

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

4143--A

2011-2012 Regular Sessions

I N S E N A T E

March 21, 2011

Introduced by Sens. YOUNG, RITCHIE, LARKIN -- (at request of the Department of Agriculture and Markets) -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- 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

AN ACT to amend the alcoholic beverage control law, in relation to wineries, farm wineries, special wineries, special farm wineries and microwineries; and to repeal certain provisions of such law relating thereto

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

1 Section 1. Section 3 of the alcoholic beverage control law is amended
2 by adding two new subdivisions 9-a and 12-aa to read as follows:
3 9-A. "CUSTOM CRUSH FACILITY" MEANS A LICENSED WINERY OR FARM WINERY
4 WHICH OBTAINS GRAPES, FRUITS AND OTHER PLANTS GROWN EXCLUSIVELY IN NEW
5 YORK STATE FROM, OR ON BEHALF OF, OTHER LICENSED WINERIES OR FARM WINER-
6 IES AND CRUSHES, PROCESSES, FERMENTS, BOTTLES OR CONDUCTS ANY COMBINA-
7 TION OF SUCH SERVICES FOR SUCH OTHER LICENSED WINERIES OR FARM WINERIES.
8 12-AA. "FARM" MEANS THE LAND, BUILDINGS AND EQUIPMENT USED TO PRODUCE,
9 PREPARE AND MARKET CROPS, LIVESTOCK AND LIVESTOCK PRODUCTS AS A COMMER-
10 CIAL ENTERPRISE. A FARM MAY CONSIST OF ONE OR MORE PARCELS OF OWNED OR
11 RENTED LAND, WHICH PARCELS MAY BE CONTIGUOUS OR NONCONTIGUOUS TO EACH
12 OTHER.
13 S 2. Section 76 of the alcoholic beverage control law, as amended by
14 chapter 682 of the laws of 1945, subdivision 1 as amended by chapter 361
15 of the laws of 1994, subdivisions 2, 4 and 5 as amended by chapter 490
16 of the laws of 1993, paragraph (a) of subdivision 2 and subdivision 3 as
17 amended by chapter 539 of the laws of 1999, paragraph (a-1) of subdivi-
18 sion 2 as added by chapter 438 of the laws of 1997, paragraph (c) of

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

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subdivision 2 as added by chapter 639 of the laws of 2004, subparagraph (ii) of paragraph (c) of subdivision 2 as amended by chapter 613 of the laws of 2008, subdivision 3-a as added by chapter 206 of the laws of 2003, subdivision 5 as added by chapter 505 of the laws of 1984, subdivision 6 as added by chapter 210 of the laws of 2005, and subdivision 7 as added by chapter 183 of the laws of 2008, is amended to read as follows:

S 76. Winery license. 1. Any person may apply to the liquor authority for a winery license as provided for in this article. Such application shall be in writing and verified and shall contain such information as the liquor authority shall require. Such application shall be accompanied by a check or draft for the amount required by this article for such license. If the liquor authority shall grant the application it shall issue a license in such form as shall be determined by its rules.

2. A WINERY LICENSE SHALL AUTHORIZE THE HOLDER THEREOF:

(A) TO OPERATE A WINERY FOR THE MANUFACTURE OF WINE AT THE PREMISES SPECIFICALLY DESIGNATED IN THE LICENSE;

(B) TO RECEIVE AND POSSESS WINE FROM OTHER STATES CONSIGNED TO A UNITED STATES GOVERNMENT BONDED WINERY, WAREHOUSE OR STOREROOM LOCATED WITHIN THE STATE;

(C) TO SELL IN BULK FROM THE LICENSED PREMISES THE PRODUCTS MANUFACTURED UNDER SUCH LICENSE AND WINE RECEIVED BY SUCH LICENSEE FROM ANY OTHER STATE TO ANY WINERY LICENSEE, ANY DISTILLER LICENSEE OR TO A PERMITTEE ENGAGED IN THE MANUFACTURE OF PRODUCTS WHICH ARE UNFIT FOR BEVERAGE USE AND TO SELL OR DELIVER SUCH WINE TO PERSONS OUTSIDE THE STATE PURSUANT TO THE LAWS OF THE PLACE OF SUCH SALE OR DELIVERY;

(D) TO SELL FROM THE LICENSED PREMISES TO A LICENSED WHOLESALER OR RETAILER, OR TO A CORPORATION OPERATING RAILROAD CARS OR AIRCRAFT FOR CONSUMPTION ON SUCH CARRIERS, WINE MANUFACTURED OR RECEIVED BY THE LICENSEE AS ABOVE SET FORTH IN THE ORIGINAL SEALED CONTAINERS OF NOT MORE THAN FIFTEEN GALLONS EACH AND TO SELL OR DELIVER SUCH WINE TO PERSONS OUTSIDE THE STATE PURSUANT TO THE LAWS OF THE PLACE OF SUCH SALE OR DELIVERY. ALL WINE SOLD BY SUCH LICENSEE SHALL BE SECURELY SEALED AND HAVE ATTACHED THERETO A LABEL SETTING FORTH SUCH INFORMATION AS SHALL BE REQUIRED BY THIS CHAPTER; AND

(E) TO OPERATE, OR USE THE SERVICES OF, A CUSTOM CRUSH FACILITY AS DEFINED IN SUBDIVISION NINE-A OF SECTION THREE OF THIS CHAPTER.

3. (a) Any person having applied for and received a license as a winery [or farm winery] under this section [or section seventy-six-a of this article] may conduct wine tastings of New York state labelled wines in establishments licensed under [section] SECTIONS sixty-three AND SEVENTY-NINE of this chapter to sell [alcoholic beverages] WINE for off-premises consumption. Such winery [or farm winery] may charge a fee for each wine sample tasted. The state liquor authority shall promulgate rules and regulations regarding such tastings as provided for in this subdivision.

(a-1) Any person having applied for and received a license as a winery [or farm winery] under this section [or section seventy-six-a of this article] may conduct wine tastings of New York state labelled wines and apply to the liquor authority for a permit to sell wine produced by such winery [or farm winery,] by the bottle, during such tastings in establishments licensed under section sixty-four, SECTION SIXTY-FOUR-A, SECTION EIGHTY-ONE OR SECTION EIGHTY-ONE-A of this chapter to sell [alcoholic beverages] WINE for consumption on the premises. Such winery [or farm winery] may charge a fee of no more than twenty-five cents for each wine sample tasted. The state liquor authority shall promulgate

1 rules and regulations regarding such tastings as provided for in this
2 subdivision.

