Section 1. Section 106 of the alcoholic beverage control law is amended by adding a new subdivision 2-a to read as follows:

2-a. (a) Notwithstanding any provision of law to the contrary, in addition to any other privilege provided under this chapter, any retail license that allows for liquor and/or wine sale for on-premises consumption shall also include the privilege to sell for take-out and delivery, any product it may otherwise sell at retail, subject to the following conditions:

(i) any purchase for take-out or delivery must be accompanied by a purchase of a substantial food item;

(ii) the alcoholic beverages are packaged in a container with a secure lid or cap sealed in a manner designed to prevent consumption without removal of the lid or cap by breaking the seal;

(iii) beverages purchased for take-out or delivery are subject to any applicable state and municipal open container laws, rules, regulations, or ordinances;

(iv) takeout and delivery of alcoholic beverages may only occur during licensed hours of operation of on premises retailers in the county in which the licensed premises are located or, if different, the hours of operation set forth in the licensee's method of operation with the authority;

(v) the price per serving shall be the same as if consumed on premises and shall not be sold as part of any promotion or special unless such promotion or special is also available for consumption on premises; and further provided each serving shall be available only in the same manner as available on premises;

(vi) the licensee shall not sell for take-out, or deliver, any bottles of liquor or bottles of wine;

(vii) the licensee shall not advertise or promote the sale of full bottles of wine or liquor for off-premises consumption; and

(viii) the licensee shall not display full bottles of wine or liquor for the purpose of promoting the sale of such products for off-premises consumption.

(b) Deliveries made via motor vehicle shall only be made in (i) a vehicle permitted by the authority pursuant to section ninety-four of this chapter, or (ii) in a vehicle owned and operated, or hired and operated, by the licensee or its employee pursuant to section one hundred sixteen of this article; provided deliveries may be made utilizing the vehicle of an employee of the licensee, and provided further that a copy of the permit or license must be present in any vehicle while making deliveries. Delivery must be to a residential address, and may not be delivered except to a person twenty-one years of age or older at that residence who is not at the time of delivery intoxicated. Delivery drivers shall require a recipient, at the delivery address, upon delivery, to demonstrate that the recipient is at least twenty-one years of age by providing a valid form of photographic identification authorized by section sixty-five-b of this chapter.

(c) Nothing in this subdivision shall be construed to change the existing privilege of a retail licensee for on-premises consumption to sell beer, cider, or mead for consumption off the premises as currently provided for in this chapter. Provided, further, that nothing contained in this subdivision shall be deemed to supersede the provisions of section one thousand two hundred twenty-seven of the vehicle and traffic law.
(d) The authority may promulgate guidance, rules and regulations necessary to implement the provisions of this subdivision.

(e) The authority may, on its own initiative or on complaint of any person, institute proceedings to suspend or revoke a licensee's ability to sell alcoholic beverages for takeout or delivery pursuant to this subdivision after a hearing, in accordance with section one hundred nineteen of this article, at which such licensee shall be given an opportunity to be heard. Such proceedings and such hearing shall be held in such manner and upon such notice as may be prescribed by the rules of the authority.

§ 2. This act shall take effect immediately and shall expire and be deemed repealed three years after such date.