8953

IN SENATE

April 2, 2024

- Introduced by Sen. COMRIE -- 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 establishing on-premise liquor licenses for certified educators of alcoholic beverage instructional courses, establishing special permits for registered lecturers to conduct these courses, and establishing the "responsible alcohol education act"

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

1	Section 1. This act shall be known and may be cited as the "responsi-
2	ble alcohol education act."
3	§ 2. Section 3 of the alcoholic beverage control law is amended by
4	adding a new subdivision 7-aa to read as follows:
5	7-aa. "Certified educator" means any persons or company owned and run
б	by persons who have appropriate credentialing and who engage in the
7	specific business of creating, selling, and executing instructional
8	courses in the consumption and appreciation of wine, beer, and spirits.
9	Certified educators must possess certification that is satisfactory to
10	the state liquor authority ("authority"), including, but not limited to
11	the following: (a) a certified specialist of wine or certified wine
12	educator status as conferred by the Society of Wine Educators; (b) a
13	Wine and Spirits Education Trust Diploma; (c) status as a certified
14	sommelier; (d) the completion of a wine industry program at a technical
15	college or culinary school; (e) certification as a cicerone; (f)
16	completion of coursework from the Master Brewers Association of the
17	Americas; (g) or any other certification program acceptable to the
18	authority. Certified educators must also complete Training for Inter-
19	vention Procedures (TIPS) or other certified alcohol training programs
20	and have a valid certificate on file with the authority. Certified
21	educators may individually perform instructional courses or be allowed
22	to retain registered lecturers to serve as the on-site supervisors and
23	teachers of each class and to oversee the pouring of beverages by volun-
24	teers working under their direction.

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

LBD15108-01-4

1	§ 3. Section 3 of the alcoholic beverage control law is amended by
2	adding a new subdivision 24-a to read as follows:
3	24-a. "Registered lecturer" means any person who possesses certif-
4	ication that is satisfactory to the authority and who is retained by a
5	certified educator for the purpose of on-site supervision and instruc-
6	tion of each class, as well as to oversee the pouring of alcoholic
7	beverages by volunteers working under their direction.
8	§ 4. The alcoholic beverage control law is amended by adding a new
9	section 55-d to read as follows:
10	§ 55-d. Certified educator's licenses. The authority may issue a
11	"certified educator license" to a person or company owned and run by
12	persons who meet the requirements specified in subdivision seven-aa of
13	section three of this chapter, at a biannual cost of two hundred dollars
14	per license to a certified educator of alcoholic beverages, under the
15	following conditions:
16	1. licenses shall be limited to a permanent location where classes
17	will be held; should a certified educator need to move locations for any
18	purpose, notice must be given to the authority, who will approve or deny
19	the change to the course's location;
20	2. the license may be used to purchase or procure alcoholic beverages
21	from domestic wholesalers, with the decisions to be made based on the
22	judgment of the certified educator;
23	3. the license must be renewed every two years from the original date
24 25	of issuance, and applications for renewal must be sent to the authority
25	no less than thirty days before the anticipated date of expiration;
26	4. the license may be used to serve alcoholic beverages for educa- tional purposes to any number of individuals over the age of twenty-one
27 28	in any part of the state, unless a political subdivision adopts an ordi-
	nance prohibiting alcoholic beverage education;
29 30	<u>5. all events conducted pursuant to this license must be conducted</u>
30 31	through advance registration, and no walk-in access to the general
32	public is permitted;
33	<u>6. all persons retained by a certified educator to engage in the</u>
34	instruction and supervision of each class must receive special permits,
35	as specified in section ninety-nine-i of this chapter, that are issued
36	by the authority for the purpose of supervising classes, providing
37	educational instruction on alcoholic beverages, overseeing the pouring
38	of beverages by volunteers, and carrying on the activities associated
39	with alcoholic beverage education;
40	7. certified educators shall not sell alcohol for off-premises
41	consumption and no orders may be taken for future sales;
42	8. except as provided for in this section, certified educators may
43	hold classes at any location, whether or not the premises have a liquor
44	license, subject to all applicable municipal and state alcoholic zoning
45	laws and with the decision based on the judgment of the certified educa-
46	tor and approval by the authority;
47	9. classes shall not be conducted during business hours at retail
48	businesses that do not have a liquor license nor shall classes be
49	conducted after hours at a retail business that does have a liquor
50	license;
51	10. certified educators shall maintain a suitable level of general
52	liability insurance, and the policy shall be reported to the authority
53	along with the license application;
54	11. prior to providing a licensee's first class authorized under this
55	section, the licensee shall notify the authority as to the contents and
	location of the course's planned curriculum. Notification shall include