3 (b) Tastings shall be conducted subject to the following limitations:

4 (i) wine tastings shall be conducted by an official agent, represen-
5 tative or solicitor of one or more wineries [or farm wineries]. Such
6 agent, representative or solicitor shall be physically present at all
7 times during the conduct of the tastings; and

8 (ii) any liability stemming from a right of action resulting from a
9 wine tasting as authorized herein and in accordance with the provisions
10 of sections 11-100 and 11-101 of the general obligations law, shall
11 accrue to the [farm winery or] winery licensee.

12 (c)(i) Any person having applied for and received a license as a
13 winery [or farm winery] under this section [or section seventy-six-a of
14 this article] may conduct wine tastings of New York state labelled wines
15 and sell such wine by the bottle, during such tasting, for off-premises
16 consumption at outdoor or indoor gatherings, functions, occasions or
17 events, within the hours fixed by or pursuant to subdivision fourteen of
18 section one hundred five of this chapter, sponsored by a bona fide char-
19 itable organization. For the purposes of this paragraph, a bona fide
20 charitable organization shall mean and include any bona fide religious
21 or charitable organization or bona fide educational, fraternal or
22 service organization or bona fide organization of veterans or volunteer
23 firefighters, which by its charter, certificate of incorporation,
24 constitution, or act of the legislature, shall have among its dominant
25 purposes one or more of the lawful purposes as defined in subdivision
26 five of section one hundred eighty-six of the general municipal law.

27 (ii) Upon application, the liquor authority shall issue [one or more
28 licenses] AN ANNUAL PERMIT authorizing such winery [or farm winery] to
29 participate in [no more than five] outdoor or indoor gatherings, func-
30 tions, occasions or events sponsored by a charitable organization [for
31 each such license]. The winery [or farm winery] must give THE AUTHORITY
32 written OR ELECTRONIC notice of the date, time and specific location of
33 each [of the five tastings authorized by a license to the authority]
34 TASTING at least fifteen days prior to [such tastings authorized by such
35 license] THE TASTING. A winery [or farm winery] that obtains a [license]
36 PERMIT to conduct such wine tastings does not need to apply for or
37 obtain a temporary beer or wine permit pursuant to section ninety-seven
38 of this chapter or any other permit to conduct such a tasting or to sell
39 wine by the bottle for off-premises consumption AT SUCH TASTINGS.

40 (iii) Such winery [or farm winery] may charge a fee for each wine
41 sample tasted. Tastings shall be conducted by an official agent, repre-
42 sentative or solicitor of such winery [or farm winery]. The state liquor
43 authority may promulgate rules and regulations regarding such tastings
44 as provided for in this subdivision.

45 [3.] 4. A licensed winery may apply to the liquor authority for a
46 license to sell wine at retail for consumption on the premises. All the
47 provisions of this chapter relative to licenses to sell wine at retail
48 for consumption on the premises shall apply so far as applicable to such
49 application.

50 [3-a.] 4-A. Notwithstanding any other provision of law, any winery,
51 licensed pursuant to subdivision [three] FOUR of this section to sell
52 wine at retail for consumption on the premises in a restaurant in or
53 adjacent to the winery, may apply to the liquor authority for a license
54 to sell beer, wine or liquor at retail for consumption on the premises
55 of such restaurant. All of the provisions of this chapter relative to

1 licenses to sell beer, wine or liquor at retail for consumption on the
2 premises shall apply so far as applicable to such application.

3 [4.] 5. Notwithstanding any provision of this chapter to the contrary,
4 any one or more winery licensees [or farm winery licensees], singly or
5 jointly, may apply to the liquor authority for a license or licenses to
6 sell wine at retail for consumption off the premises. [The] FOR LICEN-
7 SEES APPLYING SINGLY, THE duration of such license shall be coextensive
8 with the duration of such licensee's winery license [or farm winery
9 license], and the fee therefor shall be five hundred dollars if such
10 retail premises is located in cities having a population of one million
11 or more; in cities having less than one million population and more than
12 one hundred thousand, two hundred fifty dollars; and elsewhere, the sum
13 of one hundred twenty-five dollars. Such license shall entitle the hold-
14 er thereof to sell at retail for consumption off the premises any New
15 York state labelled wine. Such license shall also entitle the holder
16 thereof to conduct [winetastings and engage in any of the activities
17 authorized by paragraphs (a), (b) and (c) of subdivision four of section
18 seventy-seven of this article on such licensed premises] WINE TASTINGS.
19 Such license shall also authorize the sale by the holder thereof of New
20 York state labelled wine, in sealed containers for off-premises consump-
21 tion, from the specially licensed premises of any person licensed pursu-
22 ant to section eighty-one-a of this article to sell wine at retail for
23 consumption on premises in which the principal business is the operation
24 of a legitimate theater or such other lawful adult entertainment or
25 recreational facility as the liquor authority may classify for eligibil-
26 ity pursuant to subdivision six of section sixty-four-a of this chapter.
27 Not more than five such licenses shall be issued, EITHER SINGLY OR
28 JOINTLY, to any licensed winery [or farm winery]. All other provisions
29 of this chapter relative to licenses to sell wine at retail for consump-
30 tion off the premises shall apply so far as applicable to such applica-
31 tion. The liquor authority is hereby authorized to adopt such rules as
32 it may deem necessary to carry out the purpose of this subdivision,
33 provided that all licenses issued pursuant to this subdivision shall be
34 subject to the same rules and regulations as are applicable to the sale
35 of wine at retail for consumption off the premises of the winery licen-
36 see [or farm winery licensee].

37 [5.] 6. Any winery licensed pursuant to this section is authorized to
38 engage in what is commonly known as wine by wire services whereby a
39 winery within the state may make deliveries on behalf of other wineries
40 within the state.

41 [5.] 7. Notwithstanding any provision of this chapter to the contrary,
42 a licensed winery [or a licensed farm winery] may apply to the liquor
43 authority for a permit to sell New York state labelled wine, by the
44 bottle, at the state fair, at recognized county fairs and at farmers
45 markets operated on a not-for-profit basis. As a condition of the
46 permit, an agent, representative, or solicitor from the winery must be
47 present at the time of sale.

48 [6.] 8. Any winery may sell or deliver such wine produced by the
49 winery to persons outside the state pursuant to the laws of the place of
50 such sale or delivery.

