STATE OF NEW YORK

4348--A

2019-2020 Regular Sessions

IN SENATE

March 8, 2019

- Introduced by Sens. KRUEGER, LIU -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business -- recommitted to the Committee on Commerce, Economic Development and Small Business in accordance with Senate Rule 6, sec. 8 -- 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 enacting the wine industry and liquor store revitalization act; and to repeal certain provisions of such law relating thereto

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 "wine 2 industry and liquor store revitalization act".

3 § 2. Subdivisions 4 and 5 of section 63 of the alcoholic beverage 4 control law, subdivision 4 as amended by chapter 360 of the laws of 5 2017, are amended and five new subdivisions 7, 8, 9, 10 and 11 are added 6 to read as follows:

7 4. (a) No licensee under this section shall be engaged in any other business on the licensed premises. The sale of products complementary to 8 9 the business of the licensed premises shall not constitute engaging in 10 another business within the meaning of this subdivision. Such products 11 shall include but not be limited to the sale of lottery tickets, when 12 duly authorized and lawfully conducted, the sale of corkscrews or the sale of ice or the sale of publications, including prerecorded video 13 and/or audio cassette tapes, or educational seminars, designed to help 14 educate consumers in their knowledge and appreciation of alcoholic 15 16 beverages, as defined in section three of this chapter and allowed 17 pursuant to their license, or the sale of [non-carbonated, non-flavored 18 mineral waters, spring waters and drinking waters] non-alcoholic bever-19 ages for consumption on or off premises, including but not limited to 20 bottled water, juice and soda beverages, or the sale of tobacco products

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

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or herbal cigarettes, provided the licensee complies with section thir-1 2 teen hundred ninety-nine-cc of the public health law, or the sale at retail of cigars which have been prepackaged by the manufacturer in 3 4 boxes of ten or more, or the sale of publications designed to help 5 educate consumers in their knowledge and appreciation of cigar products, б or food items, which shall include locally produced farm products and any food or food product not specifically prepared for immediate 7 8 consumption upon the premises, or the sale of gift bags and gift baskets 9 including, but not limited to, shot glasses, single malt scotch glasses, 10 grappa glasses, decanters, other glassware, food or farm products not 11 specifically prepared for immediate consumption upon the premises, all of which is related to the consumption and enjoyment of wine and spirits 12 13 or the sale of glasses designed for the consumption of wine, racks 14 designed for the storage of wine, and devices designed to minimize oxidation in bottles of wine which have been uncorked, or the sale of 15 16 gift bags, gift boxes, or wrapping, for alcoholic beverages purchased at 17 the licensed premises shall not constitute engaging in another business within the meaning of this subdivision. Any fee obtained from the sale 18 of an educational seminar shall not be considered as a fee for any tast-19 20 ing that may be offered during an educational seminar, provided that 21 such tastings are available to persons who have not paid to attend the seminar and all tastings are conducted in accordance with section 22 sixty-three-a of this article. 23 24 (b) The installation and operation of automated teller machines shall 25 not constitute engaging in another business within the meaning of this 26 subdivision. For purposes of this subdivision, "automated teller 27 machine means a device which is linked to the accounts and records of a banking institution and which enables consumers to carry out banking 28 transactions, including, but not limited to, account transfers, depos-29 30 its, cash withdrawals, balance inquiries, and loan payments. 31 5. [Not more than one license shall be] Nothing in this section shall 32 be construed to prohibit multiple licenses from being granted to any 33 person under this section. 7. Any license obtained under this section includes authorization to 34 35 sell alcoholic beverages for resale to licensed premises for on-premises consumption as licensed by sections fifty-five, sixty-four, 36 sixty-four-a, seventy-nine-b, and eighty-one of this chapter as provided 37 38 in subdivisions three-a and three-b of section one hundred two of this 39 <u>chapter.</u> 40 8. Commencing on the effective date of this subdivision, no additional 41 licenses shall be issued pursuant to this section except as outlined in 42 subdivision nine of this section. The provisions of this subdivision 43 shall not apply to (a) the renewal, transfer or continuance of a license 44 pursuant to this chapter, (b) an application for a license filed before 45 the effective date of this subdivision, (c) the issuance of a license in 46 accordance with the provisions of this chapter, to a person who 47 purchased the business operations of a licensee, provided, however, that 48 any person licensed under this section shall make an application to the 49 liquor authority prior to selling its license to another person. 9. Any existing license issued under this section which is canceled or 50 51 revoked by the liquor authority may be auctioned off to the highest 52 bidder, provided that the person meets all the applicable requirements. 53 The amount of the sale of the existing license as authorized in this 54 subdivision shall be subject to sales and compensating use tax as 55 imposed by section eleven hundred five of the tax law.