1	information that pertains to the exact duration and location of each
2	class throughout the course, as well as how many participants will be in
3	attendance, how many lecturers will be teaching the course, and how much
4	alcohol will be served. Notification shall be sent by the licensee no
5	less than thirty days before the first class of a new course cycle;
б	12. certified educators shall be subject to the powers and duties of
7	the authority, as specified in section eighteen of this chapter; and
8	13. the authority shall adopt any rules consistent with and in furth-
9	erance of the implementation of this section.
10	§ 5. The alcoholic beverage control law is amended by adding a new
11	section 58-e to read as follows:
12	§ 58-e. Certified educator's licenses. The authority may issue a
13	"certified educator license" to a person or company owned and run by
14	persons who meet the requirements specified in subdivision seven-aa of
15	section three of this chapter, at a biannual cost of two hundred dollars
16	per license to a certified educator of alcoholic beverages, under the
17	following conditions:
18	1. licenses shall be limited to a permanent location where classes
19	will be held; should a certified educator need to move locations for any
20	purpose, notice must be given to the authority, who will approve or deny
21	the change to the course's location;
22	2. the license may be used to purchase or procure alcoholic beverages
23	from domestic wholesalers, with the decisions to be made based on the
24	judgment of the certified educator;
25	3. the license must be renewed every two years from the original date
26	of issuance, and applications for renewal must be sent to the authority
27	no less than thirty days before the anticipated date of expiration;
28	4. the license may be used to serve alcoholic beverages for educa-
29	tional purposes to any number of individuals over the age of twenty-one
30	in any part of the state, unless a political subdivision adopts an ordi-
31	nance prohibiting alcoholic beverage education;
32	5. all events conducted pursuant to this license must be conducted
33	through advance registration, and no walk-in access to the general
34	public is permitted;
35	6. all persons retained by a certified educator to engage in the
36	instruction and supervision of each class must receive special permits,
37	as specified in section ninety-nine-i of this chapter, that are issued
38	by the authority for the purpose of supervising classes, providing
39	educational instruction on alcoholic beverages, overseeing the pouring
40	of beverages by volunteers, and carrying on the activities associated
41	with alcoholic beverage education;
42	7. certified educators shall not sell alcohol for off-premises
43	consumption and no orders may be taken for future sales;
44	8. except as provided for in this section, certified educators may
45	hold classes at any location, whether or not the premises have a liquor
46	license, subject to all applicable municipal and state alcoholic zoning
47	laws and with the decision based on the judgment of the certified educa-
48	tor and approval by the authority;
49	9. classes shall not be conducted during business hours at retail
50	businesses that do not have a liquor license nor shall classes be
51	conducted after hours at a retail business that does have a liquor
52	license;
53	10. certified educators shall maintain a suitable level of general
54	liability insurance, and the policy shall be reported to the authority
55	along with the license application;

