

1227--B

Cal. No. 574

2015-2016 Regular Sessions

I N S E N A T E

January 9, 2015

Introduced by Sens. CARLUCCI, AVELLA, GALLIVAN, LARKIN, PANEPINTO, PARKER, SERINO, SEWARD, VALESKY -- 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 -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the alcoholic beverage control law, in relation to beer centers, cider centers and incubator wine centers

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

1 Section 1. Section 3 of the alcoholic beverage control law is amended
2 by adding three new subdivisions 14-a, 14-b and 14-c to read as follows:
3 14-A. "CUSTOM BEERMAKERS' CENTER" MEANS A FACILITY THAT PROVIDES ONE
4 OR MORE INDIVIDUALS WITH RENTAL SPACE, THE USE OF EQUIPMENT AND STORAGE
5 FACILITIES, AND/OR BEER MAKING SUPPLIES TO MANUFACTURE BEER FOR PERSONAL
6 HOUSEHOLD USE AND NOT FOR RESALE IN ACCORDANCE WITH STATE AND FEDERAL
7 LAWS, RULES, AND REGULATIONS.
8 14-B. "CUSTOM CIDERMAKERS' CENTER" MEANS A FACILITY THAT PROVIDES ONE
9 OR MORE INDIVIDUALS WITH RENTAL SPACE, THE USE OF EQUIPMENT AND STORAGE
10 FACILITIES, AND/OR FRUIT TO MANUFACTURE CIDER FOR PERSONAL HOUSEHOLD USE
11 AND NOT FOR RESALE IN ACCORDANCE WITH STATE AND FEDERAL LAWS, RULES AND
12 REGULATIONS.
13 14-C. "CUSTOM WINEMAKERS' CENTER" MEANS A FACILITY THAT PROVIDES ONE
14 OR MORE INDIVIDUALS WITH RENTAL SPACE, THE USE OF EQUIPMENT AND STORAGE
15 FACILITIES, AND/OR FRUIT TO MANUFACTURE WINE FOR PERSONAL HOUSEHOLD USE
16 AND NOT FOR RESALE IN ACCORDANCE WITH STATE AND FEDERAL LAWS, RULES AND
17 REGULATIONS.

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

LBD03804-16-6

1 S 2. The alcoholic beverage control law is amended by adding a new
2 section 52 to read as follows:

3 S 52. CUSTOM BEERMAKERS' CENTER. 1. ANY PERSON MAY APPLY TO THE
4 AUTHORITY ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND NINETEEN FOR
5 A CUSTOM BEERMAKERS' CENTER LICENSE AS PROVIDED FOR IN THIS SECTION TO
6 OPERATE A CUSTOM BEERMAKERS' CENTER FACILITY AND PROVIDE INDIVIDUALS
7 WITH RENTAL SPACE, THE USE OF EQUIPMENT AND STORAGE FACILITIES, AND/OR
8 BEER MAKING SUPPLIES FOR THE PRODUCTION OF BEER BY SUCH INDIVIDUALS FOR
9 PERSONAL HOUSEHOLD USE AND NOT FOR RESALE IN ACCORDANCE WITH STATE AND
10 FEDERAL LAWS, RULES, AND REGULATIONS AUTHORIZING SUCH PRODUCTION. SUCH
11 APPLICATION SHALL BE IN WRITING AND VERIFIED AND SHALL CONTAIN SUCH
12 INFORMATION AS THE AUTHORITY SHALL REQUIRE, PROVIDED, HOWEVER, THE HOLD-
13 ER OF A LICENSE UNDER THIS SECTION MAY RENEW SUCH LICENSE ON OR AFTER
14 DECEMBER THIRTY-FIRST, TWO THOUSAND NINETEEN. SUCH APPLICATION SHALL BE
15 ACCOMPANIED BY A CHECK OR DRAFT FOR THE AMOUNT REQUIRED BY THIS ARTICLE
16 FOR SUCH LICENSE. IF THE AUTHORITY GRANTS THE APPLICATION, IT SHALL
17 ISSUE A LICENSE IN SUCH FORM AS SHALL BE DETERMINED BY ITS RULES. SUCH
18 LICENSE SHALL CONTAIN A DESCRIPTION OF THE LICENSED PREMISES AND IN FORM
19 AND IN SUBSTANCE SHALL BE A LICENSE TO THE PERSON THEREIN SPECIFICALLY
20 DESIGNATED TO OPERATE SUCH CENTER TO MANUFACTURE BEER FOR PERSONAL
21 HOUSEHOLD USE IN THE PREMISES THEREIN SPECIFICALLY LICENSED.