1 Each existing licensee shall be authorized to apply for one addi-10. 2 tional license for retail sale of liquor for consumption off the premises for use in the establishment of another licensed premises, provided 3 4 however, the additional premises complies with all applicable 5 restrictions and requirements. The additional license issued by the б authority under this subdivision may be sold provided the purchaser meets all applicable requirements, which sale shall be subject to sales 7 8 and compensating use tax as imposed by section eleven hundred five of the tax law. The authorization for the establishment of a new premises 9 10 or sale of the additional license under this subdivision shall expire 11 three years from the effective date of this subdivision. 11. The authority is authorized to auction off to the highest bidder, 12 provided that the person meets all the applicable requirements, addi-13 14 tional licenses for the sale of liquor or wine or both at retail for 15 consumption off the premises. The revenue from this sale shall be allo-16 cated for the increased licensure and enforcement efforts of the author-17 ity. The authority shall be authorized to sell no more than fifteen additional licenses every two years, beginning on April first, two thou-18 19 sand twenty-two. 20 § 2-a. Subdivision 4 of section 63 of the alcoholic beverage control 21 law, as amended by section 3 of part H of chapter 58 of the laws of 22 2019, is amended to read as follows: 23 4. (a) No licensee under this section shall be engaged in any other business on the licensed premises. The sale of products complementary to 24 25 the business of the licensed premises shall not constitute engaging in 26 another business within the meaning of this subdivision. Such products 27 shall include but not be limited to the sale of lottery tickets, when 28 duly authorized and lawfully conducted, the sale of reusable bags as defined in section 27-2801 of the environmental conservation law, the 29 30 sale of corkscrews or the sale of ice or the sale of publications, 31 including prerecorded video and/or audio cassette tapes, or educational 32 seminars, designed to help educate consumers in their knowledge and 33 appreciation of alcoholic beverages, as defined in section three of this chapter and allowed pursuant to their license, or the sale of [non-car-34 35 bonated, non-flavored mineral waters, spring waters and drinking waters] 36 non-alcoholic beverages for consumption on or off premises, including 37 but not limited to bottled water, juice and soda beverages, or the sale 38 of tobacco products or herbal cigarettes, provided the licensee complies 39 with section thirteen hundred ninety-nine-cc of the public health law, or the sale at retail of cigars which have been prepackaged by the 40 manufacturer in boxes of ten or more, or the sale of publications 41 42 designed to help educate consumers in their knowledge and appreciation 43 of cigar products, or food items, which shall include locally produced 44 farm products and any food or food product not specifically prepared for 45 immediate consumption upon the premises, or the sale of gift bags and 46 gift baskets including, but not limited to, shot glasses, single malt 47 scotch glasses, grappa glasses, decanters, other glassware, food or farm 48 products not specifically prepared for immediate consumption upon the 49 premises, all of which is related to the consumption and enjoyment of wine and spirits or the sale of glasses designed for the consumption of 50 wine, racks designed for the storage of wine, and devices designed to 51 52 minimize oxidation in bottles of wine which have been uncorked, or the 53 sale of gift bags, gift boxes, or wrapping, for alcoholic beverages 54 purchased at the licensed premises shall not constitute engaging in another business within the meaning of this subdivision. Any fee 55 56 obtained from the sale of an educational seminar shall not be considered

