactured or for which a manufacturer has desig-
17 nated an exclusive agent or sold at wholesale or any other premises
18 where liquor or wine is sold at retail for off-premises consumption, by
19 stock ownership, interlocking directors, mortgage or lien on any
20 personal or real property or by any other means. Any lien, mortgage or
21 other interest or estate, however, now held by such retailer on or in
22 the personal or real property of such manufacturer or wholesaler, which

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

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1 mortgage, lien, interest or estate was acquired on or before December
2 thirty-first, nineteen hundred thirty-two, shall not be included within
3 the provisions of this subdivision; provided, however, the burden of
4 establishing the time of the accrual of the interest comprehended by
5 this subdivision, shall be upon the person who claims to be entitled to
6 the protection and exemption afforded hereby.

7 § 3. The opening paragraph of paragraph (a) of subdivision 13 of
8 section 106 of the alcoholic beverage control law, as amended by chapter
9 453 of the laws of 2018, is amended to read as follows:

10 No retail licensee for on-premises consumption shall be interested,
11 directly or indirectly, in any premises licensed under this chapter
12 where liquors, wines or beer are manufactured, or for which a manufac-
13 turer has designated an exclusive agent, or sold at wholesale, by stock
14 ownership, interlocking directors, mortgage or lien on any personal or
15 real property or by any other means, except that liquors, wines or beer
16 may be manufactured or sold wholesale by the person licensed as a
17 manufacturer or wholesaler thereof:

18 § 4. This act shall take effect immediately.