S T A T E O F N E W Y O R K

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Cal. No. 79

2009-2010 Regular Sessions

I N S E N A T E

May 5, 2009

Introduced by Sens. VALESKY, AUBERTINE -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Commerce, Economic Development and Small Business in accordance with Senate Rule 6, sec. 8 -- 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 allowing a licensed winery or farm winery to sell wine for consumption upon the premises of a food festival

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

Section 1. Subdivision 1 of section 97 of the alcoholic beverage control law, as amended by section 19 of part Z of chapter 85 of the laws of 2002, is amended to read as follows:

1. (A) The liquor authority is hereby authorized to issue temporary permits effective for a period not to exceed twenty-four consecutive hours to authorize the sale of beer and wine manufactured in New York state at outdoor or indoor gatherings, functions, occasions or events, within the hours fixed by or pursuant to subdivision five of section one hundred six of this chapter, during which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages at retail for on-premises consumption in the community in

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

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which is located the premises in which such gathering, function, occasion or event is held. The fee for such permit shall be twenty-six dollars. Such permit and the exercise of the privilege granted thereby shall be subject to such rules of the liquor authority as it deems necessary.

(B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION, AND EXCEPT FOR AN EVENT CONDUCTED WITHIN A CITY WITH A POPULATION OF ONE MILLION OR MORE, THE AUTHORITY IS HEREBY AUTHORIZED TO ISSUE TEMPORARY PERMITS TO A LICENSED WINERY OR FARM WINERY TO SELL WINE FOR CONSUMPTION UPON THE PREMISES OF A FOOD FESTIVAL AT WHICH FOOD IS WIDELY AVAILABLE, PROVIDED THAT SUCH WINERY APPLIES FOR, IS GRANTED AND MAINTAINS REGISTRATION AS A PARTICIPANT IN SUCH FESTIVAL OR EVENT AND SUCH WINE IS SOLD AND DISPENSED IN AMOUNTS OF EIGHT OUNCES OR LESS BY VOLUME AND FURTHER PROVIDED THAT CONSUMPTION OF SUCH WINE SHALL BE ALLOWED TO OCCUR ANYWHERE UPON THE PREMISES OF SUCH FESTIVAL OR EVENT UPON THE WRITTEN PERMISSION OF THE CITY, TOWN OR VILLAGE IN WHICH SUCH FESTIVAL EVENT IS HELD. NO FEE SHALL BE CHARGED FOR PERMITS ISSUED PURSUANT TO THIS PARAGRAPH.

S 2. This act shall take effect immediately.