as a fee for any tasting that may be offered during an educational semi-1 2 provided that such tastings are available to persons who have not nar, 3 paid to attend the seminar and all tastings are conducted in accordance with section sixty-three-a of this article. 4 5 (b) The installation and operation of automated teller machines shall б not constitute engaging in another business within the meaning of this 7 subdivision. For purposes of this subdivision, "automated teller 8 machine" means a device which is linked to the accounts and records of a 9 banking institution and which enables consumers to carry out banking 10 transactions, including, but not limited to, account transfers, deposits, cash withdrawals, balance inquiries, and loan payments. 11 § 3. Section 79 of the alcoholic beverage control law is amended by 12 13 adding four new subdivisions 5, 6, 7 and 8 to read as follows: 14 5. Any license obtained under this section includes authorization to sell alcoholic beverages for resale to licensed premises for on-premises 15 16 consumption as licensed by sections fifty-five, sixty-four, sixty-four-a, seventy-nine-b, and eighty-one of this chapter as provided 17 in subdivisions three-a and three-b of section one hundred two of this 18 19 chapter. 20 6. Commencing on the effective date of this subdivision, no additional 21 licenses shall be issued pursuant to this section except as outlined in subdivision seven of this section. The provisions of this subdivision 22 shall not apply to (a) the renewal, transfer or continuance of a license 23 24 pursuant to this chapter, (b) an application for a license filed before 25 the effective date of this subdivision, (c) the issuance of a license in 26 accordance with the provisions of this chapter, to a person who 27 purchased the business operations of a licensee, provided, however, that any person licensed under this section shall make an application to the 28 29 liquor authority prior to selling its license to another person. 30 7. Any existing license issued under this section which is canceled or 31 revoked by the liquor authority may be auctioned off to the highest 32 bidder, provided that the person meets all the applicable requirements. The amount of the sale of the existing license as authorized in this 33 subdivision shall be subject to sales and compensating use tax as 34 35 imposed by section eleven hundred five of the tax law. 8. Each existing licensee shall be authorized to apply for one addi-36 tional license for retail sale of liquor for consumption off the prem-37 ises for use in the establishment of another licensed premises, provided 38 however, the additional premises complies with all applicable 39 restrictions and requirements. The additional license issued by the 40 41 authority under this subdivision as well as any existing license issued 42 under this section may be sold provided the purchaser meets all applica-43 ble requirements, which sale shall be subject to sales and compensating 44 use tax as imposed by section eleven hundred five of the tax law. The 45 authorization for the establishment of a new premises or sale of the 46 additional license under this subdivision shall expire three years from 47 the effective date of this subdivision. § 4. Section 83 of the alcoholic beverage control law is amended by 48 49 adding a new subdivision 10 to read as follows: 50 10. The annual fee for a grocery or drug store wine license pursuant 51 to section seventy-nine-e of this article shall be one hundred ten dollars. Where, however, the applicant is the holder of two or more such 52 licenses, the annual fee for each additional license shall be double the 53

54 <u>amount hereinabove set forth.</u>

1 § 5. Subdivision 2-a of section 100 of the alcoholic beverage control 2 law, as amended by chapter 249 of the laws of 2002, is amended to read 3 as follows:

