

7813

I N S E N A T E

June 11, 2014

Introduced by Sen. MARCELLINO -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the alcoholic beverage control law, in relation to licenses and permits regarding the manufacture of alcoholic beverages; and to repeal certain provisions of such law relating thereto

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

1 Section 1. Subdivision 3 of section 17 of the alcoholic beverage
2 control law, as amended by chapter 355 of the laws of 2013, is amended
3 to read as follows:
4 3. To revoke, cancel or suspend for cause any license or permit issued
5 under this chapter and/or to impose a civil penalty for cause against
6 any holder of a license or permit issued pursuant to this chapter. Any
7 civil penalty so imposed shall not exceed the sum of ten thousand
8 dollars as against the holder of any retail permit issued pursuant to
9 sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d [and],
10 paragraph f of subdivision one of section ninety-nine-b, NINETY-NINE-H,
11 NINETY-NINE-I AND NINETY-NINE-J of this chapter, and as against the
12 holder of any retail license issued pursuant to sections fifty-two,
13 fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-five-a,
14 sixty-three, sixty-four, sixty-four-a, sixty-four-b, sixty-four-c,
15 seventy-six-f, seventy-nine, eighty-one and eighty-one-a of this chap-
16 ter, and the sum of thirty thousand dollars as against the holder of a
17 license issued pursuant to sections fifty-three, seventy-six, seventy-
18 six-a, and seventy-eight of this chapter, provided that the civil penal-
19 ty against the holder of a wholesale license issued pursuant to section
20 fifty-three of this chapter shall not exceed the sum of ten thousand
21 dollars where that licensee violates provisions of this chapter during
22 the course of the sale of beer at retail to a person for consumption at
23 home, and the sum of one hundred thousand dollars as against the holder
24 of any license issued pursuant to sections fifty-one, sixty-one and
25 sixty-two of this chapter. Any civil penalty so imposed shall be in
26 addition to and separate and apart from the terms and provisions of the
27 bond required pursuant to section one hundred twelve of this chapter.
28 Provided that no appeal is pending on the imposition of such civil
29 penalty, in the event such civil penalty imposed by the division remains

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

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1 unpaid, in whole or in part, more than forty-five days after written
2 demand for payment has been sent by first class mail to the address of
3 the licensed premises, a notice of impending default judgment shall be
4 sent by first class mail to the licensed premises and by first class
5 mail to the last known home address of the person who signed the most
6 recent license application. The notice of impending default judgment
7 shall advise the licensee: (a) that a civil penalty was imposed on the
8 licensee; (b) the date the penalty was imposed; (c) the amount of the
9 civil penalty; (d) the amount of the civil penalty that remains unpaid
10 as of the date of the notice; (e) the violations for which the civil
11 penalty was imposed; and (f) that a judgment by default will be entered
12 in the supreme court of the county in which the licensed premises are
13 located, or other court of civil jurisdiction or any other place
14 provided for the entry of civil judgments within the state of New York
15 unless the division receives full payment of all civil penalties due
16 within twenty days of the date of the notice of impending default judg-
17 ment. If full payment shall not have been received by the division with-
18 in thirty days of mailing of the notice of impending default judgment,
19 the division shall proceed to enter with such court a statement of the
20 default judgment containing the amount of the penalty or penalties
21 remaining due and unpaid, along with proof of mailing of the notice of
22 impending default judgment. The filing of such judgment shall have the
23 full force and effect of a default judgment duly docketed with such
24 court pursuant to the civil practice law and rules and shall in all
25 respects be governed by that chapter and may be enforced in the same
26 manner and with the same effect as that provided by law in respect to
27 execution issued against property upon judgments of a court of record. A
28 judgment entered pursuant to this subdivision shall remain in full force
29 and effect for eight years notwithstanding any other provision of law.

30 S 2. Section 51 of the alcoholic beverage control law is amended by
31 adding a new subdivision 3-a to read as follows:

32 3-A. A LICENSED BREWER MAY CONDUCT TASTINGS OF, AND SELL AT RETAIL FOR
33 CONSUMPTION ON OR OFF THE LICENSED PREMISES, ANY BEER MANUFACTURED BY
34 THE LICENSEE OR ANY NEW YORK STATE LABELED BEER. PROVIDED, HOWEVER, THAT
35 FOR TASTINGS AND SALES FOR ON-PREMISES CONSUMPTION, THE LICENSEE SHALL
36 REGULARLY KEEP FOOD AVAILABLE FOR SALE OR SERVICE TO ITS RETAIL CUSTOM-
37 ERS FOR CONSUMPTION ON THE PREMISES. A LICENSEE PROVIDING THE FOLLOWING
38 SHALL BE DEEMED IN COMPLIANCE WITH THIS PROVISION: (I) SANDWICHES, SOUPS
39 OR OTHER SUCH FOODS, WHETHER FRESH, PROCESSED, PRE-COOKED OR FROZEN;
40 AND/OR (II) FOOD ITEMS INTENDED TO COMPLEMENT THE TASTING OF ALCOHOLIC
41 BEVERAGES, WHICH SHALL MEAN A DIVERSIFIED SELECTION OF FOOD THAT IS
42 ORDINARILY CONSUMED WITHOUT THE USE OF TABLEWARE AND CAN BE CONVENIENTLY
43 CONSUMED WHILE STANDING OR WALKING, INCLUDING BUT NOT LIMITED TO: CHEES-
44 ES, FRUITS, VEGETABLES, CHOCOLATES, BREADS, MUSTARDS AND CRACKERS.

45 S 3. Subdivision 4 of section 51 of the alcoholic beverage control
46 law, as amended by chapter 100 of the laws of 1940, is amended to read
47 as follows:

48 4. A LICENSED BREWERY MAY OPERATE A RESTAURANT, HOTEL, CATERING
49 ESTABLISHMENT, OR OTHER FOOD AND DRINKING ESTABLISHMENT IN OR ADJACENT
50 TO THE LICENSED PREMISES AND SELL AT SUCH PLACE, AT RETAIL FOR CONSUMP-
51 TION ON THE PREMISES, BEER MANUFACTURED BY THE LICENSEE AND ANY NEW YORK
52 STATE LABELED BEER. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
53 licensed brewer may apply to the liquor authority for a license to sell
54 beer, wine or liquor at retail for consumption on the premises [in a
55 restaurant owned by him and conducted and operated by him in or adjacent
56 to the brewery for which he is licensed] AT SUCH ESTABLISHMENT. All of

1 the provisions of this chapter relative to licenses to sell beer, wine
2 or liquor at retail for consumption on the premises shall apply so far
3 as applicable to such application.

4 S 4. Subdivision 5 of section 51 of the alcoholic beverage control
5 law, as amended by chapter 258 of the laws of 2009, is amended to read
6 as follows:

7 5. A licensed brewer [whose annual production is less than sixty thou-
8 sand barrels may apply to the liquor authority for a permit to sell beer
9 in a sealed container for off-premises consumption at the state fair, at
10 recognized county fairs and at farmers' markets operated on a not-for-
11 profit basis. As a condition of the permit a representative from the
12 brewer must be present at the time of sale] MAY, WITHOUT THE NEED FOR
13 ANY ADDITIONAL PERMIT OR FEE, ENGAGE IN ANY OF THE ACTIVITIES ALLOWED
14 UNDER PERMITS ISSUED PURSUANT TO SECTIONS NINETY-NINE-H AND
15 NINETY-NINE-I OF THIS CHAPTER.

16 S 5. Subdivision 6-a of section 51 of the alcoholic beverage control
17 law, as added by chapter 108 of the laws of 2012 and paragraph (a) as
18 amended by chapter 384 of the laws of 2013, is amended to read as
19 follows:

20 6-a. A licensed brewer producing New York state labelled beer may[:

21 (a)] sell such beer to licensed farm distillers, farm wineries, farm
22 cideries and farm breweries. All such beer sold by the licensee shall be
23 securely sealed and have attached thereto a label as shall be required
24 by section one hundred seven-a of this chapter[;

25 (b) conduct tastings at the licensed premises of such beer;

26 (c) sell such beer at retail for consumption off the premises at the
27 state fair, at recognized county fairs and at farmers markets operated
28 on a not-for-profit basis;

29 (d) sell and conduct tastings of such beer at retail for consumption
30 on the premises of a restaurant, conference center, inn, bed and break-
31 fast or hotel business owned and operated by the licensee in or adjacent
32 to its farm brewery. A licensee who operates a restaurant, conference
33 center, inn, bed and breakfast or hotel pursuant to such authority shall
34 comply with all applicable provisions of this chapter which relate to
35 licenses to sell beer at retail for consumption on the premises;

36 (e) apply for a permit to conduct tastings away from the licensed
37 premises of such beer. Such permit shall be valid throughout the state
38 and may be issued on an annual basis or for individual events. Each such
39 permit and the exercise of the privilege granted thereby shall be
40 subject to such rules and conditions of the authority as it deems neces-
41 sary. Tastings shall be conducted subject to the following conditions:

42 (i) tastings shall be conducted by an official agent, representative
43 or solicitor of the licensee. Such agent, representative or solicitor
44 shall be physically present at all times during the conduct of the tast-
45 ings; and

46 (ii) any liability stemming from a right of action resulting from a
47 tasting of beer or cider as authorized herein and in accordance with the
48 provisions of sections 11-100 and 11-101 of the general obligations law,
49 shall accrue to the licensee.

