

**A RESOLUTION TO BE SUBMITTED BY LEGISLATORS  
LORIGO, DIXON, MILLS & RATH**

**Opposition to Proposed State Increase on Alcohol Taxes**

WHEREAS, proposed New York State Assembly legislation would amend the tax law to double taxes on certain alcoholic beverages with the stated purpose to fund addiction prevention and recovery programs; and

WHEREAS, the tax increase for beers would increase to 28 cents per gallon, or three cents per 12 ounces, up from 14 cents per gallon; and

WHEREAS, the tax increase for wine would increase to 60 cents per gallon, or two cents per glass of wine, up from 30 cents per gallon; and

WHEREAS, the tax increase for liquors containing not more than 24% of alcohol by volume would increase to \$1.34 per liter, up from 77 cents; and

WHEREAS, the tax increase for all other liquor would increase to \$3.40 per liter, or 10 cents for a one-ounce shot, up from \$1.40 per liter; and

WHEREAS, the proposed additional taxes could raise \$260 million according to the legislation's sponsor; and

WHEREAS, many drinking establishments currently pay a quarterly tax to the federal government of about \$2.70 per proof a gallon, and \$1.70 to New York State per wine liter; and

WHEREAS, the additional taxes would be passed on directly to the consumer and to local businesses who create jobs and help grow our local economy; and

WHEREAS, increasing the price of beverages in drinking establishments will negatively impact hardworking and overtaxed New Yorkers.

NOW, THEREFORE, BE IT

RESOLVED, this Honorable Body is in opposition to proposed New York State legislation (Bill Number A06349) that would double the taxes on certain alcoholic beverages; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York delegation of the NYS Senate and Assembly, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, and any other party deemed necessary and proper.

Fiscal Impact: None for this resolution

STATE OF NEW YORK

6349

2019-2020 Regular Sessions

IN ASSEMBLY

March 6, 2019

Introduced by M. of A. DenDEKKER -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law and the state finance law, in relation to enacting the addiction prevention and recovery act of 2019

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 "addiction
- 2 prevention and recovery act of 2019".
- 3 § 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 1 of
- 4 section 424 of the tax law, paragraphs (a), (b), (c) and (d) as amended
- 5 by section 1 of part X-1 of chapter 57 of the laws of 2009, paragraph
- 6 (e) as amended by chapter 190 of the laws of 1990 and paragraph (f) as
- 7 amended by chapter 508 of the laws of 1993, are amended and a new para-
- 8 graph (h) is added to read as follows:
- 9 (a) [~~Fourteen~~] Twenty-eight cents per gallon upon beers;
- 10 (b) [~~Thirty~~] Sixty cents per gallon upon still wines, except cider
- 11 containing more than three and two-tenths per centum of alcohol by
- 12 volume, upon which the tax shall be [~~three~~] seven and [~~seventy-nine~~]
- 13 fifty-eight hundredths cents per gallon;
- 14 (c) [~~Thirty~~] Sixty cents per gallon upon artificially carbonated spar-
- 15 kling wines, except artificially carbonated sparkling cider containing
- 16 more than three and two-tenths per centum of alcohol by volume, upon
- 17 which the tax shall be [~~three~~] seven and [~~seventy-nine~~] fifty-eight
- 18 hundredths cents per gallon;
- 19 (d) [~~Thirty~~] Sixty cents per gallon upon natural sparkling wines,
- 20 except natural sparkling cider containing more than three and two-tenths
- 21 per centum of alcohol by volume, upon which the tax shall be [~~three~~]
- 22 seven and [~~seventy-nine~~] fifty-eight hundredths cents per gallon;
- 23 (e) [~~Sixty-seven~~] One dollar and thirty-four cents per liter upon
- 24 liquors containing not more than twenty-four per centum of alcohol by
- 25 volume except liquors containing not more than two per centum of alcohol

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

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- 1 by volume, upon which the tax shall be [~~one-cent~~] two cents per liter;
- 2 and
- 3 (f) [~~One-dollar~~] Three dollars and [~~seventy~~] forty cents per liter
- 4 upon all other liquors; when sold or used within this state, except when
- 5 sold or used under such circumstances that this state is without power
- 6 to impose such tax or when sold to the United States and except beers
- 7 when sold to or by a voluntary unincorporated organization of the armed
- 8 forces of the United States operating a place for the sale of goods

