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

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:

Section 1. Subdivision 7 of section 51 of the alcoholic beverage control law, as amended by chapter 871 of the laws of 1986, is amended to read as follows:

7. Notwithstanding any contrary provision of law or of any rule or regulation promulgated pursuant thereto, and in addition to the activities which may otherwise be carried on by any person licensed as a brewer under this chapter, such person may, on the premises designated in such license: (a) produce, package, bottle, sell and deliver soft drinks and other non-alcoholic beverages, vitamins, malt, malt sirup, and other by-products; (b) dry spent grain from the brewery; (c) recover carbon dioxide and yeast; (d) store bottles, packages and supplies necessary or incidental to all such operations; [and] (e) package, bottle, sell and deliver wine products; (F) ALLOW FOR THE PREMISES INCLUDING SPACE AND EQUIPMENT TO BE RENTED BY A LICENSED TENANT BREWER FOR THE PURPOSES OF ALTERNATION; AND (G) MANUFACTURE, PRODUCE, BLEND, PACKAGE, BOTTLE, PURCHASE, SELL AND DELIVER ALCOHOLIC BEVERAGES. If any licensed brewer desires to engage in any of the [foregoing] activities IN PARAGRAPH (A), (B), (C), (D) OR (E) OF THIS SUBDIVISION which (a) require the use of by-products or wastage from the production of beer, or utilize buildings, room-areas or equipment not fully employed in the production of beer; or (b) are reasonably necessary to realize the maximum benefit from the premises and equipment and to reduce the overhead of the brewery; or (c) are in the public interest because of emergency conditions; or (d) involve experiments or research projects related to equipment, materials, processes, products, by-products or wastage of the brewery, he shall submit an application so to do to the liquor authority, on forms prescribed and furnished by it. If the authority determines 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.

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

S 2. This act shall take effect immediately.