4 2-a. No retailer shall employ, or permit to be employed, or shall 5 suffer to work, on any premises licensed for retail sale hereunder, any б person under the age of eighteen years, as a hostess, waitress, waiter, 7 or in any other capacity where the duties of such person require or 8 permit such person to sell, dispense or handle alcoholic beverages; 9 except that: (1) any person under the age of eighteen years and employed 10 by any person holding a grocery or drug store beer license shall be permitted to handle and deliver beer and wine products for such licen-11 see, (2) any person under the age of eighteen employed as a cashier by a 12 13 person holding a grocery or drug store beer license shall be permitted 14 to record and receive payment for beer and wine product sales when in 15 the presence of and under the direct supervision of a person eighteen 16 years of age or over, (2-a) any person under the age of eighteen years 17 and employed by a person holding a grocery store or drug store beer 18 license as either a cashier or in any other position to which handling 19 of containers which may have held alcoholic beverages is necessary, 20 shall be permitted to handle the containers if such have been presented 21 for redemption in accordance with the provisions of title ten of article twenty-seven of the environmental conservation law, [and] (3) any person 22 under the age of eighteen years employed as a dishwasher, busboy, or 23 other such position as to which handling of containers which may have 24 25 held alcoholic beverages is necessary shall be permitted to do so under 26 the direct supervision of a person of legal age to purchase alcoholic 27 beverages in the state, (4) any person under the age of eighteen years and employed by any person holding a grocery or drug store wine license 28 29 shall be permitted to handle and deliver wine for such licensee, and (5) 30 any person under the age of eighteen employed as a cashier by a person 31 holding a grocery or drug store wine license shall be permitted to 32 record and receive payment for wine when in the presence of and under 33 the direct supervision of a person eighteen years of age or over. 34 § 6. Section 100 of the alcoholic beverage control law is amended by 35 adding a new subdivision 2-c to read as follows: 36 2-c. No person shall sell, deliver or give away or cause or permit or 37 procure to be sold, delivered or given away any alcoholic beverages to 38 any person, actually or apparently, under the age of twenty-one years. 39 As a precondition to the sale of any alcoholic beverage, the purchaser 40 of any alcoholic beverage must provide written evidence of age. No 41 licensee, or agent or employee of a licensee under this chapter, shall 42 accept as written evidence of age by any such person for the purchase of 43 any alcoholic beverage, any documentation other than: (a) a valid driver's license or non-driver identification card issued by the commission-44 45 er of motor vehicles, the federal government, any United States territo-46 ry, commonwealth or possession, the District of Columbia, a state

47 government within the United States or a provincial government of the 48 dominion of Canada, or (b) a valid passport issued by the United States 49 government or any other country, or (c) an identification card issued by 50 the armed forces of the United States.

51 § 7. Paragraph (a) of subdivision 14 of section 105 of the alcoholic 52 beverage control law, as amended by section 1 of part U of chapter 63 of 53 the laws of 2003, is amended to read as follows:

54 (a) No premises licensed to sell liquor and/or wine for off-premises 55 consumption shall be permitted to remain open:

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(i) On Sunday before [twelve o'clock post meridian] eight o'clock
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   antemeridian and after nine o'clock post meridian.
      (ii) On any day between [midnight and] three o'clock antemeridian and
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   eight o'clock antemeridian.
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      [(iii) On the twenty-fifth day of December, known as Christmas day.]
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      In any community where daylight saving time is in effect, such time
    shall be deemed the standard time for the purpose of this subdivision.
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      § 8. Section 105 of the alcoholic beverage control law is amended by
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   adding a new subdivision 24 to read as follows:
     24. Cooperative agreements by licensees to sell at retail for consump-
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   tion on the premises. Any two or more retail licensees for off-premises
   consumption may join in a cooperative agreement to make joint purchases
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   of alcoholic beverages in larger quantities than might otherwise be
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   purchased; provided, however, that all alcoholic beverages purchased
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   pursuant to any such agreement shall be distributed to none other than a
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   licensee who is a party to such agreement.
      § 9. Subdivisions 3-a and 3-b of section 102 of the alcoholic beverage
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   control law, as amended by chapter 458 of the laws of 1993, are amended
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   to read as follows:
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      3-a. No licensee or permittee shall purchase or agree to purchase any
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   alcoholic beverages from any person within the state who is not duly
   licensed to sell such alcoholic beverage as the case may be, at the time
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   of such agreement and sale nor give any order for any alcoholic beverage
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   to any individual who is not the holder of a solicitor's permit, except
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   as provided for in section eighty-five [or ], ninety-nine-g, or seventy-
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   nine-e, or subdivision ten of section sixty-three of this chapter.
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      3-b. No retail licensee shall purchase, agree to purchase or receive
   any alcoholic beverage except from a person duly licensed within the
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   state by the liquor authority to sell such alcoholic beverage at the
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   time of such agreement and sale to such retail licensee, except as
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   provided for in section eighty-five [er], ninety-nine-q, or seventy-
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   nine-e, or subdivision ten of section sixty-three of this chapter.
      § 10. Subdivision 2 of section 79 of the alcoholic beverage control
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   law is amended to read as follows:
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      2. [Not more than one license shall be] Nothing in this section shall
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   be construed to prohibit multiple licenses from being granted to
                                                                       any
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   person under this section.
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      § 11. Subdivision 2 of section 105 of the alcoholic beverage control
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   law is REPEALED.
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      § 12. Subdivision 7 of section 105 of the alcoholic beverage control
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   law is REPEALED.
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        13. The alcoholic beverage control law is amended by adding a new
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   section 79-e to read as follows:
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      § 79-e. Grocery or drug store wine license. 1. Any person may apply to
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   the authority for a license to sell from the licensed premises wine in
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   sealed containers for consumption off such premises.
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     2. No such license shall be issued, however, to any person for any
   premises other than a grocery store, as defined in subdivision thirteen
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   of section three of this chapter, or a drug store, as defined in subdi-
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   vision twelve of section three of this chapter.
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      3. (a) Notwithstanding any other provision of this chapter, except for
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   good cause shown, the authority shall issue a grocery or drug store wine
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   license to the holder of a license to sell beer at retail for consump-
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   tion off the premises pursuant to section fifty-four of this chapter, or
   beer and wine products at retail for consumption off the premises pursu-
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   ant to section fifty-four-a of this chapter, at the request of such
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1	licensee, or to the holder of a wholesaler's license issued or renewe
2	prior to July first, nineteen hundred sixty, and thereafter renewed of
3	transferred, which authorizes the holder thereof to sell beer at retain
4	to a person for consumption in his or her home.
5	(b) For the purposes of this subdivision, the premises of the grocer
6	or drug store wine licensee shall be the same as the premises license
7	under section fifty-four or fifty-four-a of this chapter.
8	(c) Notwithstanding any other provisions of this chapter, any licens
9	issued pursuant to this section shall run concurrently with the underly
10	ing license under section fifty-four or fifty-four-a of this chapter
11	and shall be deemed expired at such time as the underlying licens
12^{11}	expires.
13	(d) Wine tasting. Any person licensed to sell wine pursuant to thi
14	article shall be permitted to conduct wine tastings. Wine tastings which
15	are conducted under the auspices of an official agent of a farm winery
16	winery, wholesaler, or importer and where such agent is physically pres
17	ent at all times during the conduct of the tasting, then, in that event
18	any liability stemming from a right of action resulting from a wir
19	tasting as authorized pursuant to this section, and in accordance wit
20	the provisions of sections 11-100 and 11-101 of the general obligation
21	law, shall accrue to the farm winery, winery, wholesaler, or importer.
22	4. Notwithstanding any other provision of this chapter, the authorit
23	may issue a license under this section to the holder of a license t
24	sell wine at retail for consumption off the premises pursuant to section
25	seventy-nine of this article, provided that: (a) the licensee meets the
26	requirements of subdivision two of this section; and (b) upon issuance
27	of a license, the licensee under this section surrenders the license
28	certificate issued pursuant to such section seventy-nine.
29	5. Such application shall be in such form and shall contain suc
30	information as shall be required by the rules of the authority and shall
31	be accompanied by a check or draft in the amount required by this arti
32	<u>cle for such license.</u>
33	6. Notwithstanding any other provisions of this chapter, any perso
34	receiving a license pursuant to this section shall not be subject to the
35	provisions of subdivision two, three or four of section seventy-nine of
36	this article.
37	7. Notwithstanding any other provisions of this chapter, any perso
38	receiving a license pursuant to this section shall not be subject to the
39	provisions of paragraph (a) of subdivision three of section one hundred
40	five of this chapter.
41	8. (a) A one-time franchise fee shall be paid for by each retain
42	outlet to the state liquor authority. This franchise fee is hereb
43	imposed at a rate of 0.46 of one percent of the total gross sales at the
44	individual licensed premises of the licensee in the previous year.
45	(b) In the event an applicant has been in business for less that
46	twelve months prior to the filing of the application for this license
47	such applicant shall, in accordance with the rules of the authority
48	remit an estimate of its franchise fee based on square footage at
49	licensee's location pursuant to the following schedule:
50	Square Footage at Franchise Fee
51	Licensee's Location Per Location
52	<u>0-999</u> <u>\$825</u>
53	
55	1,000-1,999 \$1,650
54	$\frac{1,000-1,999}{2,000-3,999}$ $\frac{$1,650}{53,300}$
54 55	<u>2,000-3,999</u> <u>\$3,300</u>
54 55 56	