22 2. FOR THE PURPOSES OF THIS SECTION, "BEER MAKING SUPPLIES" SHALL MEAN
23 HOPS, GRAINS, MALTED GRAINS, WORT, SUGARS, YEASTS, WATER, FRUITS, FRUIT
24 JUICES, AND OTHER AGRICULTURAL PRODUCTS INCLUDING, BUT NOT LIMITED TO,
25 HONEY AND FLOWERS, THAT ARE GROWN OR PRODUCED IN THE STATE OF NEW YORK,
26 IN QUANTITY AMOUNTS AS DETERMINED BY THE AUTHORITY AND SHALL BE GOVERNED
27 BY PARAGRAPH (B) OF SUBDIVISION ELEVEN OF SECTION FIFTY-ONE-A OF THIS
28 ARTICLE.

29 3. A CUSTOM BEERMAKERS' CENTER LICENSE SHALL AUTHORIZE THE HOLDER
30 THEREOF TO OPERATE A FACILITY FOR INDIVIDUALS TO RENT SPACE, EQUIPMENT,
31 AND STORAGE FACILITIES AND, IF NECESSARY, TO PURCHASE BEER MAKING
32 SUPPLIES TO MANUFACTURE BEER FOR PERSONAL HOUSEHOLD USE PROVIDED THAT
33 THE MANUFACTURE AND PRODUCTION OF BEER FOR PERSONAL HOUSEHOLD CONSUMP-
34 TION AND USE IS DONE IN ACCORDANCE WITH STATE AND FEDERAL LAWS AND REGU-
35 LATIONS. SUCH A LICENSE SHALL ALSO AUTHORIZE THE LICENSEE, PROVIDED
36 SUCH ACTIVITIES ARE PERMITTED BY THE FEDERAL ALCOHOL AND TOBACCO TAX AND
37 TRADE BUREAU FOR THE MANUFACTURE OF TAX EXEMPT BEER FOR PERSONAL HOUSE-
38 HOLD USE, TO:

39 (A) CONDUCT TRAINING CLASSES ON HOW TO MANUFACTURE BEER; AND
40 (B) CONDUCT BEER TASTINGS FOR THOSE INDIVIDUALS TAKING SUCH CLASSES
41 AND/OR USING SUCH FACILITY FOR BREWING PURPOSES AT THE LICENSED FACILITY
42 PROVIDED THAT THE TASTINGS SHALL BE SUBJECT TO THE FOLLOWING LIMITA-
43 TIONS:

44 (I) TASTINGS SHALL BE CONDUCTED BY THE LICENSEE OR BY AN OFFICIAL
45 AGENT OF THE LICENSEE. SUCH LICENSEE OR AGENT SHALL BE PHYSICALLY PRES-
46 ENT AT ALL TIMES DURING THE CONDUCT OF THE TASTINGS; AND

47 (II) ANY LIABILITY STEMMING FROM A RIGHT OF ACTION RESULTING FROM A
48 TASTING OF BEER AS AUTHORIZED HEREIN AND IN ACCORDANCE WITH THE
49 PROVISIONS OF SECTIONS 11-100 AND 11-101 OF THE GENERAL OBLIGATIONS LAW,
50 SHALL ACCRUE TO THE CUSTOM BEERMAKERS' CENTER.

51 4. THE CUSTOM BEERMAKERS' CENTER LICENSEE SHALL BE SUBJECT TO THE
52 SUPERVISION OF THE AUTHORITY TO ENSURE THAT THE LICENSEE AND THE INDIV-
53 IDUALS UTILIZING SUCH CENTER ARE IN COMPLIANCE WITH THE PROVISIONS OF
54 THIS CHAPTER, STATE LAWS, RULES, AND REGULATIONS, AND THE LAWS, RULES,
55 AND REGULATIONS OF THE FEDERAL ALCOHOL AND TOBACCO TAX AND TRADE BUREAU.

