

STATE OF NEW YORK

10761

IN ASSEMBLY

May 17, 2018

Introduced by M. of A. SCHIMMINGER -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law and the urban development corporation act, in relation to promoting sustainable production in the craft beverage industry

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 17 of the alcoholic beverage control law is amended
2 by adding three new subdivisions 15, 16 and 17 to read as follows:

3 15. On or before January first, two thousand nineteen, to develop and
4 implement a New York craft beverage sustainable production, marketing
5 and labelling program to highlight any craft beverage producers in New
6 York state that have adopted and demonstrated sustainable production
7 methods in the manufacture of craft alcoholic beverages. As used in this
8 section:

9 (a) "Craft beverage producers" shall mean craft beverages produced by
10 New York farm breweries, farm cideries, farm distilleries, farm winer-
11 ies, micro-brewers, and micro-distillers.

12 (b) "Sustainable production", in relation to the craft beverage
13 producers, shall mean manufacturing practices, processes, and production
14 methods that seek to: improve economic viability while minimizing nega-
15 tive environmental impacts; utilize best management practices including
16 but not limited to new technologies to promote energy and water conser-
17 vation and efficiency; nurture healthy soils; adopt responsible solid
18 waste policies that minimize waste and encourage composting, and recycl-
19 ing; pest management policies that encourage pollinator health; utilize
20 best management practices that include but are not limited to adopting
21 technology to improve transportation efficiency; employ environmentally
22 sound purchasing and packaging in their production and processes that
23 minimize harmful chemicals and utilize best management practices to
24 minimize waste and increase recycling, and a focus on the use of post-
25 consumer recycled and reused content; and any other methods utilized by
26 producers which improve, protect or sustain natural resources.

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

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16. To use employees of the authority as designated by the members of such authority, to work with: the president of the urban development corporation, or their designee; the commissioner of agriculture and markets, or their designee; the commissioner of economic development, or their designee; the commissioner of environmental conservation, or their designee; the commissioner of transportation, or their designee; the president of the environmental facilities corporation, or their designee; the president of the New York state energy, research and development authority, or their designee; and the chair of the power authority of the state of New York, or their designee, to develop a technical guidance and assistance program to be made available to any New York craft beverage manufacturer seeking to incorporate sustainable production methods in the manufacture of craft beverages. Such technical guidance and assistance shall be made available on the authority's website and shall at a minimum include, but not be limited to: contact information from all relevant state agencies and entities and the type of assistance they may be able to provide; a listing of available federal and state financial assistance, application deadlines and information necessary to apply for financial assistance; and any other information the chair of such authority deems necessary and appropriate in order to help facilitate and sustain production in relation to the craft beverage producers in New York state.

17. To develop an annual recognition program that recognizes those craft beverage producers that are implementing model sustainable production and packaging processes, methods or systems.

§ 2. Section 1 of chapter 174 of the laws of 1968, constituting the urban development corporation act, is amended by adding a new section 16-bb to read as follows:

§ 16-bb. New York craft beverage sustainable production program. 1. As used in this section, the following words and terms shall have the following meanings:

(a) "Craft beverage producers" shall mean craft beverages produced by New York farm breweries, farm cideries, farm distilleries, farm wineries, micro-brewers, and micro-distillers.

(b) "Sustainable production", in relation to the craft beverage producers, shall mean manufacturing practices, processes, and production methods that seek to: improve economic viability while minimizing negative environmental impacts; utilize best management practices including but not limited to new technologies to promote energy and water conservation and efficiency; nurture healthy soils; adopt responsible solid waste policies that minimize waste and encourage composting, and recycling; pest management policies that encourage pollinator health; utilize best management practices that include but are not limited to adopting technology to improve transportation efficiency; employ environmentally sound purchasing and packaging in their production and processes that minimize harmful chemicals and utilize best management practices to minimize waste and increase recycling, and a focus on the use of post-consumer recycled and reused content; and any other methods utilized by producers which improve, protect or sustain natural resources.

