STATE OF NEW YORK

6451

2019-2020 Regular Sessions

IN SENATE

June 11, 2019

Introduced by Sen. BENJAMIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the alcoholic beverage control law, in relation to licensing restrictions for manufacturers and wholesalers of alcoholic beverages on licensees who sell at retail for on-premises consumption; and providing for the repeal of certain provisions upon expiration thereof

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

Section 1. Section 101 of the alcoholic beverage control law is amended by adding a new subdivision 1-a to read as follows:

1-a. The provisions of paragraph (a) of subdivision one of this section shall not apply to any licensed manufacturer or wholesaler located on the second floor of premises in the borough of Manhattan, city, county and state of New York, bounded and described as follows: Beginning at the corner formed by the intersection of the southerly side of West 16th Street with the westerly side of 10th Avenue; running thence westerly along the said southerly side of West 16th Street, 262 feet 5-1/4 inches to the corner formed by the intersection of the southerly side of West 16th Street with the easterly side of 11th Avenue (formerly Marginal Street); running thence southeasterly along the easterly side of said 11th Avenue (formerly Marginal Street) 221 feet 4-1/2 inches to the corner formed by the intersection of said easterly side of 11th Avenue (formerly Marginal Street) with the northerly side of said West 15th Street; running thence easterly along the northerly side of West 15th Street, 182 feet 8 inches to the corner formed by the intersection of said northerly side of West 15th Street with the said westerly side of 10th Avenue; running thence northerly along said westerly side of 10th Avenue, 206 feet 6 inches to the point or place of beginning. Provided, however, that with respect to such manufacturer's or wholesaler's interest in a retail licensee located at premises described

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

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in paragraph (a-1) of subdivision thirteen of section one hundred six of this article: (i) such interest must have been acquired prior to the effective date of the chapter of the laws of two thousand nineteen which added this subdivision; (ii) such manufacturer or wholesaler may not sell alcoholic beverages directly to such retail licensee; and (iii) no more than fifteen percent of the annual dollar value of alcoholic beverages purchased by such retail licensee for sale on the premises may be produced by any such manufacturer.

§ 2. Section 101 of the alcoholic beverage control law is amended by adding a new subdivision 1-a to read as follows:

1-a. The provisions of paragraph (a) of subdivision one of this section shall not apply to any licensed manufacturer or wholesaler located on the 35th floor of premises in the borough of Manhattan, city, county and state of New York, bounded and described as follows: beginning at the corner formed by the intersection of the easterly side of Washington Street and the southerly side of Barclay Street; running thence easterly along the southerly side of Barclay Street, the following three (3) courses and distances: (1) South 88 degrees 37 minutes 20 seconds East 161.04 feet; (2) South 88 degrees 39 minutes 01 seconds East 67.81 feet; and (3) South 88 degrees 36 minutes 50 seconds East 112.04 feet to the corner formed by the intersection of the southerly side of Barclay Street and the westerly side of West Broadway; thence southerly along the westerly side of West Broadway, the following three (3) courses and distances: (1) South 13 degrees 29 minutes 10 seconds West 33.54 feet; (2) South 88 degrees 37 minutes 31 seconds East 7.16 feet; and (3) South 13 degrees 29 minutes 10 seconds West 172.20 feet to the corner formed by the intersection of the westerly side of West Broadway and the northerly side of Vesey Street; thence westerly along the northerly side of Vesey Street, North 88 degrees 37 minutes 31 seconds West 233.48 feet to the corner formed by the intersection of the northerly side of Vesey Street and the easterly side of Washington Street; and thence northerly along the easterly side of Washington Street, North 18 degrees 10 minutes 00 seconds West 213.45 feet to the point or place of beginning. Provided, however that, with respect to such manufacturer's or wholesaler's interest in a retail licensee located at premises described in paragraph (a-1) of subdivision thirteen of section one hundred six of this article: (i) such interest must have been acquired prior to the effective date of the chapter of the laws of two thousand nineteen which added this subdivision; (ii) such manufacturer or wholesaler may not sell alcoholic beverages directly to such retail licensee; and (iii) no more than fifteen percent of the annual dollar value of alcoholic beverages purchased by such retail licensee for sale on the premises may be produced by any such manufacturer.

§ 3. Subdivision 13 of section 106 of the alcoholic beverage control law is amended by adding a new paragraph (a-1) to read as follows:

(a-1) The provisions of paragraph (a) of this subdivision shall not apply to the holder of a retail on-premises consumption license issued for a premises located in the borough of Manhattan, city, county and state of New York, bounded and described as follows: Beginning at a point on the northerly side of 52nd Street, distant 375 feet westerly from the northwesterly corner of 52nd Street and Fifth Avenue; running thence northerly parallel with Fifth Avenue and part of the way through a party wall, 75 feet 5 inches; thence westerly parallel with the northerly side of 52nd Street, 11 feet 2-3/4 inches; thence northerly parallel with Fifth Avenue, 25 feet to the center line of the block; thence easterly along said center line of the block, 71 feet 2-3/4 inches;

thence southerly parallel with Fifth Avenue and part of the way through a party wall, 100 feet 5 inches to the northerly side of 52nd Street; thence westerly along the northerly side of 52nd Street, 60 feet to the point or place of beginning. Provided, however, that with respect to such retail licensee's interest in a business engaged in the manufacture or sale at wholesale of alcoholic beverages described in subdivision 1-a of section one hundred one of this article: such interest must have been acquired prior to the effective date of the chapter of the laws of two thousand nineteen which added this paragraph; (ii) such retail licensee may not purchase alcoholic beverages directly from any such manufacturer or wholesaler; and (iii) no more than fifteen percent of the annual dollar value of alcoholic beverages purchased by such retail licensee for sale on the premises may be produced by any such manufacturer.

§ 4. This act shall take effect immediately; provided, however, that the provisions of section one of this act shall expire and be deemed repealed April 1, 2021, when upon such date the provisions of section two of this act shall take effect.