1 5. THE LICENSEE OR AN OFFICIAL AGENT OF THE LICENSEE SHALL BE PHYS-
2 ICALLY PRESENT AT ALL TIMES DURING THE FACILITY'S HOURS OF OPERATIONS.

3 6. THE ANNUAL AGGREGATE PRODUCTION OF BEER AT ANY SUCH CENTER FOR ALL
4 INDIVIDUALS MAKING BEER AT SUCH PREMISES, PURSUANT TO A CUSTOM BEERMAK-
5 ERS' CENTER LICENSE, SHALL NOT EXCEED THE PRODUCTION LIMITS SET BY THE
6 AUTHORITY THAT ARE COMMENSURATE WITH A NON-COMMERCIAL PRODUCTION FACILI-
7 TY. PROVIDED THAT SUCH AGGREGATE PRODUCTION LIMIT SHALL NOT BE OFFSET BY
8 BEER PRODUCED AT SUCH FACILITY UNDER A BREWER'S LICENSE OR FARM BREWERY
9 LICENSE.

10 7. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE AUTHORITY
11 MAY ISSUE A CUSTOM BEERMAKERS' CENTER LICENSE TO THE HOLDER OF A FARM
12 BREWERY OR BREWERY LICENSE FOR USE AT SUCH LICENSEE'S EXISTING LICENSED
13 PREMISES.

14 8. THE AUTHORITY IS HEREBY AUTHORIZED TO PROMULGATE RULES AND REGU-
15 LATIONS TO EFFECTUATE THE PURPOSES OF THIS SECTION.

16 9. THE LICENSEE MUST MAINTAIN A RECORD OF THE NAME, ADDRESS, AND
17 CONTACT INFORMATION OF THE INDIVIDUALS THAT HAVE USED SUCH FACILITY AND
18 THE ANNUAL AMOUNT OF BEER PRODUCED BY EACH INDIVIDUAL AT THE FACILITY
19 PURSUANT TO THE RULES OF THE AUTHORITY.

20 S 3. Section 56 of the alcoholic beverage control law is amended by
21 adding a new subdivision 11 to read as follows:

22 11. THE ANNUAL FEE FOR A LICENSE TO OPERATE A CUSTOM BEERMAKERS'
23 CENTER SHALL BE THREE HUNDRED TWENTY DOLLARS.

24 S 4. Section 56-a of the alcoholic beverage control law, as added by
25 chapter 204 of the laws of 1963, subdivisions 1 and 2 as amended by
26 chapter 384 of the laws of 2013 and subdivision 3 as renumbered by chap-
27 ter 919 of the laws of 1976, is amended to read as follows:

28 S 56-a. Filing fees and refunds. 1. In addition to the annual fees
29 provided for in this chapter, there shall be paid to the authority with
30 each initial application for a license filed pursuant to section fifty-
31 one, fifty-one-a, FIFTY-TWO, fifty-three, fifty-eight, fifty-eight-c,
32 FIFTY-EIGHT-D, sixty-one, sixty-two, seventy-six, SEVENTY-SEVEN or
33 seventy-eight of this chapter, a filing fee of four hundred dollars;
34 with each initial application for a license filed pursuant to section
35 sixty-three, sixty-four, sixty-four-a or sixty-four-b of this chapter, a
36 filing fee of two hundred dollars; with each initial application for a
37 license filed pursuant to section fifty-three-a, fifty-four, fifty-five,
38 fifty-five-a, seventy-nine, eighty-one or eighty-one-a of this chapter,
39 a filing fee of one hundred dollars; with each initial application for a
40 permit filed pursuant to section ninety-one, ninety-one-a, ninety-two,
41 ninety-two-a, ninety-three, ninety-three-a, if such permit is to be
42 issued on a calendar year basis, ninety-four, ninety-five, ninety-six or
43 ninety-six-a, or pursuant to paragraph b, c, e or j of subdivision one
44 of section ninety-nine-b of this chapter if such permit is to be issued
45 on a calendar year basis, or for an additional bar pursuant to subdivi-
46 sion four of section one hundred of this chapter, a filing fee of twenty
47 dollars; and with each application for a permit under section ninety-
48 three-a of this chapter, other than a permit to be issued on a calendar
49 year basis, section ninety-seven, ninety-eight, ninety-nine, or ninety-
50 nine-b of this chapter, other than a permit to be issued pursuant to
51 paragraph b, c, e or j of subdivision one of section ninety-nine-b of
52 this chapter on a calendar year basis, a filing fee of ten dollars.

