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I N S E N A T E

March 27, 2014

Introduced by Sens. VALESKY, KLEIN -- read twice and ordered printed,
and when printed to be committed to the Committee on Commerce, Econom-
ic Development and Small Business

AN ACT to amend the alcoholic beverage control law, in relation to
promoting economic development by expanding products sold by farm
cideries and authorizing such cideries to sell cider to other licen-
sees

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

1 Section 1. Paragraph (a) of subdivision 3-a of section 58 of the
2 alcoholic beverage control law, as added by chapter 384 of the laws of
3 2013, is amended to read as follows:
4 (a) sell such cider to licensed farm distillers, DISTILLERS, farm
5 wineries, WINERIES, farm cideries [and], CIDERIES, farm breweries AND
6 BREWERIES. All such cider sold by the licensee shall be securely sealed
7 and have attached thereto a label as shall be required by section one
8 hundred seven-a of this chapter;
9 S 2. Paragraphs (c), (d), (e), (f) and (g) of subdivision 2 of section
10 58-c of the alcoholic beverage control law, as added by chapter 384 of
11 the laws of 2013, are amended to read as follows:
12 (c) sell cider manufactured by the licensee to wholesalers and retail-
13 ers licensed in this state to sell such cider, TO licensed farm distil-
14 lers, LICENSED DISTILLERS, licensed farm wineries, LICENSED WINERIES,
15 licensed farm breweries, LICENSED BREWERIES and any other licensed farm
16 cidery OR LICENSED CIDERY. All such cider sold by the licensee shall be
17 securely sealed and have attached thereto a label as shall be required
18 by section one hundred seven-a of this chapter;
19 (d) sell at the licensed premises cider manufactured by the licensee
20 or any other licensed farm cidery, OR ANY NEW YORK STATE LABELED CIDER
21 at retail for consumption on or off the licensed premises;
22 (e) conduct tastings at the licensed premises of cider manufactured by
23 the licensee or any other licensed farm cidery, OR ANY NEW YORK STATE
24 LABELED CIDER;

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

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(f) sell and conduct tastings of cider manufactured by the licensee or any other licensed farm cidery, OR ANY NEW YORK STATE LABELED CIDER at retail for consumption on the premises of a restaurant, conference center, inn, bed and breakfast or hotel business owned and operated by the licensee in or adjacent to its farm cidery. A licensee who operates a restaurant, conference center, inn, bed and breakfast or hotel pursuant to such authority shall comply with all applicable provisions of this chapter which relate to licenses to sell cider at retail for consumption on the premises;

(g) sell cider manufactured by the licensee or any other licensed farm cidery, OR ANY NEW YORK STATE LABELED CIDER at retail for consumption off the premises, at the state fair, at recognized county fairs and at farmers markets operated on a not-for-profit basis;

S 3. Subdivision 5 of section 58-c of the alcoholic beverage control law, as added by chapter 384 of the laws of 2013, is amended to read as follows:

5. A licensed farm cidery may, under such rules as may be adopted by the authority, sell cider manufactured by the licensee or any other licensed farm cidery, OR ANY NEW YORK STATE LABELED CIDER at retail in bulk by the keg, cask or barrel for consumption and not for resale at a clam-bake, barbeque, picnic, outing or other similar outdoor gathering at which more than fifty persons are assembled.

S 4. Paragraphs (b) and (e) of subdivision 7 of section 58-c of the alcoholic beverage control law, as added by chapter 384 of the laws of 2013, are amended to read as follows:

(b) food items for the purpose of complementing cider tastings, which shall mean a diversified selection of food that is ordinarily consumed without the use of tableware and can be conveniently consumed while standing or walking. Such food items shall include but not be limited to: cheeses, fruits, vegetables, chocolates, breads, DONUTS, mustards and crackers;

(e) cider-making equipment and supplies including, but not limited to, home cider-making kits, filters, bottling equipment, BOTTLES, FERMENTATION CONTAINERS, and books or other written material to assist cider-makers and home cider-makers to produce and bottle cider;

S 5. Subdivision 13 of section 58-c of the alcoholic beverage control law, as added by chapter 384 of the laws of 2013, is amended to read as follows:

13. Notwithstanding any other provision of this chapter, the authority may issue a farm cidery license to the holder of a farm brewery, BREWERY, farm winery [or], WINERY, farm distiller's OR DISTILLER'S license for use at such licensee's existing licensed premises. The holder of a farm brewery, BREWERY, farm winery [or], WINERY, farm distiller's OR DISTILLER'S license that simultaneously holds a farm cidery license on an adjacent premises may share and use the same tasting room facilities to conduct any tastings that such licensee is otherwise authorized to conduct.

S 6. Paragraph (a) of subdivision 7-b of section 3 of the alcoholic beverage control law, as amended by chapter 384 of the laws of 2013, is amended to read as follows:

(a) "Cider" means the partially or fully fermented juice of fresh, whole apples or other pome fruits, containing more than three and two-tenths per centum but not more than eight and one-half per centum alcohol by volume: (i) to which nothing has been added to increase the alcoholic content produced by natural fermentation; and (ii) with the usual cellar treatments and necessary additions to correct defects due to

1 climate, [saccharine] SUGAR levels and seasonal conditions. Nothing
2 contained in this subdivision shall be deemed to preclude the use of
3 such methods or materials as may be necessary to encourage a normal
4 alcoholic fermentation and to make a product that is free of microbi-
5 ological activity at the time of sale. Cider may be sweetened or
6 flavored after fermentation with fruit juice, fruit juice concentrate,
7 sugar, maple syrup, honey, spices or other agricultural products, sepa-
8 rately or in combination. Cider may contain retained or added carbon
9 dioxide.

10 S 7. This act shall take effect on the one hundred eightieth day after
11 it shall have become a law; provided, however, that effective immediate-
12 ly, the addition, amendment and/or repeal of any rule or regulation
13 necessary for the implementation of this act on its effective date are
14 authorized and directed to be made and completed on or before such
15 effective date.