50 (f) if it holds a tasting permit issued pursuant to paragraph (e) of
51 this subdivision, apply to the authority for a permit to sell such beer,
52 for consumption off the premises, during such tastings in premises
53 licensed under sections sixty-four, sixty-four-a, eighty-one and eight-
54 y-one-a of this chapter. Each such permit and the exercise of the privi-
55 lege granted thereby shall be subject to such rules and conditions of
56 the authority as it deems necessary].

1 S 6. Subdivision 8 of section 51 of the alcoholic beverage control law
2 is REPEALED.

3 S 7. Section 51 of the alcoholic beverage control law is amended by
4 adding a new subdivision 8 to read as follows:

5 8. A BREWERY SHALL MANUFACTURE AT LEAST FIFTY BARRELS OF BEER ANNUAL-
6 LY.

7 S 8. Paragraph (g) of subdivision 2 of section 51-a of the alcoholic
8 beverage control law, as added by chapter 108 of the laws of 2012, is
9 amended to read as follows:

10 (g) [sell and conduct tastings of beer and cider manufactured by the
11 licensee or any other licensed farm brewery at retail for consumption on
12 the premises of a restaurant, conference center, inn, bed and breakfast
13 or hotel business owned and operated by the licensee in or adjacent to
14 its farm brewery. A licensee who operates a restaurant, conference
15 center, inn, bed and breakfast or hotel pursuant to such authority shall
16 comply with all applicable provisions of this chapter which relate to
17 licenses to sell beer at retail for consumption on the premises] OPERATE
18 A RESTAURANT, HOTEL, CATERING ESTABLISHMENT, OR OTHER FOOD AND DRINKING
19 ESTABLISHMENT IN OR ADJACENT TO THE LICENSED PREMISES AND SELL AT SUCH
20 PLACE, AT RETAIL FOR CONSUMPTION ON THE PREMISES, BEER AND CIDER MANU-
21 FACTURED BY THE LICENSEE AND ANY NEW YORK STATE LABELED BEER OR NEW YORK
22 STATE LABELED CIDER. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
23 LICENSED FARM BREWERY MAY APPLY TO THE AUTHORITY FOR A LICENSE UNDER
24 THIS CHAPTER TO SELL OTHER ALCOHOLIC BEVERAGES AT RETAIL FOR CONSUMPTION
25 ON THE PREMISES AT SUCH ESTABLISHMENT;

26 S 9. Paragraph (h) of subdivision 2 of section 51-a of the alcoholic
27 beverage control law is REPEALED.

28 S 10. Subdivision 3 of section 51-a of the alcoholic beverage control
29 law, as added by chapter 108 of the laws of 2012, is amended to read as
30 follows:

31 3. [(a) A farm brewery licensee may apply for a permit to conduct
32 tastings away from the licensed premises of beer and cider produced by
33 the licensee. Such permit shall be valid throughout the state and may be
34 issued on an annual basis or for individual events. Each such permit and
35 the exercise of the privilege granted thereby shall be subject to such
36 rules and conditions of the authority as it deems necessary.

37 (b) Tastings shall be conducted subject to the following limitations:

38 (i) tastings shall be conducted by an official agent, representative
39 or solicitor of one or more farm breweries. Such agent, representative
40 or solicitor shall be physically present at all times during the conduct
41 of the tastings; and

42 (ii) any liability stemming from a right of action resulting from a
43 tasting of beer or cider as authorized herein and in accordance with the
44 provisions of sections 11-100 and 11-101 of the general obligations law,
45 shall accrue to the farm brewery.] A LICENSED FARM BREWERY MAY, WITHOUT
46 THE NEED FOR ANY ADDITIONAL PERMIT OR FEE, ENGAGE IN ANY OF THE ACTIV-
47 ITIES ALLOWED UNDER PERMITS ISSUED PURSUANT TO SECTIONS NINETY-NINE-H
48 AND NINETY-NINE-I OF THIS CHAPTER.

49 S 11. Subdivision 4 of section 51-a of the alcoholic beverage control
50 law is REPEALED.

51 S 12. Subdivision 10 of section 51-a of the alcoholic beverage control
52 law, as added by chapter 108 of the laws of 2012, is amended to read as
53 follows:

54 10. (A) No farm brewery shall manufacture in excess of [sixty] SEVEN-
55 TY-FIVE thousand finished barrels of beer AND CIDER annually.

1 (B) A FARM BREWERY SHALL MANUFACTURE AT LEAST FIFTY BARRELS OF BEER
2 AND CIDER ANNUALLY.

3 S 13. Section 52 of the alcoholic beverage control law is REPEALED.

4 S 14. Paragraph (a) of subdivision 1 of section 56 of the alcoholic
5 beverage control law, as amended by chapter 108 of the laws of 2012, is
6 amended to read as follows:

7 (a) four thousand dollars for a brewer's license, unless the annual
8 production of the brewer is less than [sixty] SEVENTY-FIVE thousand
9 barrels per year, in which case the annual fee shall be three hundred
10 twenty dollars;

11 S 15. Subdivision 2 of section 58 of the alcoholic beverage control
12 law, as added by chapter 347 of the laws of 1999, is amended to read as
13 follows:

14 2. [(a) Any person licensed pursuant to subdivision one of this
15 section may conduct cider tastings of New York state labelled ciders in
16 establishments licensed pursuant to section sixty-three of this chapter
17 to sell alcoholic beverages for off-premises consumption. Such cider
18 producer or wholesaler may charge a fee of not more than twenty-five
19 cents for each cider sample tasted. The liquor authority shall promul-
20 gate rules and regulations relating to the conduct of such tastings.

21 (b) Any person licensed pursuant to subdivision one of this section
22 may conduct cider tastings of New York state labelled ciders and apply
23 to the liquor authority for a permit to sell cider produced by such
24 cider producer or wholesaler, by the bottle, during such tastings in
25 establishments licensed pursuant to section sixty-four of this chapter
26 to sell alcoholic beverages for consumption on the premises. Such cider
27 producer or wholesaler may charge a fee of not more than twenty-five
28 cents for each cider sample tasted. The liquor authority shall promul-
29 gate rules and regulations relating to the conduct of tastings.

30 (c) Cider tastings shall be conducted subject to the following limita-
31 tions:

32 (i) cider tastings shall be conducted by an official agent, represen-
33 tative or solicitor of one or more cider producers or wholesalers. Such
34 agent, representative or solicitor shall be physically present at all
35 times during the conduct of the tastings; and

36 (ii) any liability stemming from a right of action resulting from a
37 cider tasting as authorized pursuant to this subdivision and in accord-
38 ance with the provisions of sections 11-100 and 11-101 of the general
39 obligations law, shall accrue to the cider producer or wholesaler licen-
40 see.] A LICENSED CIDER PRODUCER MAY, WITHOUT THE NEED FOR ANY ADDITIONAL
41 PERMIT OR FEE, ENGAGE IN ANY OF THE ACTIVITIES ALLOWED UNDER PERMITS
42 ISSUED PURSUANT TO SECTIONS NINETY-NINE-H AND NINETY-NINE-I OF THIS
43 CHAPTER.

44 S 16. Subdivision 3 of section 58 of the alcoholic beverage control
45 law is REPEALED.

46 S 17. Subdivision 3-a of section 58 of the alcoholic beverage control
47 law is REPEALED.

48 S 18. Section 58 of the alcoholic beverage control law is amended by
49 adding a new subdivision 3 to read as follows:

50 3. A CIDER PRODUCER SHALL MANUFACTURE AT LEAST FIFTY GALLONS OF CIDER
51 ANNUALLY.