51 [7.] 9. Notwithstanding any other provision of law to the contrary, a
52 licensed winery [or farm winery] may sell wine for consumption upon the
53 premises known as the New York state fairgrounds during the annual New
54 York state fair without obtaining any additional permission or payment
55 of any additional fee, provided that such winery applies for, is granted
56 and maintains a concessionaire's license from the division of the New

1 York state fair in the department of agriculture and markets and such
2 wine is sold and dispensed in amounts of ten ounces or less and further
3 provided that consumption of such wine shall be limited to and shall
4 occur upon such premises.

5 10. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER TO THE CONTRARY, AND
6 UPON PAYMENT TO THE LIQUOR AUTHORITY OF AN ADDITIONAL ANNUAL FEE OF ONE
7 HUNDRED TWENTY-FIVE DOLLARS, THE LIQUOR AUTHORITY MAY IN ITS DISCRETION
8 AND UPON SUCH TERMS AND CONDITIONS AS IT MAY PRESCRIBE, ISSUE TO A
9 LICENSED WINERY UPON APPLICATION THEREFOR A CERTIFICATE AUTHORIZING SUCH
10 WINERY TO SELL WINE AT RETAIL IN SEALED CONTAINERS TO A REGULARLY ORGAN-
11 IZED CHURCH, SYNAGOGUE OR RELIGIOUS ORGANIZATION FOR SACRAMENTAL
12 PURPOSES, AND TO A HOUSEHOLDER FOR CONSUMPTION IN HIS HOME.

13 11. (A) A LICENSED WINERY MAY MANUFACTURE, BOTTLE AND SELL FRUIT
14 JUICE, FRUIT JELLIES AND FRUIT PRESERVES, TONICS, SALAD DRESSINGS AND
15 UNPOTABLE WINE SAUCES ON AND FROM LICENSED PREMISES.

16 (B) SUCH LICENSE SHALL AUTHORIZE THE HOLDER THEREOF TO STORE AND SELL
17 GIFT ITEMS IN A TAX-PAID ROOM UPON THE LICENSED PREMISES. THESE GIFT
18 ITEMS SHALL BE LIMITED TO THE FOLLOWING CATEGORIES:

19 (I) NON-ALCOHOLIC BEVERAGES FOR CONSUMPTION ON OR OFF PREMISES,
20 INCLUDING BUT NOT LIMITED TO BOTTLED WATER, JUICE AND SODA BEVERAGES.

21 (II) FOOD ITEMS FOR THE PURPOSE OF COMPLEMENTING WINE TASTING SHALL
22 MEAN A DIVERSIFIED SELECTION OF FOOD WHICH IS ORDINARILY CONSUMED WITH-
23 OUT THE USE OF TABLEWARE AND CAN CONVENIENTLY BE CONSUMED WHILE STANDING
24 OR WALKING. SUCH FOOD ITEMS SHALL INCLUDE BUT NOT BE LIMITED TO: CHEES-
25 ES, FRUITS, VEGETABLES, CHOCOLATES, BREADS AND CRACKERS.

26 (III) FOOD ITEMS, WHICH SHALL INCLUDE LOCALLY PRODUCED FARM PRODUCTS
27 AND ANY FOOD OR FOOD PRODUCT NOT SPECIFICALLY PREPARED FOR IMMEDIATE
28 CONSUMPTION UPON THE PREMISES. SUCH FOOD ITEMS MAY BE COMBINED INTO A
29 PACKAGE CONTAINING WINE OR WINE PRODUCT.

30 (IV) WINE SUPPLIES AND ACCESSORIES, WHICH SHALL INCLUDE ANY ITEM
31 UTILIZED FOR THE STORAGE, SERVING OR CONSUMPTION OF WINE OR FOR DECORA-
32 TIVE PURPOSES. THESE SUPPLIES MAY BE SOLD AS SINGLE ITEMS OR MAY BE
33 COMBINED INTO A PACKAGE CONTAINING WINE OR A WINE PRODUCT.

34 (V) SOUVENIR ITEMS, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO
35 ARTWORK, CRAFTS, CLOTHING, AGRICULTURAL PRODUCTS AND ANY OTHER ARTICLES
36 WHICH CAN BE CONSTRUED TO PROPAGATE TOURISM WITHIN THE REGION.

37 (VI) NEW YORK STATE LABELLED WINE PRODUCED OR MANUFACTURED BY ANY
38 OTHER NEW YORK STATE WINERY OR FARM WINERY LICENSEE. SUCH WINE MAY BE
39 PURCHASED OUTRIGHT BY THE LICENSEE FROM A NEW YORK WINERY OR FARM WINERY
40 LICENSEE OR OBTAINED ON A CONSIGNMENT BASIS PURSUANT TO A WRITTEN AGREE-
41 MENT BETWEEN THE SELLING AND PURCHASING LICENSEE.

42 (C) NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER TO THE CONTRARY, ANY
43 WINERY LICENSEE MAY CHARGE:

44 (I) FOR TOURS OF ITS PREMISES; AND

45 (II) FOR ANY WINE TASTINGS.

46 (D) WINE GRAPE GROWERS OR WINE PRODUCER ORGANIZATIONS OR ASSOCIATIONS,
47 INCORPORATED WITHIN THE STATE FOR THE PURPOSE OF WINE OR WINE GRAPE
48 PROMOTION MAY HOLD WINE TASTINGS FOR PURPOSES OF EDUCATION IN THE
49 PRODUCTION AND PROPER USE OF WINE PRODUCTS UNDER THE SAME RULES APPLYING
50 TO WINERY LICENSEES.

51 (E) THE AUTHORITY IS HEREBY AUTHORIZED TO PROMULGATE RULES AND REGU-
52 LATIONS TO EFFECTUATE THE PURPOSES OF THIS SUBDIVISION.

53 (F) A LICENSED WINERY MAY ENGAGE IN ANY OTHER BUSINESS ON THE LICENSED
54 PREMISES SUBJECT TO SUCH RULES AND REGULATIONS AS THE LIQUOR AUTHORITY
55 MAY PRESCRIBE. IN PRESCRIBING SUCH RULES AND REGULATIONS, THE LIQUOR
56 AUTHORITY SHALL PROMOTE THE EXPANSION AND PROFITABILITY OF WINE

1 PRODUCTION AND OF TOURISM IN NEW YORK, THEREBY PROMOTING THE CONSERVA-
2 TION, PRODUCTION AND ENHANCEMENT OF NEW YORK STATE AGRICULTURAL LANDS.
3 FURTHER, SUCH RULES AND REGULATIONS SHALL DETERMINE WHICH BUSINESSES
4 WILL BE COMPATIBLE WITH THE POLICY AND PURPOSES OF THIS CHAPTER AND
5 SHALL CONSIDER THE EFFECT OF PARTICULAR BUSINESSES ON THE COMMUNITY AND
6 AREA IN THE VICINITY OF THE WINERY LICENSEE.

