STATE OF NEW YORK

7864

IN SENATE

January 3, 2024

Introduced by Sen. HINCHEY -- 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 the sale of non-alcoholic versions of alcoholic beverages

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

Section 1. Section 3 of the alcoholic beverage control law is amended by adding a new subdivision 20-h to read as follows:

20-h. "Non-alcoholic version of an alcoholic beverage" means a non-alcoholic beverage that contains five-tenths percent or less alcohol by volume and that is marketed and sold as an alternative to an alcoholic beverage.

§ 2. Subdivision 4 of section 63 of the alcoholic beverage control law, as amended by chapter 526 of the laws of 2023, is amended to read as follows:

4. No licensee under this section shall be engaged in any other business on the licensed premises. The sale of lottery tickets, when duly authorized and lawfully conducted, the sale of reusable bags as defined in section 27-2801 of the environmental conservation law, the sale of corkscrews or the sale of ice or the sale of publications, including prerecorded video and/or audio cassette tapes, or educational seminars, designed to help educate consumers in their knowledge and appreciation of alcoholic beverages, as defined in section three of this chapter and allowed pursuant to their license, or the sale of non-carbonated, non-flavored mineral waters, spring waters [~~and~~] drinking waters**, or the sale of non-alcoholic versions of alcoholic beverages,** or the sale of glasses designed for the consumption of wine or spirits, racks designed for the storage of wine, and devices designed to minimize oxidation in bottles of wine which have been uncorked, or the sale of gift bags, gift boxes, associated gift or promotional items, or wrapping, for alcoholic beverages purchased at the licensed premises shall not constitute engaging in another business within the meaning of this subdivision. Any fee obtained from the sale of an educational seminar shall not be considered

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

LBD13402-02-4

as a fee for any tasting that may be offered during an educational seminar, provided that such tastings are available to persons who have not paid to attend the seminar and all tastings are conducted in accordance with section sixty-three-a of this article. For the purposes of this section, gift or promotional items shall only include those items that are complimentary and directly associated with the sale of wine or distilled spirits they are promoting and shall mean: (i) items that are de minimis in value, but in no instance shall merchandise be valued at more than fifteen dollars in total; (ii) items that are imprinted with the wine or spirits brand logo on the gift or promotional item; and (iii) items that are included as part of a manufactured pre-sealed package with the wine or distilled spirit that is being gifted or promoted. Further, for the purposes of this section, promotional items shall not include any food, non-alcoholic beverage, or other drink or food mix, nor shall these items be offered for sale to the general public as individual items**, except for those beverages specifically authorized to be sold pursuant to this subdivision**.

§ 3. This act shall take effect immediately.