

1652

2011-2012 Regular Sessions

I N S E N A T E

January 11, 2011

Introduced by Sen. DILAN -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the alcoholic beverage control law, in relation to permits for licensed brewers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 51 of the alcoholic beverage control law is amended
2 by adding a new subdivision 9 to read as follows:

3 9. (A) A LICENSED BREWER MAY OBTAIN A PERMIT TO SERVE SMALL SAMPLES OF
4 BEER OR MALT BEVERAGES IT PRODUCES AT OUTDOOR OR INDOOR GATHERINGS,
5 FUNCTIONS, OCCASIONS OR EVENTS.

6 (B) THE FEE FOR SUCH PERMIT SHALL BE TWENTY DOLLARS AND SHALL BE
7 ISSUED BY THE AUTHORITY AND DATED FOR ITS PERIOD OF USE, WHICH SHALL NOT
8 EXCEED THREE DAYS.

9 (C) TASTINGS AT SUCH OUTDOOR OR INDOOR GATHERINGS, FUNCTIONS, OCCA-
10 SIONS OR EVENTS SHALL BE CONDUCTED ONLY WITHIN THE HOURS FIXED BY OR
11 PURSUANT TO SUBDIVISION FIVE OF SECTION ONE HUNDRED SIX OF THIS CHAPTER,
12 DURING WHICH ALCOHOLIC BEVERAGES MAY BE LAWFULLY SOLD OR SERVED UPON
13 PREMISES LICENSED TO SELL ALCOHOLIC BEVERAGES AT RETAIL FOR CONSUMPTION
14 IN THE COMMUNITY IN WHICH THE PREMISES IN WHICH SUCH OUTDOOR OR INDOOR
15 GATHERING, FUNCTION, OCCASION OR EVENT IS HELD.

16 (D) EACH SERVING AT TASTINGS SHALL BE SERVED ONLY BY THE BREWER OR ITS
17 EMPLOYEE AND SHALL BE LIMITED TO THREE OUNCES OR LESS OF A BRAND OF BEER
18 OR MALT BEVERAGE PRODUCED BY THE BREWER AND NO CONSUMER OF LEGAL AGE
19 SHALL BE PROVIDED OR GIVEN MORE THAN TWO SERVINGS OF SUCH BRANDS OFFERED
20 FOR TASTING.

21 (E) THE BREWER SHALL BE RESPONSIBLE FOR ENSURING THAT SUCH SAMPLES ARE
22 ONLY SERVED TO INDIVIDUALS LEGALLY ELIGIBLE TO CONSUME ALCOHOLIC BEVER-
23 AGES IN THIS STATE.

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

LBD06313-01-1

1 (F) THE AUTHORITY MAY ISSUE PERMITS TO MORE THAN ONE LICENSED BREWER
2 FOR THE SAME OUTDOOR OR INDOOR GATHERING, FUNCTION, OCCASION OR EVENT.

3 (G) SUCH PERMIT SHALL INCLUDE THE PRIVILEGE TO SELL BEER OR MALT
4 BEVERAGES PRODUCED BY THE BREWER AT SUCH OUTDOOR OR INDOOR GATHERING,
5 FUNCTION, OCCASION OR EVENT, IN SEALED CONTAINERS FOR OFF-PREMISES
6 CONSUMPTION.

7 (H) ANY LIABILITY STEMMING FROM A RIGHT OF ACTION RESULTING FROM THE
8 SAMPLING OR SALE OF BEER OR OTHER MALT BEVERAGES AS AUTHORIZED BY THIS
9 SUBDIVISION, AND IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 11-100
10 AND 11-101 OF THE GENERAL OBLIGATIONS LAW, SHALL ACCRUE TO THE BREWER.

11 (I) THE AUTHORITY IS AUTHORIZED AND DIRECTED TO PROVIDE SUCH FORMS TO
12 A BREWER TO OBTAIN SUCH PERMIT, AND PROMULGATE SUCH RULES AND REGU-
13 LATIONS, AS IT DEEMS NECESSARY OR APPROPRIATE TO IMPLEMENT THE
14 PROVISIONS OF THIS SUBDIVISION TO PROTECT THE HEALTH, SAFETY AND WELFARE
15 OF THE PEOPLE OF THIS STATE.

16 S 2. This act shall take effect immediately.