

STATE OF NEW YORK

589

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. BENJAMIN, BROOKS, GOUNARDES -- 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 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:

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

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1 (i) with the purchase of food;

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

8 (iii) during licensed hours of operation.

9 (c) Deliveries shall be made in:

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

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

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

18 § 2. This act shall take effect immediately.