

10031

I N A S S E M B L Y

February 25, 2010

Introduced by M. of A. MORELLE -- 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 brewer's licenses

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

1 Section 1. Subdivision 7 of section 51 of the alcoholic beverage
2 control law, as amended by chapter 871 of the laws of 1986, is amended
3 to read as follows:
4 7. Notwithstanding any contrary provision of law or of any rule or
5 regulation promulgated pursuant thereto, and in addition to the activ-
6 ities which may otherwise be carried on by any person licensed as a
7 brewer under this chapter, such person may, on the premises designated
8 in such license: (a) produce, package, bottle, sell and deliver soft
9 drinks and other non-alcoholic beverages, vitamins, malt, malt sirup,
10 and other by-products; (b) dry spent grain from the brewery; (c) recover
11 carbon dioxide and yeast; (d) store bottles, packages and supplies
12 necessary or incidental to all such operations; [and] (e) package,
13 bottle, sell and deliver wine products; (F) ALLOW FOR THE PREMISES
14 INCLUDING SPACE AND EQUIPMENT TO BE RENTED BY A LICENSED TENANT BREWER
15 FOR THE PURPOSES OF ALTERNATION; AND (G) MANUFACTURE, PRODUCE, BLEND,
16 PACKAGE, BOTTLE, PURCHASE, SELL AND DELIVER ALCOHOLIC BEVERAGES. If any
17 licensed brewer desires to engage in any of the [foregoing] activities
18 IN PARAGRAPH (A), (B), (C), (D) OR (E) OF THIS SUBDIVISION which (a)
19 require the use of by-products or wastage from the production of beer,
20 or utilize buildings, room-areas or equipment not fully employed in the
21 production of beer; or (b) are reasonably necessary to realize the maxi-
22 mum benefit from the premises and equipment and to reduce the overhead
23 of the brewery; or (c) are in the public interest because of emergency
24 conditions; or (d) involve experiments or research projects related to
25 equipment, materials, processes, products, by-products or wastage of the
26 brewery, he shall submit an application so to do to the liquor authori-
27 ty, on forms prescribed and furnished by it. If the authority determines
28 that the activities specified in the application will not impede the

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

LBD15733-01-0

1 effective administration of the alcoholic beverage control law, it may
2 approve such application, subject to such restrictions or modifications,
3 and in such manner and form as it may determine, and no brewer licensed
4 under this chapter shall engage in any such activities without the prior
5 approval of the authority. PROVIDED, HOWEVER, IF THE LICENSED BREWER
6 DESIRES TO ENGAGE IN ANY ACTIVITIES IDENTIFIED IN PARAGRAPH (F) OR (G)
7 OF THIS SUBDIVISION THE LICENSEE SHALL SUBMIT AN APPLICATION TO DO SO TO
8 THE LIQUOR AUTHORITY, ON FORMS PRESCRIBED AND FURNISHED BY IT. IF THE
9 AUTHORITY DETERMINES THAT THE ACTIVITIES SPECIFIED IN THE APPLICATION
10 WILL NOT IMPEDE THE EFFECTIVE ADMINISTRATION OF THIS CHAPTER, IT MAY
11 APPROVE SUCH APPLICATION, SUBJECT TO SUCH RESTRICTIONS OR MODIFICATIONS,
12 AND IN SUCH MANNER AND FORM AS IT MAY DETERMINE. THE APPROVAL OF SUCH
13 APPLICATION SHALL BE SUBJECT TO THE IMPOSITION OF SUCH ADDITIONAL
14 LICENSE FEES FOR SUCH ACTIVITIES IDENTIFIED IN PARAGRAPH (G) OF THIS
15 SUBDIVISION CONSISTENT WITH THE MANUFACTURE OF ANY ALCOHOLIC BEVERAGES
16 UNDER THIS ARTICLE AND ARTICLES FIVE AND SIX OF THIS CHAPTER. The liquor
17 authority is hereby authorized to adopt such rules and regulations as it
18 may determine necessary to effectuate the provisions of this subdivi-
19 sion.

20 S 2. This act shall take effect immediately.