

Todd Vandervort, President of The Vandervort Group, LLC (TVG) has been NYSLSA's lobbyist for more than 10 years. The role of a lobbyist is essential to the success of an association because they use their legislative and State agency relationships to be the voice of the members of the association. In conjunction with TVG, NYSLSA has worked to oppose bad proposals and to advance beneficial ones for retailers, many of whom are small independent businesses.

NYSLSA also works with the NYS Liquor Authority (SLA) to ensure that the retailers' position is heard as they develop Advisories and Bulletins that impact our stores. TVG also gets answers to many questions that retailers raise and we ensure that retailers are in compliance with all laws, rules, and regulations that are pertinent to our businesses.

These are some of the more notable issues that NYSLSA and TVG have lobbied together.

Issues NYSLSA Has Successfully Opposed

Wine in Grocery Stores (WIGS):

NYSLSA was instrumental in stopping big box chains from pursuing legislation that would allow them to sell wine in grocery stores. In 2009, then-Governor Patterson proposed WIGS in his Budget, and NYSLSA engaged with its members to effectively kill the idea and have kept the issue at bay each year since. The efforts that were employed included an intense grassroots effort with members, a very successful large-scale Lobby Day in Albany, participation in legislative budget hearings, and roundtable discussions with all affected parties.

Bottle Bill Expansion to Include Wine and Liquor Bottles:

A proposal to include wine and liquor bottles in the Bottle Bill would have significant negative impacts on liquor stores and our industry in general. NYSLSA has stood firm in opposing the expansion of the Bottle Bill and has requested that the NYS Department of Environmental Conservation undertake a thorough review with input from affected parties before making a decision.

Attempts to Change Tied House Laws:

Over the years there has been both stand-alone legislation and Budget proposals to loosen Tied House Laws. NYSLSA consistently protects the three-tier system of distribution in New York to protect the interests of retailers.

The NYS Liquor Authority (SLA) has drafted Advisories interpreting certain aspects of the Tied House Laws. NYSLSA ensures that the retailer voice is heard as the Authority makes their decisions.

Third Party Internet Sales:

The NYS Liquor Authority is often asked to review and approve or deny sales of alcoholic beverages by non-licensed, third party company that use internet platforms to advertise and sell alcohol.

NYSLSA argues that since these third party companies are not licensed to sell alcohol, they are violating the three tier system. Additionally, by participating in this arrangement, retailers could be construed as “availing” their license and sharing their profits with these companies.

We have further held that 21st Century technological terms such as “apps” or “the internet” for the marketing and sales of alcoholic beverages should be defined in statute by the Legislature before decisions and rulings are made by agencies such as the SLA.

Issues NYSLSA Has Supported

A Law Allowing Retailers to Charge for Educational Seminars:

NYSLSA and TVG created a new law to allow retailers to charge for educational seminars. Allowing retailers to charge a fee for educational seminars gives them the ability to pay for experts to come to their stores to conduct seminars and allows them to offer high end tastings such as champagne or rare vintages. It also gives credibility to the retailers' expertise in knowing the products they sell in their stores and making recommendations to their customers. In addition, it will help grow local businesses in new directions and provide information to their customers that increase their knowledge, use, consumption, and appreciation of wines and spirits.

Offering educational seminars enhances customers' knowledge and appreciation of wines and spirits, increases sales of products that customers may not have otherwise selected, and allows retailers to hand sell certain products, including New York wines and spirits. The more information and knowledge a customer has on a product, the more informed choices they will make, and it will encourage them to try new products.

Please note that any fees charged are solely for educational seminars; not for tastings. Any tastings associated with the seminars are also available to other customers, and are provided in accordance with section 63-a of the Alcoholic Beverage Control Law.

Gift Bags May Now Be Sold For a Profit by Retailers:

Under a law that was enacted due to a lobbying effort by NYSLSA, gift bags and gift wrap may now be sold by liquor stores, for a profit. Allowing them to make a small profit from the sale of gift bags provides them with an additional revenue stream, allows them to purchase larger quantities and varieties of gift bags and gift wrap for their customers' purchases, and provides a convenience to their customers by wrapping their purchases.

COD Considerations:

Under current law, if a retailer is on COD with any wholesaler, they are on COD with all wholesalers, and may only pay cash until they are removed from the COD list. In some cases, they are on COD due to reasons that are not their fault. NYSLSA has long-fought for amendments to the COD law to allow retailers to continue to do business as usual with any wholesalers with whom they are not on COD, and to only be on COD with the wholesaler that has placed them on the list, until they rectify the problem.

Family Planning / Mix and Match Products:

NYSLSA has been pursuing the enactment of legislation that would allow retailers to purchase different sized bottles of the same brand name. Customers will benefit from being able to mix and match different flavors of the same product. Retailers will receive quantity discounts on different sized bottles of similar wines or liquors from the same manufacturer. We will continue to ask for statutory changes to all for this change.

Tastings Conducted by Retailers:

Retailers may now conduct tastings of wine, liquor, and any product they sell in their stores as the result of a lobbying effort by NYSLSA and at the request of many retailers.

Plastic Bag Ban Implementation:

While we all support environmental policies to reduce litter, NYSLSA opposed the Plastic Bag Ban as proposed in Governor Cuomo's Budget. NYSLSA argued many points in opposition including the fact that outright bans do not allow for an orderly transition to an alternative option, and create higher costs for retailers, which will be passed on to consumers whether they take a bag or not.

Now that New York has a Plastic Bag Ban in place, NYSLSA will listen to members that are experiencing difficulties complying with the ban, and work to improve them through legislation.

Trade Show Pricing Strategies:

TVG has assisted NYSLSA in ensuring that their trade-shows are as profitable as possible and to maximize exposure to retailers, restaurants, and bars to a wide variety of products, with the goal of obtaining new or larger placements in their stores and restaurants. In the past, special/best pricing was available at the trade-shows. However, this is no longer allowed.

NYSLSA is working to bring back this special pricing at the trade-shows to benefit all tiers of our industry.

Recreational Marijuana Sales in Liquor Stores:

New York has been considering allowing sales of recreational marijuana for the past few years. Proposals have been introduced in legislation and as part of Governor Cuomo's budget. Hearings have been held, and numerous discussions have taken place but there has been no agreement made to date. We anticipate that the discussions will continue in the 2021 session. NYSLSA will continue its lobbying efforts to allow liquor stores to sell marijuana.

Increase Number of Combo Packs Liquor Stores May Sell:

NYSLSA worked with the SLA to increase the number of combination packs a liquor store may purchase each month. At that time, retailers were only allowed to purchase one per month. After much negotiation, we agreed to an increase to two per month.

Creation of a Craft Beverage Council:

In an effort to promote New York craft beverages, NYSLSA has supported legislation to create a New York Craft Beverage Council within the Department of Economic Development. On behalf of the New York wineries, distilleries, cideries, and craft brew producers, creation of this Council

will allow New York to thrive as a tourist destination, reap the benefits of its agricultural resources, and boost economic development in communities across the State.