1	11. prior to providing a licensee's first class authorized under this
2	section, the licensee shall notify the authority as to the contents and
3	location of the course's planned curriculum. Notification shall include
4	information that pertains to the exact duration and location of each
5	class throughout the course, as well as how many participants will be in
6	attendance, how many lecturers will be teaching the course, and how much
7	alcohol will be served. Notification shall be sent by the licensee no
8	less than thirty days before the first class of a new course cycle;
9	12. certified educators shall be subject to the powers and duties of
10	the authority, as specified in section eighteen of this chapter; and
11	13. the authority shall adopt any rules consistent with and in furth-
12	erance of the implementation of this section.
13	§ 6. The alcoholic beverage control law is amended by adding a new
14	section 63-b to read as follows:
15	§ 63-b. Certified educator's licenses. The authority may issue a
16	"certified educator license" to a person or company owned and run by
17	persons who meet the requirements specified in subdivision seven-aa of
18	section three of this chapter, at a biannual cost of two hundred dollars
19	per license to a certified educator of alcoholic beverages, under the
20	following conditions:
21	1. licenses shall be limited to a permanent location where classes
22	will be held; should a certified educator need to move locations for any
23	purpose, notice must be given to the authority, who will approve or deny
24 25	the change to the course's location;
25	2. the license may be used to purchase or procure alcoholic beverages
26	from domestic wholesalers, with the decisions to be made based on the
27 28	judgment of the certified educator;
20 29	3. the license must be renewed every two years from the original date of issuance, and applications for renewal must be sent to the authority
30	no less than thirty days before the anticipated date of expiration;
31	4. the license may be used to serve alcoholic beverages for educa-
32	tional purposes to any number of individuals over the age of twenty-one
33	in any part of the state, unless a political subdivision adopts an ordi-
34	nance prohibiting alcoholic beverage education;
35	5. all events conducted pursuant to this license must be conducted
36	through advance registration, and no walk-in access to the general
37	public is permitted;
38	6. all persons retained by a certified educator to engage in the
39	
40	as specified in section ninety-nine-i of this chapter, that are issued
41	by the authority for the purpose of supervising classes, providing
42	educational instruction on alcoholic beverages, overseeing the pouring
43	of beverages by volunteers, and carrying on the activities associated
44	with alcoholic beverage education;
45	7. certified educators shall not sell alcohol for off-premises
46	consumption and no orders may be taken for future sales;
47	8. except as provided for in this section, certified educators may
48	hold classes at any location, whether or not the premises have a liquor
49	license, subject to all applicable municipal and state alcoholic zoning
50	laws and with the decision based on the judgment of the certified educa-
51	tor and approval by the authority;
52	9. classes shall not be conducted during business hours at retail
53	businesses that do not have a liquor license nor shall classes be
54	conducted after hours at a retail business that does have a liquor
55	license;

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10. certified educators shall maintain a suitable level of general 1 liability insurance, and the policy shall be reported to the authority 2 3 along with the license application; 4 11. prior to providing a licensee's first class authorized under this 5 section, the licensee shall notify the authority as to the contents and 6 location of the course's planned curriculum. Notification shall include 7 information that pertains to the exact duration and location of each 8 class throughout the course, as well as how many participants will be in 9 attendance, how many lecturers will be teaching the course, and how much 10 alcohol will be served. Notification shall be sent by the licensee no 11 less than thirty days before the first class of a new course cycle; 12 12. certified educators shall be subject to the powers and duties of the authority, as specified in section eighteen of this chapter; and 13 14 13. the authority shall adopt any rules consistent with and in furth-15 erance of the implementation of this section. 16 § 7. The alcoholic beverage control law is amended by adding a new 17 section 80-a to read as follows: <u>§ 80-a. Certified educator's licenses. The authority may issue a</u> 18 "certified educator license" to a person or company owned and run by 19 20 persons who meet the requirements specified in subdivision seven-aa of 21 section three of this chapter, at a biannual cost of two hundred dollars 22 per license to a certified educator of alcoholic beverages, under the 23 following conditions: 1. licenses shall be limited to a permanent location where classes 24 25 will be held; should a certified educator need to move locations for any purpose, notice must be given to the authority, who will approve or deny 26 27 the change to the course's location; 28 2. the license may be used to purchase or procure alcoholic beverages from domestic wholesalers, with the decisions to be made based on the 29 30 judgment of the certified educator; 31 3. the license must be renewed every two years from the original date 32 of issuance, and applications for renewal must be sent to the authority 33 no less than thirty days before the anticipated date of expiration; 34 4. the license may be used to serve alcoholic beverages for educa-35 tional purposes to any number of individuals over the age of twenty-one 36 in any part of the state, unless a political subdivision adopts an ordi-37 nance prohibiting alcoholic beverage education; 5. all events conducted pursuant to this license must be conducted 38 39 through advance registration, and no walk-in access to the general 40 public is permitted; 6. all persons retained by a certified educator to engage in the 41 42 instruction and supervision of each class must receive special permits, 43 as specified in section ninety-nine-i of this chapter, that are issued 44 by the authority for the purpose of supervising classes, providing 45 educational instruction on alcoholic beverages, overseeing the pouring of beverages by volunteers, and carrying on the activities associated 46 47 with alcoholic beverage education; 48 7. certified educators shall not sell alcohol for off-premises 49 consumption and no orders may be taken for future sales; 8. except as provided for in this section, certified educators may 50 51 hold classes at any location, whether or not the premises have a liquor 52 license, subject to all applicable municipal and state alcoholic zoning laws and with the decision based on the judgment of the certified educa-53 54 tor and approval by the authority; 55 9. classes shall not be conducted during business hours at retail businesses that do not have a liquor license nor shall classes be 56