52 S 19. Paragraphs (d) and (e) of subdivision 2 of section 58-c of the
53 alcoholic beverage control law are REPEALED.

54 S 20. Paragraph (f) of subdivision 2 of section 58-c of the alcoholic
55 beverage control law, as added by chapter 384 of the laws of 2013, is
56 amended to read as follows:

1 (f) [sell and conduct tastings of cider manufactured by the licensee
2 or any other licensed farm cidery at retail for consumption on the prem-
3 ises of a restaurant, conference center, inn, bed and breakfast or hotel
4 business owned and operated by the licensee in or adjacent to its farm
5 cidery. A licensee who operates a restaurant, conference center, inn,
6 bed and breakfast or hotel pursuant to such authority shall comply with
7 all applicable provisions of this chapter which relate to licenses to
8 sell cider at retail for consumption on the premises] (I) CONDUCT TAST-
9 INGS OF, AND SELL AT RETAIL FOR CONSUMPTION ON OR OFF THE LICENSED PREM-
10 ISES, ANY CIDER MANUFACTURED BY THE LICENSEE OR ANY NEW YORK STATE
11 LABELED CIDER. PROVIDED, HOWEVER, FOR TASTINGS AND SALES FOR ON-PREMISES
12 CONSUMPTION, THE LICENSEE SHALL REGULARLY KEEP FOOD AVAILABLE FOR SALE
13 OR SERVICE TO ITS RETAIL CUSTOMERS FOR CONSUMPTION ON THE PREMISES. A
14 LICENSEE PROVIDING THE FOLLOWING SHALL BE DEEMED IN COMPLIANCE WITH THIS
15 PROVISION: (A) SANDWICHES, SOUPS OR OTHER SUCH FOODS, WHETHER FRESH,
16 PROCESSED, PRE-COOKED OR FROZEN; AND/OR (B) FOOD ITEMS INTENDED TO
17 COMPLEMENT THE TASTING OF ALCOHOLIC BEVERAGES, WHICH SHALL MEAN A DIVER-
18 SIFIED SELECTION OF FOOD THAT IS ORDINARILY CONSUMED WITHOUT THE USE OF
19 TABLEWARE AND CAN BE CONVENIENTLY CONSUMED WHILE STANDING OR WALKING,
20 INCLUDING BUT NOT LIMITED TO: CHEESES, FRUITS, VEGETABLES, CHOCOLATES,
21 BREADS, MUSTARDS AND CRACKERS; AND (II) OPERATE A RESTAURANT, HOTEL,
22 CATERING ESTABLISHMENT, OR OTHER FOOD AND DRINKING ESTABLISHMENT IN OR
23 ADJACENT TO THE LICENSED PREMISES AND SELL AT SUCH PLACE, AT RETAIL FOR
24 CONSUMPTION ON THE PREMISES, CIDER MANUFACTURED BY THE LICENSEE AND ANY
25 NEW YORK STATE LABELED CIDER. NOTWITHSTANDING ANY OTHER PROVISION OF
26 LAW, THE LICENSED FARM CIDERY MAY APPLY TO THE AUTHORITY FOR A LICENSE
27 UNDER THIS CHAPTER TO SELL OTHER ALCOHOLIC BEVERAGES AT RETAIL FOR
28 CONSUMPTION ON THE PREMISES AT SUCH ESTABLISHMENT;

29 S 21. Paragraph (g) of subdivision 2 of section 58-c of the alcoholic
30 beverage control law, as added by chapter 384 of the laws of 2013, is
31 amended to read as follows:

32 (g) [sell cider manufactured by the licensee or any other licensed
33 farm cidery at retail for consumption off the premises, at the state
34 fair, at recognized county fairs and at farmers markets operated on a
35 not-for-profit basis] MAY, WITHOUT THE NEED FOR ANY ADDITIONAL PERMIT OR
36 FEE, ENGAGE IN ANY OF THE ACTIVITIES ALLOWED UNDER PERMITS ISSUED PURSU-
37 ANT TO SECTIONS NINETY-NINE-H AND NINETY-NINE-I OF THIS CHAPTER;

38 S 22. Subdivision 4 of section 58-c of the alcoholic beverage control
39 law is REPEALED.

40 S 23. Subdivision 10 of section 58-c of the alcoholic beverage control
41 law, as added by chapter 384 of the laws of 2013, is amended to read as
42 follows:

43 10. (A) No farm cidery shall manufacture in excess of [one] TWO
44 hundred fifty thousand gallons of cider annually.

45 (B) A LICENSED FARM CIDERY SHALL PRODUCE AT LEAST FIFTY GALLONS OF
46 CIDER ANNUALLY.

47 S 24. Subdivision 1-a of section 61 of the alcoholic beverage control
48 law, as amended by chapter 384 of the laws of 2013, is amended to read
49 as follows:

50 1-a. A class A-1 distiller's license shall authorize the holder ther-
51 eof to operate a distillery which has a production capacity of no more
52 than [thirty-five] SEVENTY-FIVE thousand gallons per year for the manu-
53 facture of liquors by distillation or redistillation at the premises
54 specifically designated in the license. Such a license shall also
55 authorize the sale in bulk by such licensee from the licensed premises
56 of the products manufactured under such license to any person holding a

1 winery license, farm winery license, distiller's class A license, a
2 distiller's class B license or a permittee engaged in the manufacture of
3 products which are unfit for beverage use. It shall also authorize the
4 sale from the licensed premises and from one other location in the state
5 of New York of liquors manufactured by such licensee to a wholesale or
6 retail liquor licensee or permittee in sealed containers of not more
7 than one quart each. In addition, it shall authorize such licensee to
8 sell from the licensed premises New York state labelled liquors to
9 licensed farm wineries, farm breweries, farm distilleries and farm
10 cideries in sealed containers of not more than one quart for retail sale
11 for off-premises consumption. Such license shall also include the priv-
12 ilege to operate a rectifying plant under the same terms and conditions
13 as the holder of a class B-1 distiller's license without the payment of
14 any additional fee.

15 S 25. Subdivision 2-b of section 61 of the alcoholic beverage control
16 law, as amended by chapter 571 of the laws of 2008, is amended to read
17 as follows:

18 2-b. A class B-1 distiller's license shall authorize the holder there-
19 of to operate a rectifying plant which has a production capacity of no
20 more than [thirty-five] SEVENTY-FIVE thousand gallons per year for the
21 manufacture of the products of rectification by purifying or combining
22 alcohol, spirits, wine, or beer and the manufacture of cordials by the
23 redistillation of alcohol or spirits over or with any materials. Such a
24 license shall also authorize the holder thereof to blend, reduce proof
25 and bottle on his licensed premises or in a United States customs bonded
26 warehouse for which a warehouse permit has been issued under this chap-
27 ter for wholesale liquor licensees or for persons authorized to sell
28 liquor at wholesale pursuant to the laws and regulation of any other
29 state, territorial possession of the United States or foreign country
30 liquor received in bulk by such wholesalers from other states, territo-
31 rial possessions of the United States or a foreign country, and to
32 rebottle or recondition for wholesale liquor or wine licensees or for
33 persons authorized to sell liquor or wine at wholesale pursuant to the
34 laws and regulations of any other state, territorial possession of the
35 United States or foreign country, liquor or wine manufactured outside
36 the state, which was purchased and received by such wholesalers in
37 sealed containers not exceeding one quart each of liquor or fifteen
38 gallons each of wine. Such a license shall also authorize the sale from
39 the licensed premises of the products manufactured by such licensee to a
40 wholesale or retail licensee in sealed containers of not more than one
41 quart each. In addition, it shall authorize such licensee to sell from
42 the licensed premises New York state labelled liquors to a farm winery
43 licensee in sealed containers of not more than one quart for retail sale
44 for off-premises consumption.

45 S 26. Subparagraph (iv) of paragraph (b) of subdivision 2-c of section
46 61 of the alcoholic beverage control law is REPEALED.