2. The corporation is authorized, in consultation with the chair of the state liquor authority, the commissioner of agriculture and markets, the commissioner of economic development, the commissioner of environmental conservation, the commissioner of transportation, the president of the environmental facilities corporation, the president of the New York state energy, research and development authority, the chair of the power authority of the state of New York, to develop and implement a New

1 York craft beverage sustainable production grant program to facilitate
2 the manufacture of craft beverages, which utilize processes that promote
3 economic viability and minimize negative environmental impacts, conserve
4 energy, water, reduces packaging and other natural resources.

5 3. The corporation is authorized, within available appropriations in
6 the empire state economic development fund, established pursuant to
7 section sixteen-m of this act, or from any other grant programs appro-
8 priate for meeting the purposes of this section, to award capital grants
9 of up to fifty thousand dollars to craft beverage producers, for the
10 purpose of developing and implementing a New York craft beverage
11 sustainable production grant program to facilitate expansion and commer-
12 cialization of craft beverages in New York state.

13 4. The New York craft beverage sustainable production grant program
14 will award grants based on the craft beverage producers that apply and
15 who can demonstrate their goals to improve their economic viability and
16 commitment to the environment through the adoption of sustainable
17 production practices and technologies. Such grants shall be awarded on a
18 competitive basis to craft beverage producers that respond to requests
19 for proposals issued by the corporation or through any centralized grant
20 funding application.

21 5. Grants and contracts made by the corporation pursuant to this
22 section shall be subject to the following: grants shall not exceed fifty
23 thousand dollars per year; and grants provided by the corporation may
24 only be used for eligible costs.

25 6. Applications for grants authorized under this section shall
26 describe how the grant will be utilized to further the craft beverage
27 producers' goals of sustainable production and what benefits are
28 expected to be derived from any changes made to existing systems or
29 processes.

30 7. The corporation shall, in consultation with the New York state
31 energy research and development authority and the department of environ-
32 mental conservation, develop criteria to be used in evaluating grant
33 applications. Such criteria shall include, but not be limited to: (a)
34 the economic impact as measured by variables such as potential revenue,
35 job creation, effects on the local economy, competitiveness, environ-
36 mental and energy conservation and efficiency, transportation efficien-
37 cy, and the value of purchases from in-state suppliers; (b) the finan-
38 cial commitment of the applicant; (c) the applicant's commitment to
39 achieving sustainable production and packaging goals; (d) the technical
40 feasibility of a sustainable technology; and (e) the likelihood of the
41 applicant to make changes in production and processing that will result
42 in improvements to sustainability in the craft beverage industry.

43 8. The corporation shall, on or before December thirty-first, two
44 thousand twenty and annually thereafter, submit a report to the gover-
45 nor, the temporary president of the senate, the speaker of the assembly,
46 the senate minority leader, the assembly minority leader, the chair-
47 persons of the senate finance committee and the assembly ways and means
48 committee, and to any other member of the legislature requesting such
49 reports on the effectiveness and accomplishments of the New York craft
50 beverage sustainable production grant program. Such report shall include
51 for each grant awarded, the name and location of the recipient, a
52 description of the sustainability project, the amount of the grant, the
53 total project cost, the impact of the project on the recipient's busi-
54 ness, the number of jobs created or retained, and such other information
55 as the corporation shall deem appropriate.

1 9. Nothing in this section shall require the corporation to disclose
2 any matters involving confidential business, intellectual property or
3 work product, whether patentable or not, including any formula, plan,
4 pattern, process, tool, mechanism, compound, procedure, production data
5 or compilation of information related to the production or manufacturing
6 of a craft beverage product or products.

7 § 3. This act shall take effect immediately; provided, however, that
8 section one of this act shall take effect upon the expiration and rever-
9 sion of section 17 of the alcoholic beverage control law as provided in
10 section 4 of chapter 118 of the laws of 2012, as amended.