

STATE OF NEW YORK

5381

2017-2018 Regular Sessions

IN SENATE

March 23, 2017

Introduced by Sens. BOYLE, VALESKY -- (at request of the State Liquor Authority) -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the alcoholic beverage control law, in relation to allowing tastings and expanding the craft beverage types sold at roadside farm markets

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

1 Section 1. Section 76-f of the alcoholic beverage control law, as
2 added by chapter 355 of the laws of 2013, is amended to read as follows:
3 § 76-f. Roadside farm market license. 1. Any person owning or operat-
4 ing a roadside farm market may apply to the liquor authority for a road-
5 side farm market license to sell New York state labelled liquor, New
6 York state labelled wine, New York state labelled beer and New York
7 state labelled cider pursuant to this section. Such application shall be
8 in writing and verified, and shall contain such information as the
9 liquor authority shall require and shall be accompanied by a check or
10 draft for the amount required by this article for such license. If the
11 liquor authority shall grant the application, it shall issue a license
12 in such form as shall be determined by its rules, and the license shall
13 remain in effect for one year.
14 2. For the purposes of this section, the term "roadside farm market"
15 means a building or structure located on a farm operation or within one
16 mile of a farm operation owned or operated by the permit holder, as
17 defined in subdivision eleven of section three hundred one of the agri-
18 culture and markets law, except for a commercial horse boarding opera-
19 tion, in which New York agricultural products are primarily sold by
20 producers, growers or farmers of such agricultural products to the
21 general public, and the term "New York agricultural product" means any
22 agricultural or aquacultural product of the soil or water that has been

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

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1 grown, harvested or produced within the state, including but not limited
2 to fruits, vegetables, eggs, dairy products, meat and meat products,
3 poultry and poultry products, fish and fish products, grain and grain
4 products, honey, nuts, preserves, maple sap products, apple cider, fruit
5 juice, and Christmas trees.

6 3. A roadside farm market license shall authorize the holder thereof
7 to sell: liquor manufactured or produced by up to two duly licensed farm
8 distilleries, micro-distilleries or micro-rectifiers; wine manufactured
9 or produced by up to two duly licensed farm or special wineries or
10 micro-wineries; beer produced by up to two duly licensed farm or micro-
11 breweries; and cider produced by up to two duly licensed farm cideries
12 or cider producers, that are located within twenty miles of the roadside
13 farm market by the bottle for off-premises consumption; provided that
14 such market's owner, operator or representative shall be present at all
15 times during which [~~wine is~~] alcoholic beverages are being offered for
16 sale. Such market shall be deemed to possess a warehouse permit and be
17 permitted to warehouse up to [~~twenty~~] forty cases of [~~wine~~] alcoholic
18 beverages; provided that such market shall abide by all rules and regu-
19 lations promulgated pursuant to section ninety-six of this chapter and
20 any other rules and regulations promulgated by the liquor authority to
21 implement the provisions of this section to ensure that [~~wine~~] alcoholic
22 beverages stored or kept by such market is segregated and kept in a safe
23 and secure location when such market is closed for business.

24 4. The sale of [~~wine~~] alcoholic beverages pursuant to this section
25 shall occur only within the hours fixed by or pursuant to subdivision
26 fourteen of section one hundred five of this chapter. [~~Notwithstanding~~
27 ~~the provisions of section eighty of this article or any other provision~~
28 ~~of law, no wine tastings shall be conducted at a roadside farm market~~
29 ~~that sells wine for off-premises consumption pursuant to the provisions~~
30 ~~of this section.~~]

31 5. The liquor authority, in consultation with the department of agri-
32 culture and markets, shall promulgate any rules and regulations neces-
33 sary to implement the provisions of this section.

34 § 2. Subdivision 27-a of section 3 of the alcoholic beverage control
35 law, as added by chapter 355 of the laws of 2013, is amended to read as
36 follows:

37 27-a. "Roadside farm market" means any retailer authorized to sell New
38 York state labelled liquor, New York state labelled wine, New York state
39 labelled beer, and New York state labelled cider, pursuant to section
40 seventy-six-f of this chapter.

41 § 3. This act shall take effect immediately.