47 S 27. Paragraph (e) of subdivision 2-c of section 61 of the alcoholic
48 beverage control law, as amended by chapter 454 of the laws of 2008, is
49 amended to read as follows:

50 (e) Notwithstanding any other provision of law to the contrary, the
51 holder of a farm distillery license may [apply to the authority for a
52 license to sell beer, wine and liquor for consumption on the premises in
53 a restaurant operated on or adjacent to the licensed farm distillery.
54 All the provisions of this chapter relative to licensees to sell beer,
55 wine or liquor at retail for consumption on the premises shall apply so
56 far as applicable to such application.] (I) SELL AT RETAIL FOR CONSUMP-

1 TION ON THE LICENSED PREMISES, ANY LIQUOR MANUFACTURED BY THE LICENSEE
2 OR ANY NEW YORK STATE LABELED LIQUOR. PROVIDED, HOWEVER, THE LICENSEE
3 SHALL REGULARLY KEEP FOOD AVAILABLE FOR SALE OR SERVICE TO ITS RETAIL
4 CUSTOMERS FOR CONSUMPTION ON THE PREMISES. A LICENSEE PROVIDING THE
5 FOLLOWING SHALL BE DEEMED IN COMPLIANCE WITH THIS PROVISION: SANDWICHES,
6 SOUPS OR OTHER SUCH FOODS, WHETHER FRESH, PROCESSED, PRE-COOKED OR
7 FROZEN; AND/OR FOOD ITEMS INTENDED TO COMPLIMENT THE TASTING OF ALCOHOL-
8 IC BEVERAGES, WHICH SHALL MEAN A DIVERSIFIED SELECTION OF FOOD THAT IS
9 ORDINARILY CONSUMED WITHOUT THE USE OF TABLEWARE AND CAN BE CONVENIENTLY
10 CONSUMED WHILE STANDING OR WALKING, INCLUDING BUT NOT LIMITED TO:
11 CHEESE, FRUITS, VEGETABLES, CHOCOLATES, BREADS, MUSTARDS AND CRACKERS;
12 AND

13 (II) OPERATE A RESTAURANT, HOTEL, CATERING ESTABLISHMENT, OR OTHER
14 FOOD AND DRINKING ESTABLISHMENT IN OR ADJACENT TO THE LICENSED PREMISES
15 AND SELL AT SUCH PLACE, AT RETAIL FOR CONSUMPTION ON THE PREMISES,
16 LIQUOR MANUFACTURED BY THE LICENSEE AND ANY NEW YORK STATE LABELED
17 LIQUOR. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE LICENSEE MAY
18 APPLY TO THE AUTHORITY FOR A LICENSE UNDER THIS CHAPTER TO SELL OTHER
19 ALCOHOLIC BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES AT SUCH
20 ESTABLISHMENT.

21 S 28. Paragraph (f) of subdivision 2-c of section 61 of the alcoholic
22 beverage control law, as amended by chapter 454 of the laws of 2008, is
23 amended to read as follows:

24 (f) No holder of a farm distillery license shall manufacture in excess
25 of [thirty-five] SEVENTY-FIVE thousand gallons of liquor annually. In
26 the case of the holder of a class A, A-1, B, B-1 or C distiller's
27 license who operates a farm distillery on the same premises, the liquor
28 manufactured pursuant to the farm distillery license shall not be
29 considered with respect to any limitation on the volume that may be
30 manufactured by the class A, A-1, B, B-1 or C distillery.

31 S 29. Subdivision 2-c of section 61 of the alcoholic beverage control
32 law is amended by adding a new paragraph (g) to read as follows:

33 (G) THE HOLDER OF A LICENSE ISSUED UNDER THIS SUBDIVISION MAY OPERATE
34 UP TO FIVE BRANCH OFFICES LOCATED AWAY FROM THE LICENSED FARM DISTIL-
35 LERY. SUCH LOCATIONS SHALL BE CONSIDERED PART OF THE LICENSED PREMISES
36 AND ALL ACTIVITIES ALLOWED AT AND LIMITED TO THE FARM DISTILLERY MAY BE
37 CONDUCTED AT THE BRANCH OFFICES. SUCH BRANCH OFFICES SHALL NOT BE
38 LOCATED WITHIN, SHARE A COMMON ENTRANCE AND EXIT WITH, OR HAVE ANY INTE-
39 RIOR ACCESS TO ANY OTHER BUSINESS, INCLUDING PREMISES LICENSED TO SELL
40 ALCOHOLIC BEVERAGES AT RETAIL. PRIOR TO COMMENCING OPERATION OF ANY
41 SUCH BRANCH OFFICE, THE LICENSEE SHALL NOTIFY THE AUTHORITY OF THE
42 LOCATION OF SUCH BRANCH OFFICE AND THE AUTHORITY MAY ISSUE A PERMIT FOR
43 THE OPERATION OF SAME.

44 S 30. Section 61 of the alcoholic beverage control law is amended by
45 adding a new subdivision 7 to read as follows:

46 7. ANY PERSON LICENSED UNDER THIS SECTION MAY, WITHOUT THE NEED FOR
47 ANY ADDITIONAL PERMIT OR FEE, ENGAGE IN ANY OF THE ACTIVITIES ALLOWED
48 UNDER PERMITS ISSUED PURSUANT TO SECTIONS NINETY-NINE-H AND
49 NINETY-NINE-I OF THIS CHAPTER.

50 S 31. Section 61 of the alcoholic beverage control law is amended by
51 adding a new subdivision 8 to read as follows:

52 8. ANY PERSON LICENSED UNDER THIS SECTION SHALL MANUFACTURE AT LEAST
53 FIFTY GALLONS OF LIQUOR PER YEAR.

54 S 32. Subdivision 3 of section 76 of the alcoholic beverage control
55 law, as amended by chapter 221 of the laws of 2011, is amended to read
56 as follows:

1 3. [(a) Any person having applied for and received a license as a
2 winery under this section may conduct wine tastings of New York state
3 labelled wines in establishments licensed under sections sixty-three and
4 seventy-nine of this chapter to sell wine for off-premises consumption.
5 Such winery may charge a fee for each wine sample tasted. The state
6 liquor authority shall promulgate rules and regulations regarding such
7 tastings as provided for in this subdivision.

8 (a-1) Any person having applied for and received a license as a winery
9 under this section may conduct wine tastings of New York state labelled
10 wines and apply to the liquor authority for a permit to sell wine
11 produced by such winery by the bottle, during such tastings in estab-
12 lishments licensed under section sixty-four, section sixty-four-a,
13 section eighty-one or section eighty-one-a of this chapter to sell wine
14 for consumption on the premises. Such winery may charge a fee of no more
15 than twenty-five cents for each wine sample tasted. The state liquor
16 authority shall promulgate rules and regulations regarding such tastings
17 as provided for in this subdivision.

18 (b) Tastings shall be conducted subject to the following limitations:

19 (i) wine tastings shall be conducted by an official agent, represen-
20 tative or solicitor of one or more wineries. Such agent, representative
21 or solicitor shall be physically present at all times during the conduct
22 of the tastings; and

23 (ii) any liability stemming from a right of action resulting from a
24 wine tasting as authorized herein and in accordance with the provisions
25 of sections 11-100 and 11-101 of the general obligations law, shall
26 accrue to the winery licensee.

27 (c)(i) Any person having applied for and received a license as a
28 winery under this section may conduct wine tastings of New York state
29 labelled wines and sell such wine by the bottle, during such tasting,
30 for off-premises consumption at outdoor or indoor gatherings, functions,
31 occasions or events, within the hours fixed by or pursuant to subdivi-
32 sion fourteen of section one hundred five of this chapter, sponsored by
33 a bona fide charitable organization. For the purposes of this paragraph,
34 a bona fide charitable organization shall mean and include any bona fide
35 religious or charitable organization or bona fide educational, fraternal
36 or service organization or bona fide organization of veterans or volun-
37 teer firefighters, which by its charter, certificate of incorporation,
38 constitution, or act of the legislature, shall have among its dominant
39 purposes one or more of the lawful purposes as defined in subdivision
40 five of section one hundred eighty-six of the general municipal law.

41 (ii) Upon application, the liquor authority shall issue an annual
42 permit authorizing such winery to participate in outdoor or indoor gath-
43 erings, functions, occasions or events sponsored by a charitable organ-
44 ization. The winery must give the authority written or electronic
45 notice of the date, time and specific location of each tasting at least
46 fifteen days prior to the tasting. A winery that obtains a permit to
47 conduct such wine tastings does not need to apply for or obtain a tempo-
48 rary beer or wine permit pursuant to section ninety-seven of this chap-
49 ter or any other permit to conduct such a tasting or to sell wine by the
50 bottle for off-premises consumption at such tastings.

