

1652--A

2011-2012 Regular Sessions

I N   S E N A T E

January 11, 2011

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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 -- recommitted to the Committee on Commerce, Economic Development and Small Business in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the alcoholic beverage control law, in relation to permits for brewers, manufacturers and importers of beer or malt beverages

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 BREWER OR MANUFACTURER AS DEFINED IN SECTION THREE OF THIS  
4     CHAPTER, OR AN IMPORTER HAVING A BASIC PERMIT AS REQUIRED BY SECTION  
5     1.20 OF TITLE 27 OF THE CODE OF FEDERAL REGULATIONS, MAY OBTAIN A PERMIT  
6     TO SERVE SMALL SAMPLES OF BEER OR MALT BEVERAGES IT PRODUCES OR IMPORTS  
7     AT OUTDOOR OR INDOOR GATHERINGS, FUNCTIONS, OCCASIONS OR EVENTS.  
8     (B) THE FEE FOR SUCH PERMIT SHALL BE TWENTY DOLLARS AND SHALL BE  
9     ISSUED BY THE AUTHORITY AND DATED FOR ITS PERIOD OF USE, WHICH SHALL NOT  
10    EXCEED THREE DAYS.  
11    (C) TASTINGS AT SUCH OUTDOOR OR INDOOR GATHERINGS, FUNCTIONS, OCCA-  
12    SIONS OR EVENTS SHALL BE CONDUCTED ONLY WITHIN THE HOURS FIXED BY OR  
13    PURSUANT TO SUBDIVISION FIVE OF SECTION ONE HUNDRED SIX OF THIS CHAPTER,  
14    DURING WHICH ALCOHOLIC BEVERAGES MAY BE LAWFULLY SOLD OR SERVED UPON  
15    PREMISES LICENSED TO SELL ALCOHOLIC BEVERAGES AT RETAIL FOR CONSUMPTION  
16    IN THE COMMUNITY IN WHICH THE PREMISES IN WHICH SUCH OUTDOOR OR INDOOR  
17    GATHERING, FUNCTION, OCCASION OR EVENT IS HELD.  
18    (D) EACH SERVING AT TASTINGS SHALL BE SERVED ONLY BY THE BREWER OR  
19    MANUFACTURER OR IMPORTER OR ITS EMPLOYEE AND SHALL BE LIMITED TO THREE  
20    OUNCES OR LESS OF A BRAND OF BEER OR MALT BEVERAGE PRODUCED OR IMPORTED

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

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1 BY THE BREWER OR MANUFACTURER OR IMPORTER AND NO CONSUMER OF LEGAL AGE  
2 SHALL BE PROVIDED OR GIVEN MORE THAN TWO SERVINGS OF SUCH BRANDS OFFERED  
3 FOR TASTING.

4 (E) THE BREWER OR MANUFACTURER OR IMPORTER SHALL BE RESPONSIBLE FOR  
5 ENSURING THAT SUCH SAMPLES ARE ONLY SERVED TO INDIVIDUALS LEGALLY ELIGI-  
6 BLE TO CONSUME ALCOHOLIC BEVERAGES IN THIS STATE.

7 (F) THE AUTHORITY MAY ISSUE PERMITS TO MORE THAN ONE BREWER OR  
8 MANUFACTURER OR IMPORTER FOR THE SAME OUTDOOR OR INDOOR GATHERING, FUNC-  
9 TION, OCCASION OR EVENT.

10 (G) SUCH PERMIT SHALL INCLUDE THE PRIVILEGE TO SELL BEER OR MALT  
11 BEVERAGES PRODUCED BY THE BREWER OR MANUFACTURER OR SOLD BY THE IMPORTER  
12 AT SUCH OUTDOOR OR INDOOR GATHERING, FUNCTION, OCCASION OR EVENT, IN  
13 SEALED CONTAINERS FOR OFF-PREMISES CONSUMPTION.

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

19 (I) THE AUTHORITY IS AUTHORIZED AND DIRECTED TO PROVIDE SUCH FORMS TO  
20 A BREWER OR MANUFACTURER OR IMPORTER TO OBTAIN SUCH PERMIT, AND PROMUL-  
21 GATE SUCH RULES AND REGULATIONS, AS IT DEEMS NECESSARY OR APPROPRIATE TO  
22 IMPLEMENT THE PROVISIONS OF THIS SUBDIVISION TO PROTECT THE HEALTH,  
23 SAFETY AND WELFARE OF THE PEOPLE OF THIS STATE.

24 S 2. This act shall take effect immediately.