

# STATE OF NEW YORK

4926

2023-2024 Regular Sessions

## IN SENATE

February 17, 2023

Introduced by Sen. SEPULVEDA -- 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 membership warehouse stores

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

1 Section 1. Subdivision 20-a of section 3 of the alcoholic beverage  
2 control law is renumbered subdivision 20-h and a new subdivision 20-a is  
3 added to read as follows:

4 20-a. "Membership warehouse retailer" means and includes any store  
5 primarily engaged in the retail sale of a general line of groceries,  
6 which may include apparel, furniture and appliances which limits access  
7 to members of the club including businesses and individuals who are  
8 subject to pay a fee or premium to shop in the club.

9 § 2. Section 100 of the alcoholic beverage control law is amended by  
10 adding a new subdivision 2-c to read as follows:

11 2-c. (a) No membership warehouse retailer shall sell, or knowingly  
12 agree to sell, or sell by omission, any alcoholic beverage to a retailer  
13 who presents a corporate or business, debit, credit, or membership card  
14 bearing the name of a retailer at the point of sale. The first violation  
15 of this subdivision shall result in a written notice of violation and  
16 warning from the liquor authority. A second violation of this subdivi-  
17 sion shall result in a suspension and imposition of a civil penalty  
18 pursuant to section one hundred eighteen of this article. A third  
19 violation of this subdivision shall result in a revocation, or cancella-  
20 tion of a license to sell alcoholic beverages pursuant to section one  
21 hundred eighteen of this article.

22 (b) The acceptance by a membership warehouse retailer of a corporate  
23 or business, debit, credit, or membership card that has sufficient indi-

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

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1 cia of an association with a retailer is a willful intent to violate the  
2 law within this subdivision.

3 § 3. This act shall take effect immediately.