51 (iii) Such winery may charge a fee for each wine sample tasted. Tast-
52 ings shall be conducted by an official agent, representative or solici-
53 tor of such winery. The state liquor authority may promulgate rules and
54 regulations regarding such tastings as provided for in this subdivi-
55 sion.] ANY PERSON LICENSED UNDER THIS SECTION MAY, WITHOUT THE NEED FOR
56 ANY ADDITIONAL PERMIT OR FEE, ENGAGE IN ANY OF THE ACTIVITIES ALLOWED

1 UNDER PERMITS ISSUED PURSUANT TO SECTIONS NINETY-NINE-H AND
2 NINETY-NINE-I OF THIS CHAPTER.

3 S 33. Subdivision 4 of section 76 of the alcoholic beverage control
4 law, as amended by chapter 221 of the laws of 2011, is amended to read
5 as follows:

6 4. A licensed winery may [apply to the liquor authority for a license
7 to sell wine at retail for consumption on the premises. All the
8 provisions of this chapter relative to licenses to sell wine at retail
9 for consumption on the premises shall apply so far as applicable to such
10 application] CONDUCT TASTINGS OF, AND SELL AT RETAIL FOR CONSUMPTION ON
11 OR OFF THE LICENSED PREMISES, ANY WINE OR WINE PRODUCT MANUFACTURED BY
12 THE LICENSEE OR ANY NEW YORK STATE LABELED WINE OR NEW YORK STATE
13 LABELED WINE PRODUCT. PROVIDED, HOWEVER, FOR TASTINGS AND SALES FOR
14 ON-PREMISES CONSUMPTION, THE LICENSEE SHALL REGULARLY KEEP FOOD AVAIL-
15 ABLE FOR SALE OR SERVICE TO ITS RETAIL CUSTOMERS FOR CONSUMPTION ON THE
16 PREMISES. A LICENSEE PROVIDING THE FOLLOWING SHALL BE DEEMED IN COMPLI-
17 ANCE WITH THIS PROVISION: (I) SANDWICHES, SOUPS OR OTHER SUCH FOODS,
18 WHETHER FRESH, PROCESSED, PRE-COOKED OR FROZEN; AND/OR (II) FOOD ITEMS
19 INTENDED TO COMPLEMENT THE TASTING OF ALCOHOLIC BEVERAGES, WHICH SHALL
20 MEAN A DIVERSIFIED SELECTION OF FOOD THAT IS ORDINARILY CONSUMED WITHOUT
21 THE USE OF TABLEWARE AND CAN BE CONVENIENTLY CONSUMED WHILE STANDING OR
22 WALKING, INCLUDING BUT NOT LIMITED TO: CHEESES, FRUITS, VEGETABLES,
23 CHOCOLATES, BREADS, MUSTARDS AND CRACKERS.

24 S 34. Subdivision 4-a of section 76 of the alcoholic beverage control
25 law, as amended by chapter 221 of the laws of 2011, is amended to read
26 as follows:

27 4-a. [Notwithstanding any other provision of law, any winery, licensed
28 pursuant to subdivision four of this section to sell wine at retail for
29 consumption on the premises in a restaurant in or adjacent to the
30 winery, may apply to the liquor authority for a license to sell beer,
31 wine or liquor at retail for consumption on the premises of such restau-
32 rant. All of the provisions of this chapter relative to licenses to sell
33 beer, wine or liquor at retail for consumption on the premises shall
34 apply so far as applicable to such application] A LICENSED WINERY MAY
35 OPERATE A RESTAURANT, HOTEL, CATERING ESTABLISHMENT, OR OTHER FOOD AND
36 DRINKING ESTABLISHMENT IN OR ADJACENT TO THE LICENSED PREMISES AND SELL
37 AT SUCH PLACE, AT RETAIL FOR CONSUMPTION ON THE PREMISES, WINE AND WINE
38 PRODUCTS MANUFACTURED BY THE LICENSEE AND ANY NEW YORK STATE LABELED
39 WINE OR NEW YORK STATE LABELED WINE PRODUCT. NOTWITHSTANDING ANY OTHER
40 PROVISION OF LAW, THE LICENSED WINERY MAY APPLY TO THE AUTHORITY FOR A
41 LICENSE UNDER ARTICLE FOUR OF THIS CHAPTER TO SELL OTHER ALCOHOLIC
42 BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES AT SUCH ESTABLISH-
43 MENT.

44 S 35. Subdivision 7 of section 76 of the alcoholic beverage control
45 law is REPEALED.

46 S 36. Subdivision 10 of section 76 of the alcoholic beverage control
47 law, as added by chapter 221 of the laws of 2011, is amended to read as
48 follows:

49 10. Notwithstanding any provision of this chapter to the contrary, and
50 upon payment to the liquor authority of an additional annual fee of one
51 hundred twenty-five dollars, the liquor authority may in its discretion
52 and upon such terms and conditions as it may prescribe, issue to a
53 licensed winery upon application therefor a certificate authorizing such
54 winery to sell wine at retail in sealed containers to a regularly organ-
55 ized church, synagogue or religious organization for sacramental
56 purposes[, and to a householder for consumption in his home].

1 S 37. Section 76 of the alcoholic beverage control law is amended by
2 adding a new subdivision 7 to read as follows:

3 7. ANY PERSON LICENSED UNDER THIS SECTION SHALL MANUFACTURE AT LEAST
4 FIFTY GALLONS OF WINE PER YEAR.

5 S 38. Paragraph (f) of subdivision 2 of section 76-a of the alcoholic
6 beverage control law, as added by chapter 221 of the laws of 2011, is
7 amended to read as follows:

8 (f) [sell wine at retail for consumption on the premises of a restau-
9 rant, conference center, inn, bed and breakfast or hotel business owned
10 and operated by the licensee in or adjacent to the farm winery for which
11 the licensee is licensed. A licensee who operates a restaurant, confer-
12 ence center, inn, bed and breakfast or hotel pursuant to such authority
13 shall comply with all applicable provisions of this chapter which relate
14 to licenses to sell wine at retail for consumption on the premises]
15 OPERATE A RESTAURANT, HOTEL, CATERING ESTABLISHMENT, OR OTHER FOOD AND
16 DRINKING ESTABLISHMENT IN OR ADJACENT TO THE LICENSED PREMISES AND SELL
17 AT SUCH PLACE, AT RETAIL FOR CONSUMPTION ON THE PREMISES, WINE, CIDER
18 AND WINE PRODUCTS MANUFACTURED BY THE LICENSEE AND ANY NEW YORK STATE
19 LABELED WINE, NEW YORK STATE LABELED CIDER OR NEW YORK STATE LABELED
20 WINE PRODUCT. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE LICENSED
21 WINERY MAY APPLY TO THE AUTHORITY FOR A LICENSE UNDER ARTICLE FOUR OF
22 THIS CHAPTER TO SELL OTHER ALCOHOLIC BEVERAGES AT RETAIL FOR CONSUMPTION
23 ON THE PREMISES AT SUCH ESTABLISHMENT.

24 S 39. Subdivision 3 of section 76-a of the alcoholic beverage control
25 law, as added by chapter 221 of the laws of 2011, is amended to read as
26 follows:

27 3. [(a) Any person having applied for and received a license as a farm
28 winery under this section may conduct wine tastings of New York state
29 labelled wines in establishments licensed under section sixty-three of
30 this chapter and section seventy-nine of this article to sell wine for
31 off-premises consumption. Such farm winery may charge a fee for each
32 wine sample tasted. The state liquor authority shall promulgate rules
33 and regulations regarding such tastings as provided for in this subdivi-
34 sion.

35 (b) Any person having applied for and received a license as a farm
36 winery under this section may conduct wine tastings of New York state
37 labelled wines and apply to the liquor authority for a permit to sell
38 wine produced by such farm winery, by the bottle, during such tastings
39 in establishments licensed under sections sixty-four and sixty-four-a of
40 this chapter and section eighty-one or section eighty-one-a of this
41 article to sell wine for consumption on the premises. Such farm winery
42 may charge a fee of no more than twenty-five cents for each wine sample
43 tasted. The state liquor authority shall promulgate rules and regu-
44 lations regarding such tastings as provided for in this subdivision.

45 (c) Tastings shall be conducted subject to the following limitations:

46 (i) wine tastings shall be conducted by an official agent, represen-
47 tative or solicitor of one or more farm wineries. Such agent, represen-
48 tative or solicitor shall be physically present at all times during the
49 conduct of the tastings; and

50 (ii) any liability stemming from a right of action resulting from a
51 wine tasting as authorized herein and in accordance with the provisions
52 of sections 11-100 and 11-101 of the general obligations law, shall
53 accrue to the farm winery.

