STATE OF NEW YORK

5153

2021-2022 Regular Sessions

IN ASSEMBLY

February 11, 2021

Introduced by M. of A. BENEDETTO, WOERNER, GRIFFIN, ROZIC, JEAN-PIERRE, REYES, STERN -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to enacting the "beverage industry jobs act" relating to the shipment of alcoholic beverages into the state

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

Section 1. This act shall be known and may be cited as the "beverage industry jobs act".

§ 2. Legislative purpose. The legislature finds and declares that the proper regulation and control of the manufacture, sale and distribution of alcoholic beverages is in the best interest of the citizens of New York state. The legislature also believes it is in the interest of the citizens of New York state to promote and support the state's wine and craft spirits industry, a growing industry that is helping to revive local economies in many areas of the state. Helping the producers of alcoholic beverages while ensuring that all taxes are properly paid on all wine and liquor sales in the state will increase economic activity in the city and state, ensure that jobs that have left the state as a result of the lack of such a law will return to the state and will increase tax revenue for the state that is currently going unpaid and unaudited.

§ 3. Paragraph (a) of subdivision 1 of section 102 of the alcoholic beverage control law, as amended by chapter 210 of the laws of 2005, is amended and a new paragraph (a-1) is added to read as follows:

(a) Except as provided in section seventy-nine-c of this chapter, no alcoholic beverages shall be shipped into the state unless the same shall be consigned to a person duly licensed hereunder to traffic in alcoholic beverages. **No such alcoholic beverages shall be delivered to a retail licensee other than from inventory stored at a premises or ware-**

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

LBD01263-01-1

house located in this state that is owned, rented or leased by a wholesaler licensed by the state of New York. Such inventory shall be deemed to include only alcoholic beverages which shall have been stored in such premises or warehouse for a period of at least twenty-four continuous hours. This prohibition shall apply to all shipments of alcoholic beverages into New York state and includes importation or distribution for commercial purposes, for personal use, or otherwise, and irrespective of whether such alcoholic beverages were purchased within or without the state, provided, however, this prohibition shall not apply to any shipment consigned to a New York resident who has personally purchased alcoholic beverages for his personal use while outside the United States for a minimum period of forty-eight consecutive hours and which he has shipped as consignor to himself as consignee. Purchases made outside the United States by persons other than the purchaser himself, regardless whether made as his agent, or by his authorization or on his behalf, are deemed not to have been personally purchased within the meaning of this paragraph.

(a-1) Any wine or distilled spirits produced in the state of New York are deemed to be in compliance with the requirements of paragraph (a) of this subdivision.

§ 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.