

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:

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

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

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

23 § 53. Wholesaler's license. Any person may apply to the liquor
24 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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1 shall be in writing and verified and shall contain such information as
2 the liquor authority shall require. Such application shall be accompa-
3 nied by a check or draft for the amount required by this article for
4 such license. If the liquor authority shall grant the application it
5 shall issue a license in such form as shall be determined by its rules.
6 Such a license shall contain a description of the licensed premises and
7 in form and in substance shall be a license to the person therein
8 specifically designated to sell beer at wholesale in the premises there-
9 in specifically licensed to duly licensed wholesalers, retailers and
10 permittees in this state, and to sell or deliver beer to persons outside
11 the state pursuant to the laws of the place of such sale or delivery.

12 ~~[Such a license shall also contain the certificate of authority number.]~~

13 A wholesaler's license issued or renewed prior to July first, nineteen
14 hundred sixty, and thereafter renewed or transferred, shall authorize
15 the holder thereof to sell beer at retail to a person for consumption in
16 his home; provided, however, that regardless of the date issued, renewed
17 or transferred, a wholesaler's license issued to a brewer or to the
18 wholly-owned subsidiary of a brewer, shall authorize the holder thereof
19 to sell beer at retail to a person for consumption in his home.

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

25 § 53-a. Vendor's license. In cities having a population of one
26 million or more, any individual person may apply for a license to sell
27 beer as a vendor. Such application shall be in writing, and verified,
28 and shall contain such information as the liquor authority shall
29 require. Such application shall be accompanied by a check or draft for
30 the amount required by this article for such license. If the liquor
31 authority shall grant the application it shall issue a license in such
32 form as shall be determined by its rules. Such a license shall contain a
33 description of the licensed premises and in form and in substance shall
34 be a license to the person therein specifically designated to sell beer
35 as a vendor in cities having a population of one million or more only,
36 from the premises therein specifically licensed. ~~[Such a license shall~~
37 ~~also contain the certificate of authority number.]~~ A vendor's license
38 shall authorize the holder thereof to sell beer at retail to be deliv-
39 ered by such vendor to a person for consumption in his home and shall
40 authorize the holder thereof to operate one vehicle for the delivery of
41 beer, but shall not authorize the sale to any person or licensee for
42 resale.

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

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

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

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

4 3. Such license shall contain a description of the licensed premises
5 and in form and in substance shall be a license to the person specif-
6 ically designated therein to sell beer and wine products at retail in
7 the premises specifically licensed, not to be consumed upon said prem-
8 ises. [~~Such a license shall also contain the certificate of authority~~
9 ~~number.~~]

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

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

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

25 (6) By January first, two thousand twenty-two, the department shall
26 create and maintain a publicly accessible, searchable database contain-
27 ing the certificate of authority number and any corresponding identify-
28 ing information for each vendor in the state.

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