54 (d) (i) Any person having applied for and received a license as a farm
55 winery under this section may conduct wine tastings of New York state
56 labelled wines and sell such wine by the bottle, during such tasting,

1 for off-premises consumption at outdoor or indoor gatherings, functions,
2 occasions or events, within the hours fixed by or pursuant to subdivi-
3 sion fourteen of section one hundred five of this chapter, sponsored by
4 a bona fide charitable organization. For the purposes of this paragraph,
5 a bona fide charitable organization shall mean and include any bona fide
6 religious or charitable organization or bona fide educational, fraternal
7 or service organization or bona fide organization of veterans or volun-
8 teer firefighters, which by its charter, certificate of incorporation,
9 constitution, or act of the legislature, shall have among its dominant
10 purposes one or more of the lawful purposes as defined in subdivision
11 five of section one hundred eighty-six of the general municipal law.

12 (ii) Upon application, the liquor authority shall issue an annual
13 permit authorizing such farm winery to participate in such outdoor or
14 indoor gatherings, functions, occasions or events sponsored by a chari-
15 table organization. The farm winery must give the authority written or
16 electronic notice of the date, time and specific location of each tast-
17 ing at least fifteen days prior to the tasting. A farm winery that
18 obtains a permit to conduct such wine tastings does not need to apply
19 for or obtain a temporary beer or wine permit pursuant to section nine-
20 ty-seven of this chapter or any other permit to conduct such a tasting
21 or to sell wine by the bottle for off-premises consumption at such tast-
22 ings.

23 (iii) Such farm winery may charge a fee for each wine sample tasted.
24 Tastings shall be conducted by an official agent, representative or
25 solicitor of such farm winery. The state liquor authority may adopt
26 rules and regulations regarding such tastings as provided in this subdivi-
27 sion.] ANY PERSON LICENSED UNDER THIS SECTION MAY, WITHOUT THE NEED
28 FOR ANY ADDITIONAL PERMIT OR FEE, ENGAGE IN ANY OF THE ACTIVITIES
29 ALLOWED UNDER PERMITS ISSUED PURSUANT TO SECTIONS NINETY-NINE-H AND
30 NINETY-NINE-I OF THIS CHAPTER.

31 S 40. Subdivision 3-a of section 76-a of the alcoholic beverage
32 control law is REPEALED.

33 S 41. Subdivision 8 of section 76-a of the alcoholic beverage control
34 law, as amended by chapter 147 of the laws of 1988 and as renumbered by
35 chapter 221 of the laws of 2011, is amended to read as follows:

36 8. (A) No licensed farm winery shall manufacture in excess of [one]
37 TWO hundred fifty thousand finished gallons of wine annually.

38 (B) ANY PERSON LICENSED UNDER THIS SECTION SHALL MANUFACTURE AT LEAST
39 FIFTY GALLONS OF WINE PER YEAR.

40 S 42. Subdivision 2 of section 97 of the alcoholic beverage control
41 law, as amended by section 19 of part Z of chapter 85 of the laws of
42 2002, is amended to read as follows:

43 2. The liquor authority is hereby authorized to issue an annual permit
44 to [brewers and] beer wholesalers authorizing such licensees to sell
45 beer for consumption at outdoor or indoor gatherings, functions, occa-
46 sions or events, provided that such gatherings are not open to admission
47 to the general public nor is admission thereto made contingent upon the
48 payment of an admission fee, donation or contribution, and further
49 provided that such beer is not resold at such gatherings. Every [brewer
50 or] beer wholesaler to whom a permit shall be issued hereunder shall
51 require every person to whom beer shall be sold for use at such gath-
52 erings to make, execute and file with such [brewer or] beer wholesaler,
53 upon a form to be prescribed by the liquor authority, a statement, that
54 the beer purchased by such person will not be sold or offered for sale
55 by such person. Such statement shall be accepted for all purposes as the
56 equivalent of an affidavit, and if false, shall subject the person

making and executing the same to the same penalties as if he had been duly sworn. Such permit shall be issued in the form prescribed by the liquor authority and shall run concurrently with the annual term of [the [brewer's license or of] the wholesale beer license, and the fee for such permit shall be sixty-four dollars. Such a permit and the exercise of the privileges granted thereunder shall be subject to such rules by the liquor authority as it deems necessary. The provisions hereof shall not apply to the sale of beer for consumption in the home.

S 43. Subdivision 4 of section 97 of the alcoholic beverage control law is REPEALED.

S 44. The alcoholic beverage control law is amended by adding a new section 99-h to read as follows:

S 99-H. SUPPLIER'S MARKETING PERMIT. 1. A SUPPLIER'S MARKETING PERMIT SHALL AUTHORIZE A SUPPLIER TO CONDUCT TASTINGS AND PROVIDE SAMPLES OF ALCOHOLIC BEVERAGES MANUFACTURED BY THE SUPPLIER TO CONSUMERS. FOR PURPOSES OF THIS SECTION, A "SUPPLIER" SHALL MEAN: A BRAND OWNER OF AN ALCOHOLIC BEVERAGE; OR AN ENTITY THAT HOLDS A VALID LICENSE ISSUED BY ANOTHER STATE TO MANUFACTURE ALCOHOLIC BEVERAGES.

2. TASTINGS CONDUCTED PURSUANT TO SUCH PERMITS SHALL BE SUBJECT TO THE PROVISIONS OF SECTION ONE HUNDRED TWO-A OF THIS CHAPTER.

3. SUCH EVENTS MAY TAKE PLACE AT:

(A) AN ESTABLISHMENT LICENSED UNDER THIS CHAPTER TO SELL AT RETAIL THE ALCOHOLIC BEVERAGE THAT WILL BE TASTED.

(B) THE STATE FAIR, RECOGNIZED COUNTY FAIRS AND FARMERS MARKETS OPERATED ON A NOT-FOR-PROFIT BASIS.

(C) OUTDOOR OR INDOOR GATHERINGS, FUNCTIONS, OCCASIONS OR EVENTS SPONSORED BY A BONA FIDE CHARITABLE ORGANIZATION.

(D) OTHER INDOOR OR OUTDOOR EVENTS SPECIFICALLY APPROVED BY THE AUTHORITY. IN DECIDING WHETHER TO APPROVE THE USE OF A PERMIT FOR A PARTICULAR EVENT, THE AUTHORITY SHALL CONSIDER THE NATURE AND LOCATION OF THE EVENT, AND THE PLAN OF SUPERVISION SUBMITTED BY THE APPLICANT TO ENSURE COMPLIANCE WITH THIS CHAPTER.

4. SUCH PERMITS SHALL AUTHORIZE THE PERMIT HOLDER TO ACCEPT AN ORDER FOR ALCOHOLIC BEVERAGES MANUFACTURED, IMPORTED OR OWNED BY THE PERMIT HOLDER FROM A LICENSED RETAILER ON BEHALF OF A LICENSED WHOLESALER WHO IS AUTHORIZED TO SELL SUCH PRODUCT AT WHOLESALE.

5. SUCH PERMITS SHALL ALSO AUTHORIZE THE PERMIT HOLDER TO SELL ALCOHOLIC BEVERAGES MANUFACTURED, IMPORTED OR OWNED BY THE PERMIT HOLDER TO CONSUMERS AT RETAIL FOR OFF-PREMISES CONSUMPTION AT TASTINGS CONDUCTED PURSUANT TO THE PERMIT. ALL SALES SHALL BE CONDUCTED PURSUANT TO THE PROVISIONS SET FORTH IN SECTION ONE HUNDRED TWO-B OF THIS CHAPTER.

6. SUCH PERMIT MAY ALSO BE ISSUED TO WINE GRAPE GROWERS OR WINE PRODUCER ORGANIZATIONS OR ASSOCIATIONS, INCORPORATED WITHIN THE STATE FOR THE PURPOSE OF WINE OR WINE GRAPE PROMOTION. PROVIDED THAT:

(A) ANY SUCH TASTING IS CONDUCTED FOR PURPOSES OF EDUCATION IN THE PRODUCTION AND PROPER USE OF WINE PRODUCTS; AND

(B) NO ALCOHOLIC BEVERAGES MAY BE SOLD TO CONSUMERS BY THE PERMIT HOLDER.

7. A PERMIT ISSUED UNDER THIS SECTION SHALL BE EFFECTIVE FOR EITHER ONE YEAR OR FOR A SINGLE ONE-DAY EVENT. THE ENTIRE PERMIT FEE SHALL BE DUE AND PAYABLE AT THE TIME OF THE APPLICATION.

(A) THE FEE FOR AN ANNUAL SUPPLIER'S MARKETING PERMIT SHALL BE ONE HUNDRED TWENTY DOLLARS.