1	20,000-24,999	<u>\$33,000</u>
2	<u>25,000-29,999</u>	<u>\$82,500</u>
3	<u>30,000-39,999</u>	<u>\$132,000</u>
4	40,000 and greater	<u>\$495,000</u>

5 Within sixty days after such licensee shall have been in business for б twelve months, such licensee shall submit to the authority, in accord-7 ance with the rules of the authority, a statement showing its actual 8 total gross sales for the first twelve months of operation and the fran-9 chise fee due pursuant to paragraph (a) of this subdivision. In the 10 event the franchise fee determined pursuant to such paragraph exceeds the amount paid pursuant to this paragraph, the licensee shall remit 11 payment for the balance of the required franchise fee within such 12 13 sixty-day period. Failure to remit payment within such sixty-day period 14 shall be grounds for cancellation or revocation of such license. In the event that the franchise fee due pursuant to paragraph (a) of this 15 16 subdivision is less than the amount paid pursuant to this paragraph, the 17 licensee shall be entitled to a refund equal to the difference between the franchise fee paid pursuant to this paragraph and the amount due 18 19 pursuant to paragraph (a) of this subdivision.

20 (c) No license shall be issued pursuant to this section until the 21 franchise fee or estimated franchise fee under this subdivision required 22 by either paragraph (a) or (b) of this subdivision has been paid in 23 full.

24 (d) The franchise fee shall be deposited and disposed of in the same 25 manner as any license fee as provided in section one hundred twenty-five 26 of this chapter.

9. (a) Any person licensed to sell wine pursuant to this article that operates the premises of the grocery or drug store wine licensee that occupies less than one thousand square feet may purchase, agree to purchase or receive any alcoholic beverage from a person licensed under section sixty-three of this chapter to sell liquor at retail for consumption off the premises.

(b) Any person licensed to sell wine at retail for consumption off the premises under section seventy-nine of this article is authorized to sell wine to persons licensed to sell wine under this article and this section who operate the premises of the grocery or drug store wine licensee that occupies less than one thousand square feet.

38 <u>10. The state liquor authority may make such rules as it deems neces-</u> 39 <u>sary to carry out the provisions of this section, however, such rules</u> 40 <u>shall not be construed to place additional limitations upon the holders</u> 41 <u>of licenses issued pursuant to section seventy-nine of this article</u> 42 <u>unrelated to the sale of wine.</u>

43 § 14. Subdivision 10 of section 105 of the alcoholic beverage control 44 law, paragraph (a) as amended by chapter 679 of the laws of 1950, is 45 amended to read as follows:

10. [(a)] Each retail licensee of liquor and/or wine for off-premises consumption shall have conspicuously displayed within the interior of the licensed premises where sales are made and where it can be readily inspected by consumers a printed price list of the liquors and/or wines offered for sale therein; and no liquor and/or wine shall be sold except at the price set forth in such list[+

52 (b) No screen, blind, curtain, partition, article or thing shall be

53 permitted in the windows or upon the doors of such licensed premises, 54 which shall prevent a clear view into the interior of such licensed

