

# STATE OF NEW YORK

3806

2021-2022 Regular Sessions

## IN ASSEMBLY

January 28, 2021

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

AN ACT to amend the alcoholic beverage control law, in relation to authorizing retail licensees for on-premises consumption to sell and/or deliver alcoholic beverages for consumption off the premises

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

1 Section 1. Subdivision 3 of section 106 of the alcoholic beverage  
2 control law, as amended by chapter 297 of the laws of 2016, is amended  
3 and a new subdivision 3-a is added to read as follows:

4 3. ~~[No]~~ Except as provided in subdivision three-a of this section, no  
5 retail licensee for on-premises consumption shall sell, deliver or give  
6 away, or cause or permit or procure to be sold, delivered or given away  
7 any liquors and/or wines for consumption off the premises where sold.  
8 The provisions of this subdivision shall not prohibit a licensed winery  
9 or farm winery from allowing a patron to leave the winery or farm winery  
10 with a partially consumed bottle of wine provided that the removal of  
11 the bottle is done in accordance with subdivision four of section eight-  
12 y-one of this chapter.

13 3-a. (a) Notwithstanding any other provision of law to the contrary, a  
14 retail licensee for on-premises consumption, upon approval by the  
15 authority, may sell and/or deliver certain alcoholic beverages contain-  
16 ing wine, mead, or liquor for consumption off the premises where sold.  
17 Such licensee may only sell and/or deliver for consumption off the prem-  
18 ises alcoholic beverages containing wine, mead, or liquor for which such  
19 licensee is licensed to sell for consumption on the premises.

20 (b) A retail licensee for on-premises consumption shall only permit  
21 the sale or delivery of alcoholic beverages containing wine, mead, or  
22 liquor:

23 (i) with the purchase of food;

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

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1 (ii) in any closed or sealed container not to exceed five fluid ounces  
2 per container for wine or mead, thirty-two fluid ounces per container  
3 for wine or mead mixed with non-alcoholic beverages, and ten fluid ounces  
4 per container for liquor mixed with non-alcoholic beverages, provided  
5 such sale or delivery is consistent with municipal open container ordi-  
6 nances; and

7 (iii) during licensed hours of operation.

8 (c) Deliveries shall be made in:

9 (i) a vehicle permitted by the authority; or

10 (ii) a vehicle owned and operated by a retail licensee or its employee  
11 provided the person making the delivery shall have upon his or her  
12 person while so delivering a copy of the current license issued by the  
13 authority.

14 (d) Nothing in this subdivision shall be construed to abrogate the  
15 ability of a retail licensee for on-premises consumption to sell beer or  
16 cider for consumption off the premises as provided for in this chapter.

17 § 2. This act shall take effect immediately.