7 12. A LICENSED WINERY SHALL BE PERMITTED TO REMAIN OPEN FOR THE
8 PURPOSES OF SELLING ITS PRODUCTS, IN ACCORDANCE WITH THE PROVISIONS OF
9 SUBDIVISIONS TWO AND FOUR OF THIS SECTION, AND/OR CONDUCTING WINE TAST-
10 ING AT THE WINERY, AND/OR CONDUCTING PUBLIC TOURS OF ITS WINERY AND/OR
11 TO SELL NEW YORK STATE LABELLED WINE, BY THE BOTTLE, AT THE STATE FAIR,
12 AT RECOGNIZED COUNTY FAIRS AND AT FARMERS MARKETS OPERATED ON A
13 NOT-FOR-PROFIT BASIS IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION
14 ON SUNDAY BETWEEN THE HOURS OF TEN O'CLOCK IN THE MORNING AND MIDNIGHT.
15 THE AUTHORITY IS HEREBY AUTHORIZED TO PROMULGATE RULES AND REGULATIONS
16 TO EFFECTUATE THE PURPOSES OF THIS SUBDIVISION.

17 13. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A
18 WINERY LICENSED PURSUANT TO THIS SECTION MAY ENGAGE IN CUSTOM WINE
19 PRODUCTION ALLOWING INDIVIDUALS TO ASSIST IN THE PRODUCTION OF WINE FOR
20 SALE FOR PERSONAL OR FAMILY USE, PROVIDED, HOWEVER, THAT (A) THE WINE
21 MUST BE PURCHASED BY THE INDIVIDUAL ASSISTING IN THE PRODUCTION OF SUCH
22 WINE; AND (B) THE OWNER, EMPLOYEE OR AGENT OF SUCH WINERY SHALL BE PRES-
23 ENT AT ALL TIMES DURING SUCH PRODUCTION.

24 S 3. Section 76-a of the alcoholic beverage control law is amended by
25 adding a new subdivision 2 to read as follows:

26 2. A FARM WINERY LICENSE SHALL AUTHORIZE THE HOLDER THEREOF TO:

27 (A) OPERATE A FARM WINERY FOR THE MANUFACTURE OF WINE OR CIDER AT THE
28 PREMISES SPECIFICALLY DESIGNATED IN THE LICENSE;

29 (B) SELL IN BULK FROM THE LICENSED PREMISES THE PRODUCTS MANUFACTURED
30 UNDER SUCH LICENSE TO ANY WINERY LICENSEE, ANY OTHER FARM WINERY LICEN-
31 SEE, ANY DISTILLER LICENSEE OR TO A PERMITTEE ENGAGED IN THE MANUFACTURE
32 OF PRODUCTS WHICH ARE UNFIT FOR BEVERAGE USE AND TO SELL OR DELIVER SUCH
33 WINE TO PERSONS OUTSIDE THE STATE PURSUANT TO THE LAWS OF THE PLACE OF
34 SUCH SALE OR DELIVERY;

35 (C) SELL FROM THE LICENSED PREMISES TO A LICENSED WHOLESALER OR
36 RETAILER, OR TO A CORPORATION OPERATING RAILROAD CARS OR AIRCRAFT FOR
37 CONSUMPTION ON SUCH CARRIERS, OR AT RETAIL FOR CONSUMPTION OFF THE PREM-
38 ISSES, WINE OR CIDER MANUFACTURED BY THE LICENSEE AS ABOVE SET FORTH AND
39 TO SELL OR DELIVER SUCH WINE OR CIDER TO PERSONS OUTSIDE THE STATE
40 PURSUANT TO THE LAWS OF THE PLACE OF SUCH SALE OR DELIVERY. ALL WINE OR
41 CIDER SOLD BY SUCH LICENSEE FOR CONSUMPTION OFF THE PREMISES SHALL BE
42 SECURELY SEALED AND HAVE ATTACHED THERETO A LABEL SETTING FORTH SUCH
43 INFORMATION AS SHALL BE REQUIRED BY THIS CHAPTER;

44 (D) OPERATE, OR USE THE SERVICES OF, A CUSTOM CRUSH FACILITY AS
45 DEFINED IN SUBDIVISION NINE-A OF SECTION THREE OF THIS CHAPTER;

46 (E) SELL CIDER AND WINE AT RETAIL FOR CONSUMPTION ON OR OFF THE PREM-
47 ISSES;

48 (F) SELL WINE AT RETAIL FOR CONSUMPTION ON THE PREMISES OF A RESTAU-
49 RANT, CONFERENCE CENTER, INN, BED AND BREAKFAST OR HOTEL BUSINESS OWNED
50 AND OPERATED BY THE LICENSEE IN OR ADJACENT TO THE FARM WINERY FOR WHICH
51 THE LICENSEE IS LICENSED. A LICENSEE WHO OPERATES A RESTAURANT, CONFER-
52 ENCE CENTER, INN, BED AND BREAKFAST OR HOTEL PURSUANT TO SUCH AUTHORITY
53 SHALL COMPLY WITH ALL APPLICABLE PROVISIONS OF THIS CHAPTER WHICH RELATE
54 TO LICENSES TO SELL WINE AT RETAIL FOR CONSUMPTION ON THE PREMISES.

55 S 4. Subdivision 3 of section 76-a of the alcoholic beverage control
56 law is REPEALED and a new subdivision 3 is added to read as follows:

1 3. (A) ANY PERSON HAVING APPLIED FOR AND RECEIVED A LICENSE AS A FARM
2 WINERY UNDER THIS SECTION MAY CONDUCT WINE TASTINGS OF NEW YORK STATE
3 LABELLED WINES IN ESTABLISHMENTS LICENSED UNDER SECTION SIXTY-THREE OF
4 THIS CHAPTER AND SECTION SEVENTY-NINE OF THIS ARTICLE TO SELL WINE FOR
5 OFF-PREMISES CONSUMPTION. SUCH FARM WINERY MAY CHARGE A FEE FOR EACH
6 WINE SAMPLE TASTED. THE STATE LIQUOR AUTHORITY SHALL PROMULGATE RULES
7 AND REGULATIONS REGARDING SUCH TASTINGS AS PROVIDED FOR IN THIS SUBDIVI-
8 SION.