9 pursuant to regulations promulgated by the appropriate executive agency  
10 of the United States, to the extent provided in such regulations, direc-  
11 tives and policy statements of such an agency applicable to such sales,  
12 and except when sold to professional foreign consuls-general, consuls  
13 and vice-consuls who are nationals of the state appointing them and who  
14 are assigned to foreign consulates in this state, provided that American  
15 consular officers of equal rank who are citizens of the United States  
16 and who exercise their official functions at American consulates in such  
17 foreign country are granted reciprocal exemptions; provided, however,  
18 that the commissioner may permit the sale of alcohol without tax to a  
19 holder of any industrial alcohol permit, alcohol permit or alcohol  
20 distributor's permit, issued by the state liquor authority, and by the  
21 holder of an alcohol distributor's permit, class A, issued by such  
22 authority to a holder of a distiller's license, class B, or a winery  
23 license, issued by such authority and may also permit the use of alcohol  
24 for any purpose other than the production of alcoholic beverages by such  
25 holders without tax; provided also that the commissioner may permit the  
26 sale of cider without tax by a holder of a cider producer's license  
27 issued by the state liquor authority to a holder of a cider producer's  
28 license or a cider wholesaler's license issued by such authority.

29 (h) Notwithstanding any other provision of this article, half of all  
30 taxes, interest, penalties and fees collected or received by the commis-  
31 sioner from each gallon of beer, still wine, cider, artificially carbo-  
32 nated sparkling wines, artificially carbonated sparkling cider, natural  
33 sparkling wines, natural sparkling cider and from each liter of liquor  
34 under paragraphs (a) through (f) of this subdivision shall be allocated  
35 to the alcohol addiction prevention and recovery fund established pursu-  
36 ant to section ninety-nine-ff of the state finance law.

37 § 3. The state finance law is amended by adding a new section 99-ff to  
38 read as follows:

39 § 99-ff. Alcohol addiction prevention and recovery fund. 1. There is  
40 hereby established in the joint custody of the comptroller and the  
41 commissioner of taxation and finance a special fund to be known as the  
42 "alcohol addiction prevention and recovery fund".

43 2. (a) Such fund shall consist of all revenues received by the depart-  
44 ment of taxation and finance, pursuant to the provisions of paragraph  
45 (h) of subdivision one of section four hundred twenty-four of the tax  
46 law, and all other moneys appropriated, credited or transferred thereto  
47 from any other fund or source pursuant to law. Nothing contained in this  
48 section shall prevent the state from receiving grants, gifts or bequests  
49 for the purposes of the fund as defined in this section and depositing  
50 them into the fund according to law.

51 (b) Monies expended from such fund shall be used to supplement and not  
52 supplant any other funds which would otherwise have been expended for  
53 alcohol addiction prevention or recovery. All such funds shall be used  
54 to improve alcohol addiction prevention and recovery services in the  
55 state. Nothing in this paragraph shall preclude the state from decreas-  
56 ing funds as long as the state demonstrates to the office of alcoholism

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1 and substance abuse services that the quality of services has been main-  
2 tained or enhanced notwithstanding the use of state funds.

3 3. Monies of the fund shall be expended only for alcohol addiction  
4 prevention and recovery. As used in this section, "alcohol addiction  
5 prevention and recovery" shall include educational projects, including  
6 grants for alcohol addiction education and prevention programs, and  
7 alcohol addiction recovery services and programs which are approved by  
8 the department of health.

9 4. Monies shall be payable from the fund on the audit and warrant of  
10 the comptroller on vouchers approved and certified by the commissioner  
11 of the office of alcoholism and substance abuse services, provided  
12 however that fifty percent of the funds shall be expended on alcohol  
13 addiction prevention and fifty percent of the funds shall be expended on

14 alcohol addiction recovery services and programs.

15 5. To the extent practicable, the commissioner of the office of alco-  
16 holism and substance abuse services shall ensure that all monies  
17 received during a fiscal year are expended prior to the end of the  
18 fiscal year.

19 6. On or before the first day of February each year, the commissioner  
20 of the office of alcoholism and substance abuse services shall provide a  
21 written report to the temporary president of the senate, speaker of the  
22 assembly, chair of the senate finance committee, chair of the assembly  
23 ways and means committee, chair of the senate committee on health, chair  
24 of the assembly health committee, the state comptroller and the public.  
25 Such report shall include how the monies of the fund were utilized  
26 during the preceding calendar year, and shall include:

27 (a) the amount of money disbursed from the fund and the award process  
28 used for such disbursements;

29 (b) recipients of awards from the fund;

30 (c) the amount awarded to each;

31 (d) the purposes for which such awards were granted; and

32 (e) a summary financial plan for such monies which shall include esti-  
33 mates of all receipts and all disbursements for the current and succeed-  
34 ing fiscal years, along with the actual results from the prior fiscal  
35 year.

36 § 4. This act shall take effect April 1, 2020. Effective immediately,  
37 any rules or regulations necessary to implement the provisions of this  
38 act may be promulgated and any procedures, forms, or instructions neces-  
39 sary for such implementation may be adopted and issued on or after the  
40 date this act shall have become a law. The commissioners of taxation and  
41 finance and the office of alcoholism and substance abuse services may  
42 take any steps necessary to implement this act prior to its effective  
43 date.