(B) THE FEE FOR A SINGLE ONE-DAY EVENT SUPPLIER'S MARKETING PERMIT SHALL BE TWENTY-FIVE DOLLARS.

1 8. EACH SUCH PERMIT AND THE EXERCISE OF THE PRIVILEGES GRANTED THEREBY
2 MAY BE SUBJECT TO SUCH RULES AND FURTHER CONDITIONS BY THE AUTHORITY AS
3 IT DEEMS NECESSARY.

4 S 45. The alcoholic beverage control law is amended by adding a new
5 section 99-i to read as follows:

6 S 99-I. SUPPLIER'S SPECIAL EVENT PERMIT. 1. A SUPPLIER'S SPECIAL
7 EVENT PERMIT SHALL AUTHORIZE A SUPPLIER TO SELL AND/OR SERVE THE PERMIT
8 HOLDER'S ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES AT OUTDOOR
9 OR INDOOR GATHERINGS, FUNCTIONS, OCCASIONS OR EVENTS. FOR PURPOSES OF
10 THIS SECTION, A "SUPPLIER" SHALL MEAN: A BRAND OWNER OF AN ALCOHOLIC
11 BEVERAGE; OR AN ENTITY THAT HOLDS A VALID LICENSE ISSUED BY ANOTHER
12 STATE TO MANUFACTURE ALCOHOLIC BEVERAGES.

13 2. A PERMIT ISSUED UNDER THIS SECTION MAY ONLY BE USED DURING THE
14 HOURS FIXED BY OR PURSUANT TO SUBDIVISION FIVE OF SECTION ONE HUNDRED
15 SIX OF THIS CHAPTER, DURING WHICH ALCOHOLIC BEVERAGES MAY LAWFULLY BE
16 SOLD OR SERVED UPON PREMISES LICENSED TO SELL ALCOHOLIC BEVERAGES AT
17 RETAIL FOR ON-PREMISES CONSUMPTION IN THE COMMUNITY IN WHICH SUCH GATH-
18 ERING, FUNCTION, OCCASION OR EVENT IS HELD.

19 3. A PERMIT ISSUED UNDER THIS SECTION SHALL BE EFFECTIVE FOR EITHER
20 ONE YEAR OR FOR A SINGLE ONE-DAY EVENT. THE ENTIRE PERMIT FEE SHALL BE
21 DUE AND PAYABLE AT THE TIME OF THE APPLICATION.

22 (A) THE FEE FOR AN ANNUAL SUPPLIER'S SPECIAL EVENT PERMIT SHALL BE ONE
23 HUNDRED TWENTY DOLLARS.

24 (B) THE FEE FOR A SINGLE ONE-DAY SPECIAL EVENT PERMIT SHALL BE TWEN-
25 TY-FIVE DOLLARS.

26 4. ANY OTHER PROVISION OF ANY OTHER LAW TO THE CONTRARY NOTWITHSTAND-
27 ING, AN APPLICANT SHALL NOT BE ISSUED A PERMIT PURSUANT TO THIS SECTION
28 FOR EVENTS TO TAKE PLACE UPON ANY PREMISES FOR WHICH THE AUTHORITY HAS
29 ISSUED ANY LICENSE, OR HAS ISSUED A PERMIT MORE THAN FOUR TIMES WITHIN
30 ANY ONE YEAR PERIOD, PROVIDED HOWEVER THAT THE AUTHORITY MAY, IN ITS
31 SOLE DISCRETION, ISSUE ADDITIONAL SINGLE PERMITS IF IT SHALL DETERMINE
32 UPON THE ISSUANCE OF EACH THAT (A) THE APPLICATION FOR SUCH PERMIT IS
33 NOT AN ATTEMPT TO CIRCUMVENT LICENSING PROVISIONS OF THIS CHAPTER, AND
34 (B) THE ISSUANCE OF SUCH PERMIT WOULD NOT BE A DETRIMENT TO THE COMMUNI-
35 TY OR THE SURROUNDING NEIGHBORHOOD AS SUCH SHALL BE DETERMINED BY THE
36 AUTHORITY AFTER CONSULTATION WITH MUNICIPAL AUTHORITIES AND POLICE AGEN-
37 CIES AND COMMUNITY BOARDS FOR THE PURPOSE OF REVIEWING COMMUNITY OR
38 NEIGHBORHOOD OR POLICE AGENCY COMPLAINTS, OR VIOLATIONS OF STATE OR
39 LOCAL LAWS.

40 5. EACH SUCH PERMIT AND THE EXERCISE OF THE PRIVILEGES GRANTED THEREBY
41 MAY BE SUBJECT TO SUCH RULES AND FURTHER CONDITIONS BY THE AUTHORITY AS
42 IT DEEMS NECESSARY.

43 S 46. The alcoholic beverage control law is amended by adding a new
44 section 99-j to read as follows:

45 S 99-J. DISTRIBUTOR'S TASTING PERMIT. 1. A DISTRIBUTOR'S TASTING
46 PERMIT SHALL AUTHORIZE A DISTRIBUTOR TO CONDUCT TASTINGS AND PROVIDE
47 SAMPLES OF THEIR PRODUCTS TO CONSUMERS. FOR PURPOSES OF THIS SECTION, A
48 "DISTRIBUTOR" SHALL MEAN: AN ENTITY HOLDING A LICENSE ISSUED UNDER
49 SECTIONS FIFTY-THREE, FIFTY-EIGHT, SIXTY-TWO, OR SEVENTY-EIGHT OF THIS
50 CHAPTER; OR AN ENTITY THAT HOLDS A BASIC PERMIT AS REQUIRED BY SECTION
51 1.20 OF TITLE 27 OF THE CODE OF FEDERAL REGULATIONS TO IMPORT ALCOHOLIC
52 BEVERAGES.

53 2. TASTINGS CONDUCTED PURSUANT TO SUCH PERMITS SHALL BE SUBJECT TO THE
54 PROVISIONS OF SECTION ONE HUNDRED TWO-A OF THIS CHAPTER.

55 3. SUCH EVENTS MAY TAKE PLACE AT:

1 (A) AN ESTABLISHMENT LICENSED UNDER THIS CHAPTER TO SELL AT RETAIL THE
2 ALCOHOLIC BEVERAGE THAT WILL BE TASTED.

3 (B) THE STATE FAIR, RECOGNIZED COUNTY FAIRS AND FARMERS MARKETS OPER-
4 ATED ON A NOT-FOR-PROFIT BASIS.

5 (C) OUTDOOR OR INDOOR GATHERINGS, FUNCTIONS, OCCASIONS OR EVENTS SPON-
6 SORED BY A BONA FIDE CHARITABLE ORGANIZATION.

7 (D) OTHER INDOOR OR OUTDOOR EVENTS SPECIFICALLY APPROVED BY THE
8 AUTHORITY. IN DECIDING WHETHER TO APPROVE THE USE OF A PERMIT FOR A
9 PARTICULAR EVENT, THE AUTHORITY SHALL CONSIDER THE NATURE AND LOCATION
10 OF THE EVENT, AND THE PLAN OF SUPERVISION SUBMITTED BY THE APPLICANT TO
11 ENSURE COMPLIANCE WITH THIS CHAPTER.

12 4. A DISTRIBUTOR'S TASTING PERMIT ISSUED UNDER THIS ARTICLE SHALL BE
13 EFFECTIVE FOR EITHER ONE YEAR OR FOR A SINGLE ONE-DAY EVENT AT THE
14 PERMIT FEE PROVIDED FOR IN THIS SUBDIVISION. THE ENTIRE PERMIT FEE SHALL
15 BE DUE AND PAYABLE AT THE TIME OF THE APPLICATION.

16 (A) THE FEE FOR AN ANNUAL PERMIT SHALL BE ONE HUNDRED TWENTY DOLLARS.

17 (B) THE FEE FOR A SINGLE ONE-DAY EVENT PERMIT SHALL BE TWENTY-FIVE
18 DOLLARS.

19 5. EACH SUCH PERMIT AND THE EXERCISE OF THE PRIVILEGES GRANTED THEREBY
20 MAY BE SUBJECT TO SUCH RULES AND FURTHER CONDITIONS BY THE AUTHORITY AS
21 IT DEEMS NECESSARY.

22 S 47. The alcoholic beverage control law is amended by adding a new
23 section 102-a to read as follows:

24 S 102-A. TASTINGS OF ALCOHOLIC BEVERAGES. ANY TASTING CONDUCTED
25 PURSUANT TO THIS CHAPTER SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:

26 1. THE SITE OF THE TASTING SHALL BE SUBJECT TO INSPECTION DURING THE
27 TASTING BY THE AUTHORITY.

