STATE OF NEW YORK

2404

2021-2022 Regular Sessions

IN ASSEMBLY

January 19, 2021

Introduced by M. of A. HYNDMAN -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to membership warehouse stores

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

Section 1. Subdivision 20-a of section 3 of the alcoholic beverage control law is renumbered subdivision 20-h and a new subdivision 20-a is added to read as follows:

20-a. "Membership warehouse retailer" means and includes any store primarily engaged in the retail sale of a general line of groceries, which may include apparel, furniture and appliances which limits access to members of the club including businesses and individuals who are subject to pay a fee or premium to shop in the club.

§ 2. Section 100 of the alcoholic beverage control law is amended by adding a new subdivision 2-c to read as follows:

2-c. (a) No membership warehouse retailer shall sell, or knowingly agree to sell, or sell by omission, any alcoholic beverage to a retailer who presents a corporate or business, debit, credit, or membership card bearing the name of a retailer at the point of sale. The first violation of this subdivision shall result in a written notice of violation and warning from the liquor authority. A second violation of this subdivision shall result in a suspension and imposition of a civil penalty pursuant to section one hundred eighteen of this article. A third violation of this subdivision shall result in a revocation, or cancellation of a license to sell alcoholic beverages pursuant to section one hundred eighteen of this article.

(b) The acceptance by a membership warehouse retailer of a corporate or business, debit, credit, or membership card that has sufficient indicia of an association with a retailer is a willful intent to violate the law within this subdivision.

§ 3. This act shall take effect immediately.

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

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