

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:

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

3 20-h. "Non-alcoholic version of an alcoholic beverage" means a non-al-
4 coholic beverage that contains five-tenths percent or less alcohol by
5 volume and that is marketed and sold as an alternative to an alcoholic
6 beverage.

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

10 4. No licensee under this section shall be engaged in any other busi-
11 ness on the licensed premises. The sale of lottery tickets, when duly
12 authorized and lawfully conducted, the sale of reusable bags as defined
13 in section 27-2801 of the environmental conservation law, the sale of
14 corkscrews or the sale of ice or the sale of publications, including
15 prerecorded video and/or audio cassette tapes, or educational seminars,
16 designed to help educate consumers in their knowledge and appreciation
17 of alcoholic beverages, as defined in section three of this chapter and
18 allowed pursuant to their license, or the sale of non-carbonated, non-
19 flavored mineral waters, spring waters [~~and~~] drinking waters, or the
20 sale of non-alcoholic versions of alcoholic beverages, or the sale of
21 glasses designed for the consumption of wine or spirits, racks designed
22 for the storage of wine, and devices designed to minimize oxidation in
23 bottles of wine which have been uncorked, or the sale of gift bags, gift
24 boxes, associated gift or promotional items, or wrapping, for alcoholic
25 beverages purchased at the licensed premises shall not constitute engag-
26 ing in another business within the meaning of this subdivision. Any fee
27 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

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

18 § 3. This act shall take effect immediately.