

# STATE OF NEW YORK

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386

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

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Introduced by Sen. KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

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:

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

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

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

19 (a) Except as provided in section seventy-nine-c of this chapter, no  
20 alcoholic beverages shall be shipped into the state unless the same  
21 shall be consigned to a person duly licensed hereunder to traffic in  
22 alcoholic beverages. No such alcoholic beverages shall be delivered to a

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

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1 retail licensee other than from inventory stored at a premises or ware-  
2 house located in this state that is owned, rented or leased by a whole-  
3 saler licensed by the state of New York. Such inventory shall be deemed  
4 to include only alcoholic beverages which shall have been stored in such  
5 premises or warehouse for a period of at least twenty-four continuous  
6 hours. This prohibition shall apply to all shipments of alcoholic bever-  
7 ages into New York state and includes importation or distribution for  
8 commercial purposes, for personal use, or otherwise, and irrespective of  
9 whether such alcoholic beverages were purchased within or without the  
10 state, provided, however, this prohibition shall not apply to any ship-  
11 ment consigned to a New York resident who has personally purchased alco-  
12 holic beverages for his personal use while outside the United States for  
13 a minimum period of forty-eight consecutive hours and which he has  
14 shipped as consignor to himself as consignee. Purchases made outside the  
15 United States by persons other than the purchaser himself, regardless  
16 whether made as his agent, or by his authorization or on his behalf, are  
17 deemed not to have been personally purchased within the meaning of this  
18 paragraph.

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

22 § 4. This act shall take effect on the first of January next succeed-  
23 ing the date on which it shall have become a law.