STATE OF NEW YORK

8565

IN SENATE

June 16, 2020

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 authorizing retail licensees for on-premises consumption to sell and/or deliver alcoholic beverages for consumption off the premises

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

Section 1. Subdivision 3 of section 106 of the alcoholic beverage control law, as amended by chapter 297 of the laws of 2016, is amended and a new subdivision 3-a is added to read as follows:

3. [~~No~~] **Except as provided in subdivision three-a of this section, no** retail licensee for on-premises consumption shall sell, deliver or give away, or cause or permit or procure to be sold, delivered or given away any liquors and/or wines for consumption off the premises where sold. The provisions of this subdivision shall not prohibit a licensed winery or farm winery from allowing a patron to leave the winery or farm winery with a partially consumed bottle of wine provided that the removal of the bottle is done in accordance with subdivision four of section eighty-one of this chapter.

3-a. (a) Notwithstanding any other provision of law to the contrary, a retail licensee for on-premises consumption, upon approval by the authority, may sell and/or deliver certain alcoholic beverages containing wine, mead, or liquor for consumption off the premises where sold. Such licensee may only sell and/or deliver for consumption off the premises alcoholic beverages containing wine, mead, or liquor for which such licensee is licensed to sell for consumption on the premises.

(b) A retail licensee for on-premises consumption shall only permit the sale or delivery of alcoholic beverages containing wine, mead, or liquor:

(i) with the purchase of food;

(ii) in any closed or sealed container not to exceed five fluid ounces per container for wine or mead, thirty-two fluid ounces per container for wine or mead mixed with non-alcoholic beverages, and ten fluid ounces per container for liquor mixed with non-alcoholic beverages, provided

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

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such sale or delivery is consistent with municipal open container ordinances; and

(iii) during licensed hours of operation.

(c) Deliveries shall be made in:

(i) a vehicle permitted by the authority; or

(ii) a vehicle owned and operated by a retail licensee or its employee provided the person making the delivery shall have upon his or her person while so delivering a copy of the current license issued by the authority.

(d) Nothing in this subdivision shall be construed to abrogate the ability of a retail licensee for on-premises consumption to sell beer or cider for consumption off the premises as provided for in this chapter.

§ 2. This act shall take effect immediately.