

Inside NYSABC



The official newsletter of the New York State Association of Beverage Centers

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SLA Clarifies Cider License Issue

No new license needed for C licenses to purchase cider from a beer wholesaler or to sell cider at retail. BC104 certificate is required only if you sell the cider to another wholesaler or to a retail license holder.

NYSABC has gotten an SLA clarification of the cider license issue.

According to the SLA it is NOT necessary for a C license to hold a BC104 cider wholesale license in order to retail cider. From the new SLA guidance: **“A C license holder (without the BC104) may purchase cider from another wholesaler (for retail sale only). If, however the C license holder intends to sell that cider at wholesale to another wholesale license holder or retail license holder, the BC104 is necessary.”**

The SLA has notified the New York State Cider Association and the New York State Beer Wholesalers Association of this ruling. We’ve followed up to make sure the message got through.

Plastic Bag Ban Enforcement Begins Oct. 19

The New York State Department of Environmental Conservation (DEC) has announced that it will begin enforcing NY’s statewide plastic bag ban on October 19, 2020. Late last month, an upstate court upheld most of the state’s Bag Waste Reduction Law, which technically took effect on March 1, 2020. The DEC had previously agreed that if it won the case it would give at least 30 days advance notice of its intention to begin enforcing the ban.

As a result, beginning Monday, October 19, you may not distribute any plastic carryout bags to your customers unless such bags are exempt as provided in the Bag Waste Reduction Law. For more details about exempt bags, see the FAQs below.

First violation gets a warning notice; second violation within a year of the warning notice is a \$250 fine; second violation within a year of warning is a \$500 fine.

The decision does not affect local laws in New York City, Suffolk County, Tompkins County, and the cities of Troy and White Plains requiring that a 5-cent fee must be charged on paper carryout bags.

Here are some FAQs on the plastic bag ban and the 5¢ paper bag fee.

What kind of plastic bags are banned?

All single-use plastic bags provided by stores to carry out goods. The ban does not apply to reusable bags with handles made of cloth or another durable material.

Who does the ban apply to?

Any store that is required to collect sales tax, including groceries, retailers and small businesses.

When does the ban take effect?

Monday, October 19, 2020.

Are there any exceptions?

Yes. There are 11 instances where it’s OK to give a customer a plastic bag, including when the bag holds uncooked meat, fish or poultry; bulk items like fruit, vegetables or candy; sliced or prepared foods; a newspaper for delivery to a subscriber; and prescription drugs.

There are also exemptions for bags when they are sold in bulk, trash bags, food-storage bags, garment bags, pre-packaged bags offered for sale and bags for carryout orders at restaurants and taverns. Also, consumers can bring their own bags, of any kind.

What are the penalties?

First violation is a warning, a violation within 1 year of the warning is a \$250 fine, a second violation within year of a warning is a \$500 fine.

Where can I get more information?

For more information on the plastic bag ban: <https://www.dec.ny.gov/chemical/50034.html>

What about paper bags?

The state law doesn’t ban paper bags, but counties and cities have the option to require stores to charge a 5¢ fee for each paper bag. New York City, Suffolk County, Tompkins County, and the cities

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NY State Adopts Single-Use Styrofoam Food Container Ban

NY State has adopted a law that prohibits the distribution and use of expanded polystyrene (commonly known as Styrofoam) single-use food containers. The law also bans the sale of polystyrene packaging materials known as packing peanuts. The statewide ban goes into effect on January 1, 2022.

NYC, Nassau and Suffolk have already adopted similar bans, which have been in effect since January 1, 2020.

The laws ban retail food service establishments from providing disposable single use Styrofoam food containers, including cups, containers, lids, closures, trays, plates, knives, forks, spoons, etc. The bans do not apply to prepackaged foods that have been filled and sealed prior to receipt by the store or to containers used to store uncooked eggs, raw meat, pork, fish, seafood or poultry sold from a butcher case or similar retail use. Penalties are \$500 for a first offense, up

to \$1,000 for a second offense and up to \$2,500 for each subsequent offense.

The laws do not ban the sale of reusable items made of Styrofoam, such as picnic coolers, which we can sell:

NY ABC Law 104

1. (a) No wholesaler shall be engaged in any other business on the premises to be licensed; except that nothing contained in this chapter shall:

* * *

(4) prohibit a beer wholesaler who is authorized to sell beer at retail from selling at retail:

* * *

(iv) barbecue and picnic-related products and supplies, which shall include, but not be limited to, charcoal, grills, propane gas, plastic and paper cups, paper or plastic tablecloths and coolers

NY Sick Leave Law Takes Effect September 30

New York State's permanent paid sick leave law (NYSSL) takes effect on Wednesday, September 30. Covered employees will begin accruing leave on that date; however, employees may not use accrued leave until January 1, 2021. The New York State Department of Labor has not yet issued regulations or guidance, which will likely be forthcoming. Meanwhile, here's a summary of the new requirements:

Amount of Leave

The amount of leave an employer is required to provide is based on the number of employees in any calendar year and the amount of net income in the previous tax year.