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1	conducted after hours at a retail business that does have a liquor
2	license;
3	10. certified educators shall maintain a suitable level of general
4	liability insurance, and the policy shall be reported to the authority
5	along with the license application;
6	<u>11. prior to providing a licensee's first class authorized under this</u>
7	section, the licensee shall notify the authority as to the contents and
8	location of the course's planned curriculum. Notification shall include
9	information that pertains to the exact duration and location of each
10	class throughout the course, as well as how many participants will be in
11	attendance, how many lecturers will be teaching the course, and how much
12	alcohol will be served. Notification shall be sent by the licensee no
13	less than thirty days before the first class of a new course cycle;
14^{13}	<u>12. certified educators shall be subject to the powers and duties of</u>
$14 \\ 15$	the authority, as specified in section eighteen of this chapter; and
16	13. the authority shall adopt any rules consistent with and in furth-
17	erance of the implementation of this section.
18	§ 8. The alcoholic beverage control law is amended by adding a new
19	section 99-i to read as follows:
20	§ 99-i. Registered lecturers. The authority may issue a special permit
21	to a person meeting the requirements specified in subdivision seven-aa
22	of section three of this chapter, at a one-time cost of two hundred
23	dollars, to be renewed biannually, subject to the following conditions:
24	1. registered lecturers must be directly retained by, as well as
25	subject to the control of licensed certified educators;
26	2. registered lecturers shall be bound by the same credentialing
27	requirements as are certified educators, as specified in subdivision
28	seven-aa of section three of this chapter;
29	3. certified educators may employ and utilize any number of registered
30	lecturers per class or per curriculum, with the decisions to be made
31	based on the judgment of the certified educator;
32	4. registered lecturers shall not be required to maintain their own
33	general liability insurance;
34	5. registered lecturers shall have the ability to conduct all activ-
35	ities associated with alcohol education, including but not limited to
36	supervising classes, providing educational instruction on alcoholic
37	beverages, and overseeing the pouring of beverages by volunteers; except
38	that the permit shall not allow registered lecturers to purchase or
39	procure alcoholic beverages for the purposes of alcohol education;
40	6. permits for registered lecturers shall be applied for through the
41	authority no later than thirty days prior to the commencement of the
42	first class or course taught by the registered lecturer;
43	7. the permit must be renewed every two years from the original date
44	of issuance, and applications for renewal must be sent to the authority
45	no less than thirty days before the anticipated date of expiration;
46	8. registered lecturers shall hold classes at locations that were
47	previously approved by the certified educator and followed the proce-
48	dures specified in subdivision ten of sections fifty-five-d, fifty-
49	eight-e, sixty-three-b and eighty-a of this chapter;
50	9. registered lecturers shall be subject to the powers and duties of
51	the authority, as specified in section eighteen of this chapter; and
52	10. the authority shall adopt any rules consistent with and in furth-
53	erance of the implementation of this section.
54	8.9 This act shall take effect on the one hundred twentieth day after

54 § 9. This act shall take effect on the one hundred twentieth day after 55 it shall have become a law.