9 (B) ANY PERSON HAVING APPLIED FOR AND RECEIVED A LICENSE AS A FARM
10 WINERY UNDER THIS SECTION MAY CONDUCT WINE TASTINGS OF NEW YORK STATE
11 LABELLED WINES AND APPLY TO THE LIQUOR AUTHORITY FOR A PERMIT TO SELL
12 WINE PRODUCED BY SUCH FARM WINERY, BY THE BOTTLE, DURING SUCH TASTINGS
13 IN ESTABLISHMENTS LICENSED UNDER SECTIONS SIXTY-FOUR AND SIXTY-FOUR-A OF
14 THIS CHAPTER AND SECTION EIGHTY-ONE OR SECTION EIGHTY-ONE-A OF THIS
15 ARTICLE TO SELL WINE FOR CONSUMPTION ON THE PREMISES. SUCH FARM WINERY
16 MAY CHARGE A FEE OF NO MORE THAN TWENTY-FIVE CENTS FOR EACH WINE SAMPLE
17 TASTED. THE STATE LIQUOR AUTHORITY SHALL PROMULGATE RULES AND REGU-
18 LATIONS REGARDING SUCH TASTINGS AS PROVIDED FOR IN THIS SUBDIVISION.

19 (C) TASTINGS SHALL BE CONDUCTED SUBJECT TO THE FOLLOWING LIMITATIONS:

20 (I) WINE TASTINGS SHALL BE CONDUCTED BY AN OFFICIAL AGENT, REPRESENTATIVE OR SOLICITOR OF ONE OR MORE FARM WINERIES. SUCH AGENT, REPRESENTATIVE OR SOLICITOR SHALL BE PHYSICALLY PRESENT AT ALL TIMES DURING THE
21 TASTINGS. SUCH AGENT, REPRESENTATIVE OR SOLICITOR SHALL BE PHYSICALLY PRESENT AT ALL TIMES DURING THE
22 CONDUCT OF THE TASTINGS; AND

23 (II) ANY LIABILITY STEMMING FROM A RIGHT OF ACTION RESULTING FROM A
24 WINE TASTING AS AUTHORIZED HEREIN AND IN ACCORDANCE WITH THE PROVISIONS
25 OF SECTIONS 11-100 AND 11-101 OF THE GENERAL OBLIGATIONS LAW, SHALL
26 ACCRUE TO THE FARM WINERY.

27 (D) (I) ANY PERSON HAVING APPLIED FOR AND RECEIVED A LICENSE AS A FARM
28 WINERY UNDER THIS SECTION MAY CONDUCT WINE TASTINGS OF NEW YORK STATE
29 LABELLED WINES AND SELL SUCH WINE BY THE BOTTLE, DURING SUCH TASTING,
30 FOR OFF-PREMISES CONSUMPTION AT OUTDOOR OR INDOOR GATHERINGS, FUNCTIONS,
31 OCCASIONS OR EVENTS, WITHIN THE HOURS FIXED BY OR PURSUANT TO SUBDIVI-
32 SION FOURTEEN OF SECTION ONE HUNDRED FIVE OF THIS CHAPTER, SPONSORED BY
33 A BONA FIDE CHARITABLE ORGANIZATION. FOR THE PURPOSES OF THIS PARAGRAPH,
34 A BONA FIDE CHARITABLE ORGANIZATION SHALL MEAN AND INCLUDE ANY BONA FIDE
35 RELIGIOUS OR CHARITABLE ORGANIZATION OR BONA FIDE EDUCATIONAL, FRATERNAL
36 OR SERVICE ORGANIZATION OR BONA FIDE ORGANIZATION OF VETERANS OR VOLUN-
37 TEER FIREFIGHTERS, WHICH BY ITS CHARTER, CERTIFICATE OF INCORPORATION,
38 CONSTITUTION, OR ACT OF THE LEGISLATURE, SHALL HAVE AMONG ITS DOMINANT
39 PURPOSES ONE OR MORE OF THE LAWFUL PURPOSES AS DEFINED IN SUBDIVISION
40 FIVE OF SECTION ONE HUNDRED EIGHTY-SIX OF THE GENERAL MUNICIPAL LAW.

41 (II) UPON APPLICATION, THE LIQUOR AUTHORITY SHALL ISSUE AN ANNUAL
42 PERMIT AUTHORIZING SUCH FARM WINERY TO PARTICIPATE IN SUCH OUTDOOR OR
43 INDOOR GATHERINGS, FUNCTIONS, OCCASIONS OR EVENTS SPONSORED BY A CHARI-
44 TABLE ORGANIZATION. THE FARM WINERY MUST GIVE THE AUTHORITY WRITTEN OR
45 ELECTRONIC NOTICE OF THE DATE, TIME AND SPECIFIC LOCATION OF EACH TAST-
46 ING AT LEAST FIFTEEN DAYS PRIOR TO THE TASTING. A FARM WINERY THAT
47 OBTAINS A PERMIT TO CONDUCT SUCH WINE TASTINGS DOES NOT NEED TO APPLY
48 FOR OR OBTAIN A TEMPORARY BEER OR WINE PERMIT PURSUANT TO SECTION NINE-
49 TY-SEVEN OF THIS CHAPTER OR ANY OTHER PERMIT TO CONDUCT SUCH A TASTING
50 OR TO SELL WINE BY THE BOTTLE FOR OFF-PREMISES CONSUMPTION AT SUCH TAST-
51 INGS.