28 2. A FEE OF NO MORE THAN ONE DOLLAR MAY BE CHARGED FOR THE TASTING,
29 PROVIDED HOWEVER THAT NO PERSON LICENSED UNDER SECTION FIFTY-FOUR,
30 FIFTY-FOUR-A, SIXTY-THREE, SEVENTY-SIX-F OR SEVENTY-NINE OF THIS CHAPTER
31 SHALL CHARGE ANY FEE FOR A TASTING.

32 3. EACH SAMPLE SHALL BE LIMITED:

33 (A) IN THE CASE OF BEER, WINE PRODUCTS AND CIDER, TO THREE OUNCES OR
34 LESS.

35 (B) IN THE CASE OF WINE, TO TWO OUNCES.

36 (C) IN THE CASE OF LIQUOR, TO ONE-QUARTER OUNCE. PROVIDED, HOWEVER,
37 THAT THE LIQUOR MAY BE MIXED WITH NO MORE THAN TWO OUNCES OF A NON-ALCO-
38 HOLIC BEVERAGE.

39 4. NO TASTING SHALL BE HELD DURING THE HOURS PROHIBITED BY THE
40 PROVISIONS OF SUBDIVISION FIVE OF SECTION ONE HUNDRED FIVE OF THIS ARTI-
41 CLE. PROVIDED, HOWEVER, THAT A LICENSED WINERY OR LICENSED FARM WINERY
42 MAY CONDUCT TASTINGS OF WINE AND WINE PRODUCTS FOR CONSUMPTION OFF THE
43 PREMISES BETWEEN THE HOURS OF TEN O'CLOCK IN THE MORNING AND MIDNIGHT ON
44 SUNDAYS.

45 5. THE TASTING SHALL BE CONDUCTED BY THE LICENSEE OR AN AUTHORIZED
46 AGENT OF THE LICENSEE. PROVIDED, HOWEVER, THAT WITH RESPECT TO BEER AND
47 CIDER TASTINGS, A LICENSED BEER WHOLESALER SHALL NOT SERVE AS THE
48 AUTHORIZED AGENT FOR ANOTHER ENTITY, NOR SHALL A LICENSED BEER WHOLE-
49 SALER BE INVOLVED IN ANY MANNER WITH A BEER OR CIDER TASTING CONDUCTED
50 BY ANOTHER ENTITY.

51 6. ANY LIABILITY STEMMING FROM A RIGHT OF ACTION RESULTING FROM SUCH
52 TASTING, AND IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 11-100 AND
53 11-101 OF THE GENERAL OBLIGATIONS LAW, SHALL ACCRUE TO THE LICENSEE OR
54 PERMIT HOLDER.

55 7. ALL ALCOHOLIC BEVERAGES USED FOR ANY TASTING SHALL BE IN THE
56 ORIGINAL CONTAINERS AND MUST COMPLY WITH ANY ONE OF THE FOLLOWING:

1 (A) THE PROVISIONS OF THIS CHAPTER AND THE RULES OF THE AUTHORITY
2 REGARDING BRAND LABEL REGISTRATION; OR

3 (B) HAVE RECEIVED A CERTIFICATE OF LABEL APPROVAL FROM THE FEDERAL TAX
4 AND TRADE BUREAU; OR

5 (C) HAVE AN EXEMPTION FROM CERTIFICATE OF LABEL APPROVAL REGISTRATION
6 ISSUED BY THE FEDERAL TAX AND TRADE BUREAU.

7 S 48. The alcoholic beverage control law is amended by adding a new
8 section 102-b to read as follows:

9 S 102-B. SALES FOR OFF-PREMISES CONSUMPTION BY SUPPLIERS. ANY SALES
10 FOR CONSUMPTION OFF THE PREMISES CONDUCTED BY A LICENSED MANUFACTURER
11 SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:

12 1. THE SITE OF THE SALES SHALL BE SUBJECT TO INSPECTION DURING THE
13 TASTING BY THE AUTHORITY.

14 2. NO SALE SHALL BE HELD DURING THE HOURS PROHIBITED BY THE PROVISIONS
15 OF SUBDIVISION FIVE OF SECTION ONE HUNDRED FIVE OF THIS ARTICLE.
16 PROVIDED, HOWEVER, THAT A LICENSED WINERY OR LICENSED FARM WINERY MAY
17 SELL WINE AND WINE PRODUCTS FOR CONSUMPTION OFF THE PREMISES BETWEEN THE
18 HOURS OF TEN O'CLOCK IN THE MORNING AND MIDNIGHT ON SUNDAYS.

19 3. SALES CONDUCTED PURSUANT TO SECTION NINETY-NINE-H OF THIS CHAPTER
20 SHALL BE CONDUCTED BY THE LICENSEE OR AN AUTHORIZED AGENT OF THE LICEN-
21 SEE. PROVIDED, HOWEVER, THAT WITH RESPECT TO SALES OF BEER OR CIDER, A
22 LICENSED BEER WHOLESALER SHALL NOT SERVE AS THE AUTHORIZED AGENT FOR
23 ANOTHER ENTITY, NOR SHALL A LICENSED BEER WHOLESALER BE INVOLVED IN ANY
24 MANNER WITH A SALE OF BEER OR CIDER CONDUCTED BY ANOTHER ENTITY.

25 4. ANY LIABILITY STEMMING FROM A RIGHT OF ACTION RESULTING FROM SUCH
26 SALE, AND IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 11-100 AND
27 11-101 OF THE GENERAL OBLIGATIONS LAW, SHALL ACCRUE TO THE LICENSEE OR
28 PERMIT HOLDER.

29 5. ALL CONTAINERS OF LIQUOR AND WINE SOLD SHALL BE SECURELY SEALED AND
30 HAVE ATTACHED THERETO A LABEL AS SHALL BE REQUIRED BY THIS CHAPTER.

31 6. ALL LIQUOR AND WINE SOLD SHALL BE PROPERLY PRICE POSTED AS REQUIRED
32 BY THIS CHAPTER.

33 7. EXCEPT AS PROVIDED FOR IN SECTIONS SEVENTY-NINE-C AND
34 SEVENTY-NINE-D OF THIS CHAPTER, ANY SUCH RETAIL SALE MAY BE MADE ONLY TO
35 A CUSTOMER WHO IS PHYSICALLY PRESENT AT THE PLACE OF SALE AND SHALL BE
36 CONCLUDED BY THE CUSTOMER'S TAKING WITH HIM, OR HER, THE ALCOHOLIC
37 BEVERAGE PURCHASED AT THE TIME THE CUSTOMER LEAVES THE PLACE OF SALE.

38 8. EXCEPT AS PROVIDED FOR IN SECTIONS SEVENTY-NINE-C AND
39 SEVENTY-NINE-D OF THIS CHAPTER, NO SUCH RETAIL SALE SHALL BE MADE WHERE
40 THE ORDER IS PLACED BY LETTER, TELEPHONE, FAX, INTERNET OR E-MAIL, OR
41 WHERE THE CUSTOMER OTHERWISE DOES NOT PLACE THE ORDER WHILE THE CUSTOMER
42 IS PHYSICALLY PRESENT AT THE PLACE OF SALE.

43 9. EXCEPT AS PROVIDED FOR IN SECTIONS SEVENTY-NINE-C AND
44 SEVENTY-NINE-D OF THIS CHAPTER, NO SUCH RETAIL SALE SHALL BE MADE WHERE
45 THE CONTEMPLATED SALE REQUIRES THE LICENSEE TO TRANSPORT OR SHIP BY
46 COMMON CARRIER, SEALED CONTAINERS OF ALCOHOLIC BEVERAGE TO A CUSTOMER.

47 S 49. Section 104 of the alcoholic beverage control law is amended by
48 adding a new subdivision 4 to read as follows:

49 4. NO BEER WHOLESALER SHALL SERVE AS AN AGENT FOR ANY OTHER LICENSEE
50 OR PERMIT HOLDER WITH RESPECT TO CONDUCTING ANY TASTING OR SALE OF BEER
51 OR CIDER AUTHORIZED BY THIS CHAPTER.

52 S 50. This act shall take effect on the thirtieth day after it shall
53 have become a law; provided, however, that the amendments to subdivision
54 3 of section 17 of the alcoholic beverage control law made by section
55 one of this act shall not affect the expiration of such section and
56 shall be deemed to expire therewith.