53 2. In addition to the annual fees provided for in this chapter, there
54 shall be paid to the authority with each renewal application for a
55 license filed pursuant to section fifty-one, fifty-one-a, FIFTY-TWO,
56 fifty-three, fifty-eight, fifty-eight-c, FIFTY-EIGHT-D, sixty-one,

1 sixty-two, seventy-six, SEVENTY-SEVEN or seventy-eight of this chapter,
2 a filing fee of one hundred dollars; with each renewal application for a
3 license filed pursuant to section sixty-three, sixty-four, sixty-four-a
4 or sixty-four-b of this chapter, a filing fee of ninety dollars; with
5 each renewal application for a license filed pursuant to section seven-
6 ty-nine, eighty-one or eighty-one-a of this chapter, a filing fee of
7 twenty-five dollars; and with each renewal application for a license or
8 permit filed pursuant to section fifty-three-a, fifty-four, fifty-five,
9 fifty-five-a, ninety-one, ninety-one-a, ninety-two, ninety-two-a, nine-
10 ty-three, ninety-three-a, if such permit is issued on a calendar year
11 basis, ninety-four, ninety-five, ninety-six or ninety-six-a of this
12 chapter or pursuant to [subdivisions] PARAGRAPH b, c, e or j of SUBDIVI-
13 SION ONE OF section ninety-nine-b, if such permit is issued on a calen-
14 dar year basis, or with each renewal application for an additional bar
15 pursuant to subdivision four of section one hundred of this chapter, a
16 filing fee of thirty dollars.

17 3. If the authority shall deny an application filed pursuant to this
18 chapter it shall return the annual fee to the applicant and retain the
19 filing fee.

20 S 5. The alcoholic beverage control law is amended by adding a new
21 section 58-d to read as follows:

22 S 58-D. CUSTOM CIDERMAKERS' CENTER. 1. ANY PERSON MAY APPLY TO THE
23 AUTHORITY ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND NINETEEN FOR
24 A CUSTOM CIDERMAKERS' CENTER LICENSE AS PROVIDED FOR IN THIS SECTION TO
25 OPERATE A CUSTOM CIDERMAKERS' CENTER FACILITY AND PROVIDE INDIVIDUALS
26 WITH RENTAL SPACE, THE USE OF EQUIPMENT AND STORAGE FACILITIES, AND/OR
27 FRUIT FOR THE PRODUCTION OF CIDER BY SUCH INDIVIDUALS FOR PERSONAL
28 HOUSEHOLD USE AND NOT FOR RESALE IN ACCORDANCE WITH STATE AND FEDERAL
29 LAWS, RULES, AND REGULATIONS AUTHORIZING SUCH PRODUCTION. SUCH APPLICA-
30 TION SHALL BE IN WRITING AND VERIFIED AND SHALL CONTAIN SUCH INFORMATION
31 AS THE AUTHORITY SHALL REQUIRE, PROVIDED, HOWEVER, THE HOLDER OF SUCH A
32 LICENSE UNDER THIS SECTION MAY RENEW SUCH LICENSE ON OR AFTER DECEMBER
33 THIRTY-FIRST, TWO THOUSAND NINETEEN. SUCH APPLICATION SHALL BE ACCOMPA-
34 NIED BY A CHECK OR DRAFT FOR THE AMOUNT REQUIRED BY THIS ARTICLE FOR
35 SUCH LICENSE. IF THE AUTHORITY GRANTS THE APPLICATION, IT SHALL ISSUE A
36 LICENSE IN SUCH FORM AS SHALL BE DETERMINED BY ITS RULES. SUCH LICENSE
37 SHALL CONTAIN A DESCRIPTION OF THE LICENSED PREMISES AND IN FORM AND IN
38 SUBSTANCE SHALL BE A LICENSE TO THE PERSON THEREIN SPECIFICALLY DESIG-
39 NATED TO OPERATE SUCH CENTER TO MANUFACTURE CIDER FOR PERSONAL HOUSEHOLD
40 USE IN THE PREMISES THEREIN SPECIFICALLY LICENSED.