52 (III) SUCH FARM WINERY MAY CHARGE A FEE FOR EACH WINE SAMPLE TASTED.
53 TASTINGS SHALL BE CONDUCTED BY AN OFFICIAL AGENT, REPRESENTATIVE OR
54 SOLICITOR OF SUCH FARM WINERY. THE STATE LIQUOR AUTHORITY MAY ADOPT
55

1 RULES AND REGULATIONS REGARDING SUCH TASTINGS AS PROVIDED IN THIS SUBDI-
2 VISION.

3 S 5. Subdivision 3-a of section 76-a of the alcoholic beverage control
4 law, as added by chapter 304 of the laws of 2004, is amended to read as
5 follows:

6 3-a. Notwithstanding any other provision of law, any farm winery,
7 licensed pursuant to subdivision [three] TWO of this section to sell
8 wine at retail for consumption on the premises in a restaurant, confer-
9 ence center, inn, bed and breakfast or hotel business owned and operated
10 by the licensee in or adjacent to such farm winery, may apply to the
11 liquor authority for a license to sell beer and/or liquor at retail for
12 consumption on the premises of such facility. All of the provisions of
13 this chapter relative to licenses to sell beer, wine or liquor at retail
14 for consumption on the premises shall apply so far as applicable to such
15 application.

16 S 6. Subdivision 4 of section 76-a of the alcoholic beverage control
17 law is amended by adding a new paragraph (e) to read as follows:

18 (E) NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER TO THE CONTRARY, ANY
19 FARM WINERY LICENSEE MAY CHARGE:

20 (I) FOR TOURS OF ITS PREMISES; AND

21 (II) FOR ANY WINE TASTINGS.

22 S 7. Subdivision 7 of section 76-a of the alcoholic beverage control
23 law is renumbered subdivision 8.

24 S 8. Section 76-a of the alcoholic beverage control law is amended by
25 adding two new subdivisions 7 and 9 to read as follows:

26 7. THE HOLDER OF A LICENSE ISSUED UNDER THIS SECTION MAY OPERATE UP TO
27 FIVE BRANCH OFFICES LOCATED AWAY FROM THE LICENSED FARM WINERY. SUCH
28 LOCATIONS, ALTHOUGH NOT REQUIRED TO BE ON A FARM, SHALL BE CONSIDERED
29 PART OF THE LICENSED PREMISES AND ALL ACTIVITIES ALLOWED AT AND LIMITED
30 TO THE FARM WINERY MAY BE CONDUCTED AT THE BRANCH OFFICES. SUCH BRANCH
31 OFFICES SHALL NOT BE LOCATED WITHIN, SHARE A COMMON ENTRANCE AND EXIT
32 WITH, OR HAVE ANY INTERIOR ACCESS TO ANY OTHER BUSINESS, INCLUDING PREM-
33 ISES LICENSED TO SELL ALCOHOLIC BEVERAGES AT RETAIL. PRIOR TO COMMENC-
34 ING OPERATION OF ANY SUCH BRANCH OFFICE, THE LICENSEE SHALL NOTIFY THE
35 AUTHORITY OF THE LOCATION OF SUCH BRANCH OFFICE AND THE AUTHORITY MAY
36 ISSUE A PERMIT FOR THE OPERATION OF SAME. SUCH BRANCH OFFICES SHALL NOT
37 BE SUBJECT TO THE PROVISIONS OF SUBDIVISION TWO, THREE OR FOUR OF
38 SECTION SEVENTY-NINE OF THIS ARTICLE OR THE PROVISIONS OF SUBDIVISIONS
39 TWO AND THREE, AND PARAGRAPHS (B) AND (C) OF SUBDIVISION TEN OF SECTION
40 ONE HUNDRED FIVE OF THIS CHAPTER.

41 9. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A FARM
42 WINERY LICENSED PURSUANT TO THIS SECTION MAY ENGAGE IN CUSTOM WINE
43 PRODUCTION ALLOWING INDIVIDUALS TO ASSIST IN THE PRODUCTION OF WINE FOR
44 SALE FOR PERSONAL OR FAMILY USE, PROVIDED, HOWEVER, THAT (A) THE WINE
45 MUST BE PURCHASED BY THE INDIVIDUAL ASSISTING IN THE PRODUCTION OF SUCH
46 WINE; AND (B) THE OWNER, EMPLOYEE OR AGENT OF SUCH WINERY SHALL BE PRES-
47 ENT AT ALL TIMES DURING SUCH PRODUCTION.

48 S 9. Section 76-b of the alcoholic beverage control law, as added by
49 chapter 332 of the laws of 1993 and subdivision 1 as amended by chapter
50 361 of the laws of 1994, is amended to read as follows:

51 S 76-b. Temporary winery or farm winery permit. 1. Any person may
52 apply to the liquor authority for a temporary [winery or farm winery
53 permit] PERMIT TO OPERATE A WINERY, FARM WINERY, SPECIAL WINERY, OR
54 SPECIAL FARM WINERY. Such application shall be in writing and verified
55 and shall contain information as the liquor authority shall require.
56 Such application shall be accompanied by a check or draft for the amount

1 required by this article for such permit. Such application fee shall
2 offset any subsequently assessed fees required by this article for the
3 issuance of a winery [or farm winery], FARM WINERY, SPECIAL WINERY, OR
4 SPECIAL FARM WINERY license to such applicant.

5 2. Upon application, the liquor authority shall issue [a] SUCH tempo-
6 rary [winery or farm winery] permit when the applicant:

7 (a) [either requires a license to establish a winery to produce or
8 manufacture wine or] has a winery [or farm winery], FARM WINERY, SPECIAL
9 WINERY, OR SPECIAL FARM WINERY license application pending before the
10 liquor authority, and the beginning of the harvest season for grapes or
11 any other fruit or product necessary for the production or manufacture
12 of wine at that facility will occur within thirty days; or

13 (b) is in good faith negotiating with or has entered into an agreement
14 with a winery [or farm winery], FARM WINERY, SPECIAL WINERY, OR SPECIAL
15 FARM WINERY licensee to purchase, obtain or acquire part or full owner-
16 ship rights in the assets or stock of [an existing and operating winery
17 facility] SUCH EXISTING LICENSEE; or

18 (c) due to unforeseen circumstances or an emergency situation is in
19 need of a permit to ensure the continued or future operation of an
20 existing winery facility.

21 3. The liquor authority in granting such permit shall ensure that:

22 (a) issuance of the permit will not inordinately hinder the operation
23 or effective administration of this article.

24 (b) the applicant would in all likelihood be able to ultimately obtain
25 a permanent winery [or farm winery], FARM WINERY, SPECIAL WINERY, OR
26 SPECIAL FARM WINERY license.

27 (c) the applicant has substantially complied with the requirements
28 necessary to obtain [a winery or farm winery] SUCH license.

29 (d) upon issuance of the temporary permit, the [winery or farm winery]
30 EXISTING license for said premises shall have been surrendered TO, OR
31 PLACED into safekeeping WITH, THE AUTHORITY pursuant to rules of the
32 liquor authority.

