Sections 65.4(d) and 65.4(e) of Title 9, Subtitle B, of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR), are hereby amended to read as follows:

65.4 Prices to retailers (Alcoholic Beverage Control Law, § 101-b)

(d) The bottle or case price of an item of liquor or wine listed in a schedule of liquor or wine prices to retailers shall not be changed from the price theretofore listed in the prior schedule of liquor or wine prices to retailers except insofar as such change may be required or permitted pursuant to the provisions of 3(b) of section 101-b (Alcoholic Beverage Control Law), or after prior permission of the authority for good cause shown and for reasons not inconsistent with the purpose of section 101-b.

(e) Split Case Fees: In accordance with the anti-discrimination provisions of section 101-b(2) (Alcoholic Beverage Control Law), for each item of liquor or wine listed in the schedule of prices to retailers, prices shall be posted for (i) the price of a case and (ii) the price of a bottle. For purchases involving less than a case, a split case fee may be added to the price of each bottle, but in an amount that would total no more than $7.39 per case. For example, where a case with 12 bottles has a price of $120 ($10 per bottle), the maximum price for each bottle, rounding to the nearest cent, would be $10.62: $127.39 divided by 12. For a 24 bottle case with a price of $240, the maximum price for each bottle would be $10.31: $247.39 divided by 24. In the schedule of prices to retailers posted pursuant to the provision of 3(b) of section 101-b (Alcoholic Beverage Control Law), the listing for the price of a bottle shall include the split case fee for each bottle. In the examples above, the posted price of a bottle would be $10.62 or $10.31 respectively, not $10. For each item of liquor listed in the schedule of liquor prices to retailers there shall be posted a bottle and a case price. The bottle price multiplied by number of containers in the case must exceed the case price by approximately $1.92 for any case of 48 or fewer containers. The figure is to be reached by adding $1.92 to the case price, dividing by the number of containers in the case, and rounding to the nearest cent. Where more than 48 containers are packed
in a case, bottle price shall be computed by dividing the case price by the number of containers in the case, rounding to the nearest cent, and adding one cent. Variations will not be permitted without approval of the authority.]