

11393

I N   A S S E M B L Y

June 9, 2010

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Introduced by COMMITTEE ON RULES -- (at request of M. of A. Schimminger)  
-- read once and referred to the Committee on Economic Development,  
Job Creation, Commerce and Industry

AN ACT to amend the alcoholic beverage control law, in relation to  
permits for licensed brewers

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

1     Section 1. Section 51 of the alcoholic beverage control law is amended  
2     by adding a new subdivision 9 to read as follows:

3     9. (A) A LICENSED BREWER MAY OBTAIN A PERMIT TO SERVE SMALL SAMPLES OF  
4     BEER OR MALT BEVERAGES IT PRODUCES AT OUTDOOR OR INDOOR GATHERINGS,  
5     FUNCTIONS, OCCASIONS OR EVENTS.

6     (B) THE FEE FOR SUCH PERMIT SHALL BE TWENTY DOLLARS AND SHALL BE  
7     ISSUED BY THE AUTHORITY AND DATED FOR ITS PERIOD OF USE, WHICH SHALL NOT  
8     EXCEED THREE DAYS.

9     (C) TASTINGS AT SUCH OUTDOOR OR INDOOR GATHERINGS, FUNCTIONS, OCCA-  
10    SIONS OR EVENTS SHALL BE CONDUCTED ONLY WITHIN THE HOURS FIXED BY OR  
11    PURSUANT TO SUBDIVISION FIVE OF SECTION ONE HUNDRED SIX OF THIS CHAPTER,  
12    DURING WHICH ALCOHOLIC BEVERAGES MAY BE LAWFULLY SOLD OR SERVED UPON  
13    PREMISES LICENSED TO SELL ALCOHOLIC BEVERAGES AT RETAIL FOR CONSUMPTION  
14    IN THE COMMUNITY IN WHICH THE PREMISES IN WHICH SUCH OUTDOOR OR INDOOR  
15    GATHERING, FUNCTION, OCCASION OR EVENT IS HELD.

16    (D) EACH SERVING AT TASTINGS SHALL BE SERVED ONLY BY THE BREWER OR ITS  
17    EMPLOYEE AND SHALL BE LIMITED TO THREE OUNCES OR LESS OF A BRAND OF BEER  
18    OR MALT BEVERAGE PRODUCED BY THE BREWER AND NO CONSUMER OF LEGAL AGE  
19    SHALL BE PROVIDED OR GIVEN MORE THAN TWO SERVINGS OF SUCH BRANDS OFFERED  
20    FOR TASTING.

21    (E) THE BREWER SHALL BE RESPONSIBLE FOR ENSURING THAT SUCH SAMPLES ARE  
22    ONLY SERVED TO INDIVIDUALS LEGALLY ELIGIBLE TO CONSUME ALCOHOLIC BEVER-  
23    AGES IN THIS STATE.

24    (F) THE AUTHORITY MAY ISSUE PERMITS TO MORE THAN ONE LICENSED BREWER  
25    FOR THE SAME OUTDOOR OR INDOOR GATHERING, FUNCTION, OCCASION OR EVENT.

26    (G) SUCH PERMIT SHALL INCLUDE THE PRIVILEGE TO SELL BEER OR MALT  
27    BEVERAGES PRODUCED BY THE BREWER AT SUCH OUTDOOR OR INDOOR GATHERING,

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

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1 FUNCTION, OCCASION OR EVENT, IN SEALED CONTAINERS FOR OFF-PREMISES  
2 CONSUMPTION.

3 (H) ANY LIABILITY STEMMING FROM A RIGHT OF ACTION RESULTING FROM THE  
4 SAMPLING OR SALE OF BEER OR OTHER MALT BEVERAGES AS AUTHORIZED BY THIS  
5 SUBDIVISION, AND IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 11-100  
6 AND 11-101 OF THE GENERAL OBLIGATIONS LAW, SHALL ACCRUE TO THE BREWER.

7 (I) THE AUTHORITY IS AUTHORIZED AND DIRECTED TO PROVIDE SUCH FORMS TO  
8 A BREWER TO OBTAIN SUCH PERMIT, AND PROMULGATE SUCH RULES AND REGU-  
9 LATIONS, AS IT DEEMS NECESSARY OR APPROPRIATE TO IMPLEMENT THE  
10 PROVISIONS OF THIS SUBDIVISION TO PROTECT THE HEALTH, SAFETY AND WELFARE  
11 OF THE PEOPLE OF THIS STATE.

12 S 2. This act shall take effect immediately.