33 [(e) the applicant for the temporary permit shall have filed concur-
34 rently with the liquor authority an application for a permanent winery
35 or farm winery license at such premises.]

36 4. The application for a permit shall be approved or denied by the
37 liquor authority within forty-five days after the receipt of such appli-
38 cation.

39 5. A temporary [winery or farm winery] permit shall authorize the
40 holder thereof to operate a winery [or], farm winery, SPECIAL WINERY, OR
41 SPECIAL FARM WINERY as the case may be, for the manufacture and sale of
42 wine at the premises specifically designated in the permit. Further, it
43 shall authorize the holder of [a temporary winery permit or a temporary
44 farm winery] THE permit to conduct any of the activities permitted,
45 respectively, by section seventy-six, [section] seventy-six-a [or seven-
46 ty-seven], SEVENTY-SIX-C OR SEVENTY-SIX-D of this [chapter] ARTICLE.

47 6. Such temporary permit shall remain in effect for six months or
48 until the permittee is issued a permanent winery [or], farm winery,
49 SPECIAL WINERY, OR SPECIAL FARM WINERY license, whichever is shorter.
50 Such permit may be extended at the discretion of the authority for [an]
51 additional three month [period] PERIODS of time upon payment of an addi-
52 tional fee of fifty dollars FOR EACH SUCH EXTENSION. Notwithstanding
53 any other provision of law, a temporary permit may be summarily
54 cancelled or suspended at any time if the liquor authority determines
55 that good cause for such cancellation or suspension exists. The liquor
56 authority shall promptly notify the holder of such permit in writing of

1 such cancellation or suspension and shall set forth the reasons for such
2 action.

3 7. The liquor authority in reviewing such application shall review the
4 entire record and grant it unless good cause is otherwise shown. A deci-
5 sion on an application shall be based on substantial evidence in the
6 record and supported by a preponderance of the evidence in favor of the
7 applicant.

8 S 10. Subdivisions 2, 3, 4, 5, 6 and 7 of section 76-c of the alcohol-
9 ic beverage control law are REPEALED and subdivision 1, as amended by
10 chapter 361 of the laws of 1994, is amended and a new subdivision 2 is
11 added to read as follows:

12 1. Any person may apply to the liquor authority for a license to oper-
13 ate a SPECIAL winery on the premises of [a] AN EXISTING winery licensee.
14 Such application shall be in writing and verified and shall contain such
15 information as the liquor authority shall require. Such application
16 shall be accompanied by a check or draft for the amount required by this
17 article for such license. If the liquor authority shall grant the appli-
18 cation it shall issue a license in such form as shall be determined by
19 its rules.

20 2. THE PROVISIONS OF SECTION SEVENTY-SIX OF THIS ARTICLE RELATING TO
21 THE OPERATION OF A WINERY SHALL ALSO APPLY TO THE HOLDER OF A LICENSE
22 UNDER THIS SECTION.

23 S 11. Subdivision 1 of section 76-d of the alcoholic beverage control
24 law, as amended by chapter 361 of the laws of 1994, is amended and
25 subdivision 2 is REPEALED and a new subdivision 2 is added to read as
26 follows:

27 1. Any person may apply to the liquor authority [for] TO OPERATE a
28 special farm winery [license to operate] on the premises of an existing
29 FARM WINERY licensee as provided for in this article. Such application
30 shall be in writing and verified and shall contain such information as
31 the liquor authority shall require. Such application shall be accompa-
32 nied by a check or draft for the amount required by this article for
33 such license. If the liquor authority shall grant the application it
34 shall issue a license in such form as shall be determined by its rules.

35 2. THE PROVISIONS OF SECTION SEVENTY-SIX-A OF THIS ARTICLE RELATING TO
36 THE OPERATION OF A FARM WINERY SHALL ALSO APPLY TO THE HOLDER OF A
37 LICENSE UNDER THIS SECTION.

38 S 12. Section 76-f of the alcoholic beverage control law is REPEALED.

39 S 13. Section 77 of the alcoholic beverage control law is REPEALED.

40 S 14. Subdivisions 2 and 3 of section 79-c of the alcoholic beverage
41 control law, as amended by chapter 184 of the laws of 2005, are amended
42 to read as follows:

43 2. License. Before sending any shipment hereunder to a resident in
44 this state, the out-of-state shipper shall first obtain a license from
45 the [New York state liquor] authority under procedures prescribed by
46 rules and regulations of the authority and after providing the authority
47 with a true copy of its current license to manufacture wine in the
48 applicant's state of domicile along with a copy of the applicant's
49 federal basic permit after payment of an annual fee of one hundred twen-
50 ty-five dollars. Notwithstanding the provisions of section one hundred
51 ten of this chapter, the authority in its discretion, may excuse an
52 out-of-state winery from the submission of such information. [Such rules
53 or regulations shall provide for the collection and annual reporting of
54 information by such out-of-state shipper which at a minimum, shall
55 include:

56 (a) the name of the purchaser;

