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I N   S E N A T E

May 2, 2012

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Introduced by Sen. GRISANTI -- 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 beer and brewpubs

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

1     Section 1. Subdivisions 5, 8 and 10 of section 64-c of the alcoholic  
2     beverage control law, as added by chapter 538 of the laws of 1997, are  
3     amended to read as follows:  
4     5. Such restaurant-brewer license shall in form and in substance be a  
5     license to the person specifically licensed to operate a restaurant and  
6     sell liquor at retail to be consumed on the premises specifically  
7     licensed. Such license shall also be deemed to include a license to:  
8     (A) sell wine and beer at retail to be consumed under the same terms  
9     and conditions, without the payment of any additional fee; AND  
10    (B) SELL BEER BREWED ON THE PREMISES TO OTHER RETAIL LICENSEES, WHERE  
11    SUCH LICENSE IS HELD BY THE SAME PERSON HOLDING THE RESTAURANT-BREWER  
12    LICENSE, OR TO COMMONLY OWNED AFFILIATE LICENSES, PROVIDED THAT SUCH  
13    BEER IS SOLD THROUGH A NEW YORK STATE LICENSED BEER WHOLESALER.  
14    8. [Not more than five thousand barrels of beer per year may be brewed  
15    on any premises licensed under this section nor may any person who holds  
16    multiple licenses] A PERSON HOLDING ONE OR MORE LICENSES under this  
17    section MAY brew, in the aggregate, NO more than twenty thousand barrels  
18    of beer per year.  
19    10. [Except as provided in subdivisions seven, eight, nine, twelve,  
20    thirteen, fourteen and sixteen of this section, no person licensed under  
21    this section may be interested directly or indirectly in any other prem-  
22    ises in this state where alcoholic beverages are manufactured or sold.  
23    Any person who has an interest in premises eligible for conversion under  
24    subdivision nine of this section shall not be issued any license under  
25    this section unless and until a conversion application has been filed  
26    with and approved by the authority.] (A) FOR PURPOSES OF SECTIONS ONE  
27    HUNDRED ONE AND ONE HUNDRED SIX OF THIS CHAPTER, A PERSON LICENSED UNDER

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

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1 THIS SECTION SHALL BE DEEMED A "RETAILER" AS THAT TERM IS DEFINED WITHIN  
2 SECTION THREE OF THIS CHAPTER. NOTWITHSTANDING ANY PROVISION OF THIS  
3 CHAPTER TO THE CONTRARY, A PERSON LICENSED UNDER THIS SECTION MAY ALSO  
4 BE LICENSED (OR INTERESTED DIRECTLY OR INDIRECTLY IN A LICENSE) TO SELL  
5 LIQUOR AT RETAIL TO BE CONSUMED ON OR OFF THE PREMISES UNDER SECTION  
6 FIFTY-FOUR, FIFTY-FOUR-A, FIFTY-FIVE, FIFTY-FIVE-A, SEVENTY-NINE OR  
7 EIGHTY-ONE OF THIS CHAPTER OR SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-  
8 FOUR-B AND SIXTY-FOUR-D OF THIS ARTICLE.

9 (B) NO MANUFACTURER OR WHOLESALER OF ALCOHOLIC BEVERAGES MAY BE GRANT-  
10 ED A LICENSE TO OPERATE A RESTAURANT-BREWER PURSUANT TO THIS SECTION.  
11 ANY PERSON WHO HAS AN INTEREST IN PREMISES ELIGIBLE FOR CONVERSION UNDER  
12 SUBDIVISION NINE OF THIS SECTION SHALL NOT BE ISSUED ANY LICENSE UNDER  
13 THIS SECTION UNLESS AND UNTIL A CONVERSION APPLICATION HAS BEEN FILED  
14 WITH AND APPROVED BY THE AUTHORITY.

15 S 2. This act shall take effect immediately.