- Employers with four or fewer employees and net income of \$1 million or less are required to provide 40 hours of unpaid sick leave per calendar year.
- Employers with four or fewer employees and net income of \$1 million + must provide 40 hours of paid sick leave per calendar year.
- 5 to 99 employees, 40 hours of paid sick leave per calendar year.
- 100+ employees, 56 hours of paid sick leave per calendar year.

Accrual and Frontloading: Leave must accrue at a rate of at least one hour per 30 hours worked; however, an employer may provide employees with the entire amount of leave at the beginning of the year. If you frontload leave you may not later reduce the amount of leave if the employee does not work enough hours to accrue the amount provided.

Use of Sick Leave

Sick leave can be used for:

- Employee's mental or physical illness, or injury, or diagnosis, care, treatment, or preventive care for employee's mental or physical illness or injury;
- Covered family member's mental or physical illness or injury or diagnosis, care, treatment, or preventive care for a covered family member's mental or physical illness or injury;
- Absences related to employee's status as a victim of domestic violence, family offense, sexual offense, stalking, or human trafficking; or
- Absences related to a covered family member's status as a victim of domestic violence, family offense, sexual offense, stalking, or human trafficking.

"Family Member" is broadly defined to include an employee's child (biological, adopted, or foster child, a legal ward, spouse, domestic partner, parent (biological, foster, step, adoptive, legal guardian, or person who stood in place of a parent when the employee was a minor), sibling, grandchild, or grandparent; and the child or parent of an employee's spouse or domestic partner.

Other highlights

- Unused sick leave must be carried over to the following year.
- Employees may request (in writing or verbally) a summary of the amount of sick leave accrued and used, which you must provide within 3 business days.
- Employers may not require employees to disclose any confidential information in verifying the need for sick leave.
- Employees have a right to reinstatement and protections against retaliation for exercising rights under the NYSSL.
- Employer must maintain records regarding the amount of sick leave provided for six years.

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Plastic Bag Ban

continued from front cover

of Troy and White Plains have adopted such laws. In the municipalities that have adopted nickel-a-bag laws, the fee must be collected by the store, shown on the sales slip or receipt and the store must remit the fees and file quarterly returns to NY State Tax on the last day of February, May, August and November. Local governments that charge the fee get to keep 2 cents for each bag. The remaining 3 cents goes to the state's Environmental

Protection Fund. Penalties are the same as the plastic bag ban: first violation is a warning, a violation within 1 year of a warning is a \$250 fine, a second violation within year of a warning is a \$500 fine.

Does everyone have to pay the paper bag fee?

Almost everyone - so long as you're shopping in a county or city that opted in. The only people exempt from paying the paper bag fee those who receive SNAP or WIC benefits.





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Save the Date for Holiday Party

Save the date for NYSABC's annual "After the New Year New Year's Party" on Wednesday evening, February 10, 2021 at the Coral House in Baldwin, NY. Right now, we're planning on a live in-person event, though circumstances may require us to go virtual. If it's live, there will be a paid-members and suppliers seminar, cocktail hour, dinner, and awards ceremony—a great opportunity to celebrate the start of the new year, meet

with friends, colleagues and suppliers, and get an update on crucial issues facing our business in the coming year. The seminar will review the achievements of the past year, most importantly the behind-the-scenes battle to get our stores declared essential, enabling us to remain open during the worst of the pandemic. We'll also review the latest legal and regulatory developments: plastic bag ban and paper bag fee laws; Styrofoam

container, straw and utensil bans; NY's new paid sick leave law; cider licenses; Bottle Bill expansion outlook; the ongoing struggle to prevent the expansion of beer and wine superstores; and recreational marijuana legalization. Even if we have to go virtual, we'll still offer the members-only seminar and awards ceremony – so make sure your dues are paid and watch your email for updates and ticket information.

The advertisement features a dark red background on the left with a large, stylized white 'BB' logo. Below the logo, the text 'BOENING BROS. INC.' is written in a white, bold, sans-serif font. To the right of the logo, the text 'Proudly Serving New York for over 110 Years' is displayed in a white, bold, sans-serif font. The right side of the advertisement shows a close-up of a glass of beer with a thick head of white foam, set against a warm, golden background.

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over 110 Years**

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