

# STATE OF NEW YORK

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4661

2019-2020 Regular Sessions

## IN SENATE

March 20, 2019

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Introduced by Sen. KAMINSKY -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the alcoholic beverage control law, in relation to requiring certain licenses to brew or sell beer to include the certificate of authority number

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

1 Section 1. Subdivision 1 of section 51 of the alcoholic beverage  
2 control law, as amended by chapter 361 of the laws of 1994, is amended  
3 to read as follows:

4 1. Any person may apply to the liquor authority for a license to brew  
5 beer within this state for sale. Such application shall be in writing  
6 and verified and shall contain such information as the liquor authority  
7 shall require. Such application shall be accompanied by a check or draft  
8 for the amount required by this article for such license. If the liquor  
9 authority shall grant the application, it shall issue a license in such  
10 form as shall be determined by its rules. Such license shall contain a  
11 description of the licensed premises and in form and in substance shall  
12 be a license to the person therein specifically designated to brew beer  
13 in the premises therein specifically licensed. Such a license shall also  
14 contain the certificate of authority number.

15 § 2. Section 53 of the alcoholic beverage control law, as amended by  
16 chapter 361 of the laws of 1994, is amended to read as follows:

17 § 53. Wholesaler's license. Any person may apply to the liquor  
18 authority for a license to sell beer at wholesale. Such application  
19 shall be in writing and verified and shall contain such information as  
20 the liquor authority shall require. Such application shall be accompa-  
21 nied by a check or draft for the amount required by this article for  
22 such license. If the liquor authority shall grant the application it  
23 shall issue a license in such form as shall be determined by its rules.

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

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1 Such a license shall contain a description of the licensed premises and  
2 in form and in substance shall be a license to the person therein  
3 specifically designated to sell beer at wholesale in the premises there-  
4 in specifically licensed to duly licensed wholesalers, retailers and  
5 permittees in this state, and to sell or deliver beer to persons outside  
6 the state pursuant to the laws of the place of such sale or delivery.

7 Such a license shall also contain the certificate of authority number. A  
8 wholesaler's license issued or renewed prior to July first, nineteen  
9 hundred sixty, and thereafter renewed or transferred, shall authorize  
10 the holder thereof to sell beer at retail to a person for consumption in  
11 his home; provided, however, that regardless of the date issued, renewed  
12 or transferred, a wholesaler's license issued to a brewer or to the  
13 wholly-owned subsidiary of a brewer, shall authorize the holder thereof  
14 to sell beer at retail to a person for consumption in his home.

15 § 3. Section 53-a of the alcoholic beverage control law, as amended by  
16 chapter 361 of the laws of 1994, is amended to read as follows:

17 § 53-a. Vendor's license. In cities having a population of one  
18 million or more, any individual person may apply for a license to sell  
19 beer as a vendor. Such application shall be in writing, and verified,  
20 and shall contain such information as the liquor authority shall  
21 require. Such application shall be accompanied by a check or draft for  
22 the amount required by this article for such license. If the liquor  
23 authority shall grant the application it shall issue a license in such  
24 form as shall be determined by its rules. Such a license shall contain a  
25 description of the licensed premises and in form and in substance shall  
26 be a license to the person therein specifically designated to sell beer  
27 as a vendor in cities having a population of one million or more only,  
28 from the premises therein specifically licensed. Such a license shall  
29 also contain the certificate of authority number. A vendor's license  
30 shall authorize the holder thereof to sell beer at retail to be deliv-  
31 ered by such vendor to a person for consumption in his home and shall  
32 authorize the holder thereof to operate one vehicle for the delivery of  
33 beer, but shall not authorize the sale to any person or licensee for  
34 resale.

35 § 4. Subdivision 5 of section 54 of the alcoholic beverage control law  
36 is amended to read as follows:

37 5. Such license shall contain a description of the licensed premises  
38 and in form and in substance shall be a license to the person specif-  
39 ically designated therein to sell beer at retail in the premises specif-  
40 ically licensed, not to be consumed upon said premises. Such a license  
41 shall also contain the certificate of authority number.

42 § 5. Subdivision 3 of section 54-a of the alcoholic beverage control  
43 law, as added by chapter 235 of the laws of 1987, is amended to read as  
44 follows:

45 3. Such license shall contain a description of the licensed premises  
46 and in form and in substance shall be a license to the person specif-  
47 ically designated therein to sell beer and wine products at retail in  
48 the premises specifically licensed, not to be consumed upon said prem-  
49 ises. Such a license shall also contain the certificate of authority  
50 number.

51 § 6. Subdivision 2 of section 55 of the alcoholic beverage control law  
52 is amended to read as follows:

53 2. Such a license shall contain a description of the licensed premises  
54 and in form and in substance shall be a license to the person therein  
55 specifically designated to sell beer in the premises therein specif-  
56 ically licensed, at retail, to be consumed upon such premises. Such

1 license shall also include the privilege of selling beer at retail to be  
2 consumed off the premises. Such a license shall also contain the certif-  
3 icate of authority number.  
4 § 7. This act shall take effect immediately.