41 2. FOR THE PURPOSES OF THIS SECTION, "FRUIT" SHALL MEAN FRESH, WHOLE
42 APPLES OR OTHER POME FRUITS THAT ARE GROWN OR PRODUCED IN THE STATE OF
43 NEW YORK.

44 3. A CUSTOM CIDERMAKERS' CENTER LICENSE SHALL AUTHORIZE THE HOLDER
45 THEREOF TO OPERATE A FACILITY FOR INDIVIDUALS TO RENT SPACE, EQUIPMENT,
46 AND STORAGE FACILITIES AND, IF NECESSARY, TO PURCHASE FRUIT TO MANUFAC-
47 TURE CIDER FOR PERSONAL HOUSEHOLD USE PROVIDED THAT THE MANUFACTURE AND
48 PRODUCTION OF CIDER FOR PERSONAL HOUSEHOLD CONSUMPTION AND USE IS DONE
49 IN ACCORDANCE WITH STATE AND FEDERAL LAWS AND REGULATIONS. SUCH A
50 LICENSE SHALL ALSO AUTHORIZE THE LICENSEE, PROVIDED SUCH ACTIVITIES ARE
51 PERMITTED BY THE FEDERAL ALCOHOL AND TOBACCO TAX AND TRADE BUREAU FOR
52 THE MANUFACTURE OF TAX EXEMPT CIDER FOR PERSONAL HOUSEHOLD USE, TO:

53 (A) CONDUCT TRAINING CLASSES ON HOW TO MANUFACTURE CIDER; AND

54 (B) CONDUCT CIDER TASTINGS FOR THOSE INDIVIDUALS TAKING SUCH CLASSES
55 AND/OR USING SUCH FACILITY FOR THE PRODUCTION OF CIDER AT THE LICENSED

FACILITY PROVIDED THAT THE TASTINGS SHALL BE SUBJECT TO THE FOLLOWING LIMITATIONS:

(I) TASTINGS SHALL BE CONDUCTED BY THE LICENSEE OR BY AN OFFICIAL AGENT OF THE LICENSEE. SUCH LICENSEE OR AGENT SHALL BE PHYSICALLY PRESENT AT ALL TIMES DURING THE CONDUCT OF THE TASTINGS; AND

(II) ANY LIABILITY STEMMING FROM A RIGHT OF ACTION RESULTING FROM A TASTING OF CIDER AS AUTHORIZED HEREIN AND IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 11-100 AND 11-101 OF THE GENERAL OBLIGATIONS LAW, SHALL ACCRUE TO SUCH CENTER.

4. THE CUSTOM CIDERMAKERS' CENTER LICENSEE SHALL BE SUBJECT TO THE SUPERVISION OF THE AUTHORITY TO ENSURE THAT THE LICENSEE AND THE INDIVIDUALS UTILIZING SUCH CENTER ARE IN COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER, STATE LAWS, RULES, AND REGULATIONS, AND THE LAWS, RULES, AND REGULATIONS OF THE FEDERAL ALCOHOL AND TOBACCO TAX AND TRADE BUREAU.

5. THE LICENSEE OR AN OFFICIAL AGENT OF THE LICENSEE SHALL BE PHYSICALLY PRESENT AT ALL TIMES DURING THE FACILITY'S HOURS OF OPERATIONS.

6. THE ANNUAL AGGREGATE PRODUCTION OF CIDER AT ANY SUCH CENTER FOR ALL INDIVIDUALS MAKING CIDER AT SUCH PREMISES, PURSUANT TO A CUSTOM CIDERMAKERS' CENTER LICENSE, SHALL NOT EXCEED THE PRODUCTION LIMITS SET FORTH BY THE AUTHORITY THAT ARE COMMENSURATE WITH A NON-COMMERCIAL PRODUCTION FACILITY. PROVIDED THAT SUCH AGGREGATE PRODUCTION LIMIT SHALL NOT BE OFFSET BY CIDER PRODUCED AT SUCH FACILITY UNDER A CIDERY LICENSE OR FARM CIDERY LICENSE.

7. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE AUTHORITY MAY ISSUE A CUSTOM CIDERMAKERS' CENTER LICENSE TO THE HOLDER OF A FARM CIDERY OR CIDERY LICENSE OR FARM WINERY OR WINERY LICENSE FOR USE AT SUCH LICENSEE'S EXISTING LICENSED PREMISES.

8. THE AUTHORITY IS HEREBY AUTHORIZED TO PROMULGATE RULES AND REGULATIONS TO EFFECTUATE THE PURPOSES OF THIS SECTION.

9. THE LICENSEE MUST MAINTAIN A RECORD OF THE NAME, ADDRESS, AND CONTACT INFORMATION OF THE INDIVIDUALS THAT HAVE USED SUCH FACILITY AND THE ANNUAL AMOUNT OF CIDER PRODUCED BY EACH INDIVIDUAL AT THE FACILITY PURSUANT TO THE RULES OF THE AUTHORITY.

10. THE ANNUAL FEE FOR A LICENSE TO OPERATE A CUSTOM CIDERMAKERS' CENTER SHALL BE THREE HUNDRED TWENTY DOLLARS.

S 6. The alcoholic beverage control law is amended by adding a new section 77 to read as follows:

S 77. CUSTOM WINEMAKERS' CENTER. 1. ANY PERSON MAY APPLY TO THE AUTHORITY ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND NINETEEN FOR A CUSTOM WINEMAKERS' CENTER LICENSE AS PROVIDED FOR IN THIS SECTION TO OPERATE A CUSTOM WINEMAKERS' CENTER FACILITY AND PROVIDE INDIVIDUALS WITH RENTAL SPACE, THE USE OF EQUIPMENT AND STORAGE FACILITIES, AND/OR FRUIT FOR THE PRODUCTION OF WINE BY SUCH INDIVIDUALS FOR PERSONAL HOUSEHOLD USE AND NOT FOR RESALE IN ACCORDANCE WITH STATE AND FEDERAL LAWS, RULES, AND REGULATIONS AUTHORIZING SUCH PRODUCTION. SUCH APPLICATION SHALL BE IN WRITING AND VERIFIED AND SHALL CONTAIN SUCH INFORMATION AS THE AUTHORITY SHALL REQUIRE, PROVIDED, HOWEVER, THE HOLDER OF SUCH LICENSE UNDER THIS SECTION MAY RENEW SUCH LICENSE ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND NINETEEN. SUCH APPLICATION SHALL BE ACCOMPANIED BY A CHECK OR DRAFT FOR THE AMOUNT REQUIRED BY THIS ARTICLE FOR SUCH LICENSE. IF THE AUTHORITY GRANTS THE APPLICATION, IT SHALL ISSUE A LICENSE IN SUCH FORM AS SHALL BE DETERMINED BY ITS RULES. SUCH LICENSE SHALL CONTAIN A DESCRIPTION OF THE LICENSED PREMISES AND IN FORM AND IN SUBSTANCE SHALL BE A LICENSE TO THE PERSON THEREIN SPECIFICALLY DESIGNATED TO OPERATE SUCH CENTER TO MANUFACTURE WINE FOR PERSONAL HOUSEHOLD USE IN THE PREMISES THEREIN SPECIFICALLY LICENSED.

2. FOR THE PURPOSES OF THIS SECTION, "FRUIT" SHALL MEAN GRAPES, OTHER FRUITS, FRUIT JUICES, AND OTHER AGRICULTURAL PRODUCTS INCLUDING, BUT NOT LIMITED TO, HONEY AND FLOWERS, THAT ARE GROWN OR PRODUCED IN THE STATE OF NEW YORK.

3. A CUSTOM WINEMAKERS' CENTER LICENSE SHALL AUTHORIZE THE HOLDER THEREOF TO OPERATE A FACILITY FOR INDIVIDUALS TO RENT SPACE, EQUIPMENT, AND STORAGE FACILITIES AND, IF NECESSARY, TO PURCHASE FRUIT TO MANUFACTURE WINE FOR PERSONAL HOUSEHOLD USE PROVIDED THAT THE MANUFACTURE AND PRODUCTION OF WINE FOR PERSONAL HOUSEHOLD CONSUMPTION AND USE IS DONE IN ACCORDANCE WITH STATE AND FEDERAL LAWS AND REGULATIONS. SUCH A LICENSE SHALL ALSO AUTHORIZE THE LICENSEE, PROVIDED SUCH ACTIVITIES ARE PERMITTED BY THE FEDERAL ALCOHOL AND TOBACCO TAX AND TRADE BUREAU FOR THE MANUFACTURE OF TAX EXEMPT WINE FOR PERSONAL HOUSEHOLD USE, TO:

(A) CONDUCT TRAINING CLASSES ON HOW TO MANUFACTURE WINE; AND

(B) CONDUCT WINE TASTINGS FOR THOSE INDIVIDUALS TAKING SUCH CLASSES AND/OR USING SUCH FACILITIES FOR THE PRODUCTION OF WINE AT THE LICENSED FACILITY PROVIDED THAT THE TASTINGS SHALL BE SUBJECT TO THE FOLLOWING LIMITATIONS:

(I) TASTINGS SHALL BE CONDUCTED BY THE LICENSEE OR BY AN OFFICIAL AGENT OF THE LICENSEE. SUCH LICENSEE OR AGENT SHALL BE PHYSICALLY PRESENT AT ALL TIMES DURING THE CONDUCT OF THE TASTINGS; AND

(II) ANY LIABILITY STEMMING FROM A RIGHT OF ACTION RESULTING FROM A TASTING OF WINE AS AUTHORIZED HEREIN AND IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 11-100 AND 11-101 OF THE GENERAL OBLIGATIONS LAW, SHALL ACCRUE TO SUCH CENTER.

4. THE CUSTOM WINEMAKERS' CENTER LICENSEE SHALL BE SUBJECT TO THE SUPERVISION OF THE AUTHORITY TO ENSURE THAT THE LICENSEE AND THE INDIVIDUALS UTILIZING SUCH CENTER ARE IN COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER, STATE LAWS, RULES, AND REGULATIONS, AND THE LAWS, RULES, AND REGULATIONS OF THE FEDERAL ALCOHOL AND TOBACCO TAX AND TRADE BUREAU.

5. THE LICENSEE OR AN OFFICIAL AGENT OF THE LICENSEE SHALL BE PHYSICALLY PRESENT AT ALL TIMES DURING THE FACILITY'S HOURS OF OPERATIONS.

6. THE ANNUAL AGGREGATE PRODUCTION OF WINE AT ANY SUCH CENTER FOR ALL INDIVIDUALS MAKING WINE AT SUCH PREMISES, PURSUANT TO A CUSTOM WINEMAKERS' CENTER LICENSE, SHALL NOT EXCEED THE PRODUCTION LIMITS SET FORTH BY THE AUTHORITY THAT ARE COMMENSURATE WITH A NON-COMMERCIAL PRODUCTION FACILITY. PROVIDED THAT SUCH AGGREGATE PRODUCTION LIMIT SHALL NOT BE OFFSET BY WINE PRODUCED AT SUCH FACILITY UNDER A WINERY'S LICENSE OR FARM WINERY LICENSE.

7. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE AUTHORITY MAY ISSUE A CUSTOM WINEMAKERS' CENTER LICENSE TO THE HOLDER OF A FARM WINERY OR WINERY LICENSE FOR USE AT SUCH LICENSEE'S EXISTING LICENSED PREMISES.

8. THE AUTHORITY IS HEREBY AUTHORIZED TO PROMULGATE RULES AND REGULATIONS TO EFFECTUATE THE PURPOSES OF THIS SECTION.

9. THE LICENSEE MUST MAINTAIN A RECORD OF THE NAME, ADDRESS, AND CONTACT INFORMATION OF THE INDIVIDUAL OR INDIVIDUALS THAT HAVE USED SUCH FACILITY AND THE ANNUAL AMOUNT OF WINE PRODUCED BY EACH INDIVIDUAL AT THE FACILITY PURSUANT TO THE RULES OF THE AUTHORITY.

7. Section 83 of the alcoholic beverage control law is amended by adding a new subdivision 9 to read as follows:

9. THE ANNUAL FEE FOR A LICENSE TO OPERATE A CUSTOM WINEMAKERS' CENTER SHALL BE THREE HUNDRED TWENTY DOLLARS.

8. This act shall take effect on the one hundred eightieth day after it shall have become a law.