STATE OF NEW YORK

891

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. KAMINSKY -- 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 and the tax law, in relation to certificate of authority numbers

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

Section 1. Subdivision 1 of section 51 of the alcoholic beverage control law, as amended by a chapter of the laws of 2020 amending the alcoholic beverage control law relating to requiring certain licenses to brew or sell beer to include the certificate of authority number, as proposed in legislative bills numbers S. 4661 and A. 6989, is amended to read as follows:

1. Any person may apply to the liquor authority for a license to brew beer within this state for sale. Such application shall be in writing and verified and shall contain such information as the liquor authority shall require. Such application shall be accompanied by a check or draft for the amount required by this article for such license. If the liquor authority shall grant the application, it shall issue a license in such form as shall be determined by its rules. Such license shall contain a description of the licensed premises and in form and in substance shall be a license to the person therein specifically designated to brew beer in the premises therein specifically licensed. [~~Such a license shall also contain the certificate of authority number.~~]

§ 2. Section 53 of the alcoholic beverage control law, as amended by a chapter of the laws of 2020 amending the alcoholic beverage control law relating to requiring certain licenses to brew or sell beer to include the certificate of authority number, as proposed in legislative bills numbers S. 4661 and A. 6989, is amended to read as follows:

§ 53. Wholesaler's license. Any person may apply to the liquor authority for a license to sell beer at wholesale. Such application

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

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shall be in writing and verified and shall contain such information as the liquor authority shall require. Such application shall be accompanied by a check or draft for the amount required by this article for such license. If the liquor authority shall grant the application it shall issue a license in such form as shall be determined by its rules. Such a license shall contain a description of the licensed premises and in form and in substance shall be a license to the person therein specifically designated to sell beer at wholesale in the premises therein specifically licensed to duly licensed wholesalers, retailers and permittees in this state, and to sell or deliver beer to persons outside the state pursuant to the laws of the place of such sale or delivery. [~~Such a license shall also contain the certificate of authority number.~~] A wholesaler's license issued or renewed prior to July first, nineteen hundred sixty, and thereafter renewed or transferred, shall authorize the holder thereof to sell beer at retail to a person for consumption in his home; provided, however, that regardless of the date issued, renewed or transferred, a wholesaler's license issued to a brewer or to the wholly-owned subsidiary of a brewer, shall authorize the holder thereof to sell beer at retail to a person for consumption in his home.

§ 3. Section 53-a of the alcoholic beverage control law, as amended by a chapter of the laws of 2020 amending the alcoholic beverage control law relating to requiring certain licenses to brew or sell beer to include the certificate of authority number, as proposed in legislative bills numbers S. 4661 and A. 6989, is amended to read as follows:

§ 53-a. Vendor's license. In cities having a population of one million or more, any individual person may apply for a license to sell beer as a vendor. Such application shall be in writing, and verified, and shall contain such information as the liquor authority shall require. Such application shall be accompanied by a check or draft for the amount required by this article for such license. If the liquor authority shall grant the application it shall issue a license in such form as shall be determined by its rules. Such a license shall contain a description of the licensed premises and in form and in substance shall be a license to the person therein specifically designated to sell beer as a vendor in cities having a population of one million or more only, from the premises therein specifically licensed. [~~Such a license shall also contain the certificate of authority number.~~] A vendor's license shall authorize the holder thereof to sell beer at retail to be delivered by such vendor to a person for consumption in his home and shall authorize the holder thereof to operate one vehicle for the delivery of beer, but shall not authorize the sale to any person or licensee for resale.

§ 4. Subdivision 5 of section 54 of the alcoholic beverage control law, as amended by a chapter of the laws of 2020 amending the alcoholic beverage control law relating to requiring certain licenses to brew or sell beer to include the certificate of authority number, as proposed in legislative bills numbers S. 4661 and A. 6989, is amended to read as follows:

5. Such license shall contain a description of the licensed premises and in form and in substance shall be a license to the person specifically designated therein to sell beer at retail in the premises specifically licensed, not to be consumed upon said premises. [~~Such a license shall also contain the certificate of authority number.~~]

§ 5. Subdivision 3 of section 54-a of the alcoholic beverage control law, as amended by a chapter of the laws of 2020 amending the alcoholic beverage control law relating to requiring certain licenses to brew or

sell beer to include the certificate of authority number, as proposed in legislative bills numbers S. 4661 and A. 6989, is amended to read as follows:

3. Such license shall contain a description of the licensed premises and in form and in substance shall be a license to the person specifically designated therein to sell beer and wine products at retail in the premises specifically licensed, not to be consumed upon said premises. [~~Such a license shall also contain the certificate of authority number.~~]

§ 6. Subdivision 2 of section 55 of the alcoholic beverage control law, as amended by a chapter of the laws of 2020 amending the alcoholic beverage control law relating to requiring certain licenses to brew or sell beer to include the certificate of authority number, as proposed in legislative bills numbers S. 4661 and A. 6989, is amended to read as follows:

2. Such a license shall contain a description of the licensed premises and in form and in substance shall be a license to the person therein specifically designated to sell beer in the premises therein specifically licensed, at retail, to be consumed upon such premises. Such license shall also include the privilege of selling beer at retail to be consumed off the premises. [~~Such a license shall also contain the certificate of authority number.~~]

§ 7. Subdivision (a) of section 1134 of the tax law is amended by adding a new paragraph 6 to read as follows:

(6) By January first, two thousand twenty-two, the department shall create and maintain a publicly accessible, searchable database containing the certificate of authority number and any corresponding identifying information for each vendor in the state.

§ 8. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2020 amending the alcoholic beverage control law relating to requiring certain licenses to brew or sell beer to include the certificate of authority number, as proposed in legislative bills numbers S. 4661 and A. 6989, takes effect.