55 premises from the sidewalk, at all times; and

 etcl in the interior of said licensed premises]. § 15. The alcoholic beverage control law is amended by adding a new section 97-c to read as follows: § 97-c. Temporary retail permit for new applicants. 1. The authority is hereby authorized to issue a temporary retail permit to an applicant of a premises that is not licensed when the applicant has filed with the authority an application for a retail license at such premises or has filed renewal of such license. Such application shall be in writing and verified and shall contain information as the authority shall require. Such application shall be accompanied by a filing fee of seventy-five dollars. 2. Upon application, the authority shall issue a temporary retail permit when the applicant has filed with the authority an application for a retail license at such premises or a renewal thereof, together with all required filing and license fees. A temporary permit issued by the authority, for an additional thirty days. 3. Pursuant to this section shall be for a period not to exceed ninety days. A temporary permit may be extended at the discretion of the authority. for an additional thirty days. 3. Pursuant to this section sixty-four. Subdivision seven of section sixty-four-d or subdivision three of section on bundred five of this chapter. 4. A temporary retail permit is a conditional permit and shall authorize the holder thereof to. in the case of all other resale; and to purchase and sell such alcoholic beverages and word mod for resale; and to purchase and sell such alcoholic beverages on the attemporary permit may be summarily concellation or suspension and shall authorize to subdivision diver for subdivision of law. A temporary permit may be subdivision three of section on bundred five of this chapter. 4. A temporary retail permit is a conditional permit and shall authorize the holder thereof to. in the case of all other resale; and to purchase and sell such alcoholic beverages and	1	(c) No booth, screen, partition or other obstruction shall be permit-
 § 15. The alcoholic beverage control law is amended by adding a new section 97-c to read as follows: § 97-c. Temporary retail permit for new applicants. 1. The authority is hereby authorized to issue a temporary retail permit to an applicant to a applicant has filed with the authority an application for a retail license at such premises or has filed renewal of such license. Such application shall be in writing and verified and shall contain information as the authority shall requires. Such application shall be in application application, shall be accompanied by a filing fee of seventy-five dollars. 2. Upon application, the authority shall issue a temporary retail permit when the applicant has filed with the authority an application of the authority an application and license fees. A temporary permit issue by the authority purguant to this section shall be for a period not to exceed ninety days. A temporary retail permit may not be issued for any premises that is in violation of the provisions of subdivision five of section sixty-four-b, subdivision eleven of section sixty-four-b, subdivision eleven of subdivision five of section one hundred five of this chapter. 4. A temporary retail permit is a conditional permit and shall authorizes and sold under the privileses of the license applied for. to sell alcoholic beverages to consumers only and not for resale: and to purchase and sold under the priviles of the authority determited. 5. Notwithstanding any other provision of law, a temporary permit may be summarily concellation or suppension exists. The authority determites that application or supprises for a subdivision five or section sixty-four-d. 6. Approval of, or extension of, a temporary retail permit may the suthority shall promptly notify the holder of a temporary permit is such premises. 8. Notwithstanding any other provision of law to the contary. 9. Notwithstanding any cher provision of law to the conta	1	
 section 97-c to read as follows: § 97-c. Temporary retail permit for new applicants. 1. The authority is hereby authorized to issue a temporary retail permit to an applicant of a premises that is not license at such premises or has filed renewal of such license. Such application shall be in writing and verified and shall contain information as the authority shall require. Such application, the authority shall issue a temporary retail permit when the applicant has filed with the authority an application for a retail license at such premises or a renewal thereof, together with all required filing and license fees. A temporary permit issued by the authority pursuant to this section shall be for a period not to exceed ninety days. A temporary permit may be extended at the discretion of the authority, for an additional thirty days. Pursuant to this section sixty-four, subdivision seven of section sixty-four-d, subdivision three of section sixty-four-d, subdivision there of section sixty-four-d, subdivision they new nof section sixty-four-d, subdivision they new nof section a lace of this chapter. 4 the holder thereof to, in the case of all other retail applications, purchase and sell scoth calced of the verses to such application. purchase and sell such a suppression of law, a temporary permit may be summarily cancelled or suppended at any division as a temporary permit and shall authorize the holder thereof to, in the case of all other retail applications, purchase and subdivision of suppression or before they are delivered to such premises. purchase and sell such alcoholic beverages as would be permitted to be purchase and sell such alcoholic beverages as would be permit and the rease. purchase and sell such accenter provision of law, a temporary permit may be summarily cancellator or suspension and shall set forth the rease. su		
