

# STATE OF NEW YORK

4441

2019-2020 Regular Sessions

## IN ASSEMBLY

February 4, 2019

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

AN ACT to amend the alcoholic beverage control law, in relation to temporary beer and wine permits

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

1 Section 1. Section 97 of the alcoholic beverage control law, as  
2 amended by chapter 204 of the laws of 1963, the section heading as  
3 amended by chapter 363 of the laws of 1977, subdivisions 1 and 2 as  
4 amended by section 19 of part Z of chapter 85 of the laws of 2002,  
5 subdivision 3 as added by chapter 408 of the laws of 2010, subdivision 4  
6 as added by chapter 120 of the laws of 2012, is amended to read as  
7 follows:

8 § 97. Temporary beer and wine permit. 1. ~~[The liquor authority is~~  
9 ~~hereby authorized to issue temporary permits effective for a period not~~  
10 ~~to exceed twenty-four consecutive hours to authorize the sale of beer~~  
11 ~~and wine manufactured in New York state at outdoor or indoor gatherings,~~  
12 ~~functions, occasions or events, within the hours fixed by or pursuant to~~  
13 ~~subdivision five of section one hundred six of this chapter, during~~  
14 ~~which alcoholic beverages may lawfully be sold or served upon premises~~  
15 ~~licensed to sell alcoholic beverages at retail for on-premises consump-~~  
16 ~~tion in the community in which is located the premises in which such~~  
17 ~~gathering, function, occasion or event is held. The fee for such permit~~  
18 ~~shall be twenty six dollars. Such permit and the exercise of the privi-~~  
19 ~~lege granted thereby shall be subject to such rules of the liquor~~  
20 ~~authority as it deems necessary.~~

21 ~~2-~~] The liquor authority is hereby authorized to issue an annual  
22 permit to brewers and beer wholesalers authorizing such licensees to  
23 sell beer for consumption at outdoor or indoor gatherings, functions,  
24 occasions or events, provided that such gatherings are not open to  
25 admission to the general public nor is admission thereto made contingent

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

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1 upon the payment of an admission fee, donation or contribution, and  
2 further provided that such beer is not resold at such gatherings. Every  
3 brewer or beer wholesaler to whom a permit shall be issued hereunder  
4 shall require every person to whom beer shall be sold for use at such  
5 gatherings to make, execute and file with such brewer or beer whole-  
6 saler, upon a form to be prescribed by the liquor authority, a state-  
7 ment, that the beer purchased by such person will not be sold or offered  
8 for sale by such person. Such statement shall be accepted for all  
9 purposes as the equivalent of an affidavit, and if false, shall subject  
10 the person making and executing the same to the same penalties as if he  
11 had been duly sworn. Such permit shall be issued in the form prescribed  
12 by the liquor authority and shall run concurrently with the annual term  
13 of the brewer's license or of the wholesale beer license, and the fee  
14 for such permit shall be sixty-four dollars. Such a permit and the exer-  
15 cise of the privileges granted thereunder shall be subject to such rules  
16 by the liquor authority as it deems necessary. The provisions hereof  
17 shall not apply to the sale of beer for consumption in the home.

18 ~~[3-]~~ 2. The liquor authority is hereby authorized to issue a permit  
19 under ~~[subdivision one of]~~ this section to the holder of a  
20 concessionaire's license issued by the division of the New York state  
21 fair in the department of agriculture and markets. Such permit shall  
22 allow for the sale and consumption of wine manufactured in New York  
23 state, and beer upon the premises known as the New York state fair-  
24 grounds during the annual New York state fair for the calendar year such  
25 permit is issued, provided that such wine is sold and dispensed in  
26 amounts of ten ounces or less. The fee for such permit shall be deter-  
27 mined by the liquor authority.

28 ~~[4-]~~ 3. The liquor authority is hereby authorized to issue a temporary  
29 permit effective for a period not to exceed twenty-four consecutive  
30 hours to any holder of a license to manufacture wine in this or any  
31 other state, to sell wine at outdoor or indoor gatherings, functions,  
32 occasions, or events, provided that such manufacturer produces not more  
33 than one hundred fifty thousand gallons of wine annually. The fee for  
34 such permit shall be twenty-six dollars.

35 4. Notwithstanding the provisions of this section, any holder of a  
36 license to manufacture wine or beer in the state, including farm winer-  
37 ies and farm breweries, shall be authorized to sell beer and wine manu-  
38 factured in New York state at outdoor or indoor gatherings, functions,  
39 occasions or events, within the hours fixed by or pursuant to subdivi-  
40 sion five of section one hundred six of this chapter, during which alco-  
41 holic beverages may lawfully be sold or served upon premises licensed to  
42 sell alcoholic beverages at retail for on-premises consumption in the  
43 community in which is located the premises in which such gathering,  
44 function, occasion or event is held, for a period not to exceed twenty-  
45 four consecutive hours. The exercise of the privilege granted thereby  
46 shall be subject to any local laws, regulations or ordinances and such  
47 rules of the liquor authority as it deems necessary; except that no  
48 permit or fees shall be required.

49 § 2. This act shall take effect immediately.