

10667

I N A S S E M B L Y

June 13, 2012

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

AN ACT to amend the alcoholic beverage control law, in relation to beer and brewpubs

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

1 Section 1. Subdivisions 5, 8 and 10 of section 64-c of the alcoholic
2 beverage control law, as added by chapter 538 of the laws of 1997, are
3 amended to read as follows:

4 5. Such restaurant-brewer license shall in form and in substance be a
5 license to the person specifically licensed to operate a restaurant and
6 sell liquor at retail to be consumed on the premises specifically
7 licensed. Such license shall also be deemed to include a license to:

8 (A) sell wine and beer at retail to be consumed under the same terms
9 and conditions, without the payment of any additional fee; AND

10 (B) SELL BEER BREWED ON THE PREMISES TO OTHER RETAIL LICENSEES, WHERE
11 SUCH LICENSE IS HELD BY THE SAME PERSON HOLDING THE RESTAURANT-BREWER
12 LICENSE, OR TO COMMONLY OWNED AFFILIATE LICENSES, PROVIDED THAT SUCH
13 BEER IS SOLD THROUGH A NEW YORK STATE LICENSED BEER WHOLESALER.

14 8. [Not more than five thousand barrels of beer per year may be brewed
15 on any premises licensed under this section nor may any person who holds
16 multiple licenses] A PERSON HOLDING ONE OR MORE LICENSES under this
17 section MAY brew, in the aggregate, NO more than twenty thousand barrels
18 of beer per year.

19 10. [Except as provided in subdivisions seven, eight, nine, twelve,
20 thirteen, fourteen and sixteen of this section, no person licensed under
21 this section may be interested directly or indirectly in any other prem-
22 ises in this state where alcoholic beverages are manufactured or sold.
23 Any person who has an interest in premises eligible for conversion under
24 subdivision nine of this section shall not be issued any license under
25 this section unless and until a conversion application has been filed
26 with and approved by the authority.] (A) FOR PURPOSES OF SECTIONS ONE
27 HUNDRED ONE AND ONE HUNDRED SIX OF THIS CHAPTER, A PERSON LICENSED UNDER
28 THIS SECTION SHALL BE DEEMED A "RETAILER" AS THAT TERM IS DEFINED WITHIN

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

LBD15528-01-2

1 SECTION THREE OF THIS CHAPTER. NOTWITHSTANDING ANY PROVISION OF THIS
2 CHAPTER TO THE CONTRARY, A PERSON LICENSED UNDER THIS SECTION MAY ALSO
3 BE LICENSED (OR INTERESTED DIRECTLY OR INDIRECTLY IN A LICENSE) TO SELL
4 LIQUOR AT RETAIL TO BE CONSUMED ON OR OFF THE PREMISES UNDER SECTION
5 FIFTY-FOUR, FIFTY-FOUR-A, FIFTY-FIVE, FIFTY-FIVE-A, SEVENTY-NINE OR
6 EIGHTY-ONE OF THIS CHAPTER OR SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-
7 FOUR-B AND SIXTY-FOUR-D OF THIS ARTICLE.

8 (B) NO MANUFACTURER OR WHOLESALER OF ALCOHOLIC BEVERAGES MAY BE GRANT-
9 ED A LICENSE TO OPERATE A RESTAURANT-BREWER PURSUANT TO THIS SECTION.
10 ANY PERSON WHO HAS AN INTEREST IN PREMISES ELIGIBLE FOR CONVERSION UNDER
11 SUBDIVISION NINE OF THIS SECTION SHALL NOT BE ISSUED ANY LICENSE UNDER
12 THIS SECTION UNLESS AND UNTIL A CONVERSION APPLICATION HAS BEEN FILED
13 WITH AND APPROVED BY THE AUTHORITY.

14 S 2. This act shall take effect immediately.