 § 97-c. Temporary retail permit for new applicants. 1. The authority is hereby authorized to issue a temporary retail permit to an applicant of a premises that is not licensed when the applicant has filed with the authority an application for a retail license at such premises or has filed renewal of such license. Such application shall be in writing and verified and shall contain information as the authority shall require. Such application, the authority shall issue a temporary retail permit when the applicant has filed with the authority an application for a retail license at such premises or a remewal thereof, together with all required filing and license fees. A temporary permit issue by the authority pursuant to this section shall be for a period not to exceed ninety days. A temporary permit may be extended at the discretion of the authority four, subdivision of the provisions of subdi- vision seven of section sixty-four. Subdivision seven of section sixty-four- ize the holder thereof to, in the case of all other retail applications. Purchase and sell such alcoholic beverages as would be permitted to be purchase and sell such alcoholic beverages as would be permitted to premises. The authority days of the provision of the authority termine is a conditional permit and shall author is such as sell such alcoholic beverages as would be permitted to be purchase and sell such alcoholic beverages as would be permitted to pre- ises. S. Notwithstanding any other provision of law, a temporary permit may be summarily cancelled or suspended at any time if the authority deter- index that of such licenses to consumers only and net for resale! and to purchase alcoholic beverages on or before they are delivered to such for the authority shall promptly notify the holder of a temporary permit may be summarily cancelled or suspended at any time if the authority deter- index that good cause for such cancellation or suspension and shall set forth the reasons for such accellation or suspension and shall set forth th		
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four-a, subdivision five of section sixty-four-b, subdivision eleven of section sixty-four-c, subdivision eight of section sixty-four-d or subdivision three of section one hundred five of this chapter. 4. A temporary retail permit is a conditional permit and shall authorize the holder thereof to, in the case of all other retail applications, purchase and sell such alcoholic beverages as would be permitted to be purchased and sold under the privileges of the license applied for: to sell alcoholic beverages to consumers only and not for resale; and to purchase alcoholic beverages on or before they are delivered to such premaises. 5. Notwithstanding any other provision of law, a temporary permit may be summarily cancelled or suspended at any time if the authority determines that good cause for such cancellation or suspension exists. The authority shall promptly notify the holder of a temporary permit in writing of such action. 6. Approval of, or extension of, a temporary retail license shall not be deemed as an approval of the retail application. 7. Notwithstanding any inconsistent provision of law to the contrary, the authority may promulgate such rules and regulations as may be necessist. 8 16. Paragraph (b) of subdivision 3 of section 101-b of the alcoholic beverage control law, as amended by section 1 of part E of chapter 56 of the laws of 2006, is amended to read as follows: (b) No brand of liguor or wine shall be sold to or purchased by a retailer unless a schedule, as provided by this section, is transmitted to the authority may direct; shall be deemed duly verified by the person submitting such schedule upon its transmission to the authority; and shall contain, with respect to each item, the exact 5 brand or trade name, capacity of package, nature of contents, age and	21	issued for any premises that is in violation of the provisions of subdi-
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56 proof where stated on the label, the number of bottles contained in each	56	proof where stated on the label, the number of bottles contained in each

1 case, the bottle and case price to retailers, the net bottle and case price paid by the seller, which prices, in each instance, shall be indi-2 vidual for each item and not in "combination" with any other item, the 3 4 discounts for quantity, if any, and the discounts for time of payment, 5 if any. For purposes of this paragraph, in regards to premises licensed б under section sixty-three of this chapter, "combination" shall not 7 include wines provided by the same vineyard or distributor to a retailer 8 and where such wines may be different. Such brand of liquor or wine 9 shall not be sold to retailers except at the price and discounts then in 10 effect unless prior written permission of the authority is granted for 11 good cause shown and for reasons not inconsistent with the purpose of this chapter. Such schedule shall be transmitted by each manufacturer 12 selling such brand to retailers and by each wholesaler selling such 13 14 brand to retailers.

15 § 17. This act shall take effect on the one hundred eightieth day 16 after it shall have become a law, provided, however, section two-a of 17 this act shall take effect on the same date and in the same manner as 18 part H of chapter 58 of the laws of 2019, takes effect.