



NEW YORK STATE SENATOR

Phil Boyle

State Senate and Assembly Pass Monumental Bill for Local Businesses

PHIL BOYLE June 17, 2015

BOTH HOUSES ARE NOW CALLING ON THE GOVERNOR TO SIGN BILL CURTAILING UNPRECEDENTED REGULATORY OVERREACH

June 16, 2015- Bay Shore, NY: Both chambers of the New York State Legislature have passed S4446/A5920, a bill that protects local New York State businesses from regulatory overreach by the New York State Liquor Authority (NYSLA). The bill clarifies that the New York State Liquor Authority cannot use obscure regulatory language to subvert due process and penalize wine retailers for activities that are legal in New York State.

“As Chairman of the Senate Committee on Commerce, Economic Development, and Small Business, it is my goal to protect New York business owners from the overreach of government,” said Senator Phil Boyle. “That is why the Senate has passed this common sense bill seeking to end one such glaring regulatory overreach and promote our New York businesses rather than punish them.”

The bill curtails the practice of the NYSLA relying on vague statutory authority that allows it to take enforcement action for so-called “improper conduct” for selling wine out of state, particularly when the states in question have never adjudicated alleged violations of their own local laws. Wine retailers across New York State regularly sell wine, much of it New York wine, out of state and over the internet, advertising these services in full view of the NYSLA.

Specifically, the legislation states:

“...the liquor authority shall not have the power to revoke, cancel, or suspend any license or impose any civil penalty against any holder of a license or permit based upon conduct which the authority determines to be in violation of the laws of another state... unless due process of law has been provided by authorities of competent jurisdiction in such other state and the licensee or permit has exhausted its due process rights and has been determined to have violated the laws of such other state.”

“This is a win for wine retailers across the state, small businesses trying to make ends meet, and a wine industry that is booming and looking for markets outside of New York,” said Brad Junco, owner of Empire Wine. “Without the leadership and persistence of Senator Boyle, Assemblyman Steck, and a bipartisan group of legislators in both chambers of the legislature, this bill would have never passed and small businesses promoting New York wine products would have continued to be bullied by regulatory overreach. This is a good day for business in New York. We are hopeful that the Governor, who has made the promotion of made-in-New York products a priority and pushed to make New York more friendly to business, will promptly sign the legislation into law.”