1 (b) the full mailing address of the purchaser including zip code;
2 (c) the name, total quantity, and total price of wine purchased;
3 (d) the date purchased;
4 (e) the name and address of the transporter; and
5 (f) the signature of the person filing the report.]
6 3. Licensee's responsibilities. The holder of an out-of-state direct
7 shipper's license shall:
8 (a) ship no more than thirty-six cases (no more than nine liters each
9 case) per year of wine produced by such license holder directly to a New
10 York state resident who is at least twenty-one years of age, for such
11 resident's personal use and not for resale;
12 (b) ensure that the outside of each shipping container used to ship
13 wine directly to a New York resident is conspicuously labeled with the
14 words: "CONTAINS WINE - SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED
15 FOR DELIVERY - NOT FOR RESALE," or with other language specifically
16 approved by the New York state liquor authority;
17 (c) [report to the authority semi-annually,] MAINTAIN RECORDS in such
18 manner and form as the authority may direct, SHOWING the total amount of
19 wine shipped into the state [the preceding] EACH calendar year; the
20 names and addresses of the purchasers to whom the wine was shipped, the
21 date purchased, the name of the common carrier used to deliver the wine,
22 and the quantity and value of each shipment;
23 (d) in connection with the acceptance of an order for a delivery of
24 wine to a New York resident, require the prospective customer to repre-
25 sent that he or she has attained the age of twenty-one years or more and
26 that the wine being purchased will not be resold or introduced into
27 commerce;
28 (e) require common carriers to:
29 (i) require a recipient, at the delivery address, upon delivery, to
30 demonstrate that the recipient is at least twenty-one years of age by
31 providing a valid form of photographic identification authorized by
32 section sixty-five-b of this chapter;
33 (ii) require a recipient to sign an electronic or paper form or other
34 acknowledgement of receipt as approved by the authority; and
35 (iii) refuse delivery when the proposed recipient appears to be under
36 twenty-one years of age and refuses to present valid identification as
37 required by subparagraph (i) of this paragraph;
38 (f) file returns with and pay to the New York state department of
39 taxation and finance all state and local sales taxes and excise taxes
40 due on sales into this state in accordance with the applicable
41 provisions of the tax law relating to such taxes, the amount of such
42 taxes to be determined on the basis that each sale in this state was at
43 the location where delivery is made;
44 (g) keep ALL records REQUIRED BY THIS SECTION for three years and
45 PROVIDE COPIES OF SUCH RECORDS, UPON WRITTEN REQUEST, TO THE AUTHORITY
46 OR THE DEPARTMENT OF TAXATION AND FINANCE;
47 (H) permit the authority or the department of taxation and finance to
48 perform an audit of such out-of-state shipper upon request;
49 [(h)] (I) execute a written consent to the jurisdiction of this state,
50 its agencies and instrumentalities and the courts of this state concern-
51 ing enforcement of this section and any related laws, rules, or regu-
52 lations, including tax laws, rules or regulations; and
53 [(i)] (J) prior to obtaining an out-of-state direct shipper's license,
54 obtain a certificate of authority pursuant to section eleven hundred
55 thirty-four of the tax law and a registration as a distributor pursuant

1 to sections four hundred twenty-one and four hundred twenty-two of the
2 tax law.

3 S 15. Paragraph (c) of subdivision 1 of section 79-d of the alcoholic
4 beverage control law, as amended by chapter 184 of the laws of 2005, is
5 amended to read as follows:

6 (c) [report to the authority annually,] MAINTAIN RECORDS in such
7 manner and form as the authority may direct SHOWING the total amount of
8 wine shipped in the state [the preceding] EACH calendar year, the names
9 and addresses of the purchasers to whom the wine was shipped, the date
10 purchased, the name of the common carrier used to deliver the wine, and
11 the quantity and value of each shipment. SUCH RECORDS SHALL BE KEPT FOR
12 THREE YEARS AND, UPON WRITTEN REQUEST, BE PROVIDED TO THE AUTHORITY OR
13 THE DEPARTMENT OF TAXATION AND FINANCE;

14 S 16. Section 80 of the alcoholic beverage control law, as added by
15 chapter 458 of the laws of 1993, is amended to read as follows:

16 S 80. Wine tasting. [Any] 1. EXCEPT AS OTHERWISE PROVIDED FOR IN THIS
17 CHAPTER, ANY person licensed to sell wine pursuant to this article, or
18 section sixty-three OR SECTION SEVENTY-NINE of this chapter, shall be
19 permitted to conduct wine tastings ONLY UPON THE LICENSED PREMISES.
20 Wine tastings which are conducted under the auspices of an official
21 agent of a farm winery, winery, wholesaler, or importer and where such
22 agent is physically present at all times during the conduct of the tast-
23 ing, then, in that event, any liability stemming from a right of action
24 resulting from a wine tasting as authorized herein, and in accordance
25 with the provisions of sections 11-100 and 11-101 of the general obli-
26 gations law, shall accrue to the farm winery, winery, wholesaler, or
27 importer.

28 2. IN ADDITION TO SUCH OTHER WINE TASTINGS PERMITTED UNDER THIS CHAP-
29 TER, LICENSED FARM WINERIES, WINERIES, AND WINE WHOLESALERS MAY APPLY
30 FOR A PERMIT, PURSUANT TO PARAGRAPH K OF SUBDIVISION ONE OF SECTION
31 NINETY-NINE-B OF THIS CHAPTER, TO CONDUCT WINE TASTINGS. SUCH PERMITS
32 SHALL BE VALID THROUGHOUT THE STATE AND MAY BE ISSUED ON AN ANNUAL BASIS
33 OR FOR INDIVIDUAL EVENTS. EACH SUCH PERMIT AND THE EXERCISE OF THE PRIV-
34 ILIGE GRANTED THEREBY SHALL BE SUBJECT TO SUCH RULES OF THE LIQUOR
35 AUTHORITY AS IT DEEMS NECESSARY.

36 S 17. Subdivision 1-a of section 83 of the alcoholic beverage control
37 law, as amended by section 7 of part Z of chapter 85 of the laws of
38 2002, is amended to read as follows:

39 1-a. The annual fee for a farm winery license shall be one hundred
40 twenty-five dollars, PROVIDED THAT THE ANNUAL FEE FOR A FARM WINERY
41 MANUFACTURING NO MORE THAN FIFTEEN HUNDRED FINISHED GALLONS OF WINE
42 ANNUALLY SHALL BE FIFTY DOLLARS.

43 S 18. Subdivision 1-c of section 83 of the alcoholic beverage control
44 law is REPEALED.

45 S 19. Subdivision 7 of section 103 of the alcoholic beverage control
46 law, as amended by chapter 162 of the laws of 1969, is amended to read
47 as follows:

48 7. Each manufacturer shall keep and maintain upon the licensed prem-
49 ises, adequate books and records of all transactions involving the manu-
50 facture and sale of his or its products, which shall show the ingredi-
51 ents but not the formula or recipe used in the manufacture of such
52 alcoholic beverages together with the quantity of alcoholic beverages
53 manufactured by such manufacturer; the names, addresses, and the license
54 numbers of the purchasers of such alcoholic beverages, together with the
55 quantities involved in such purchases, whether the same shall be sold
56 within or without the state. Each sale shall be recorded separately on

1 a numbered invoice, which shall have printed thereon the number, the
2 name of the licensee, the address of the licensed premises, and the
3 current license number. Such manufacturer shall deliver to the purchas-
4 er a true duplicate invoice stating the name and address of the purchas-
5 er, the quantity of alcoholic beverages, description by brands and the
6 price of such alcoholic beverages, and a true, accurate and complete
7 statement of the terms and conditions on which such sale is made. Any
8 terms and conditions of a sale not stated on said invoice shall consti-
9 tute a service within the meaning of PARAGRAPH (C) OF SUBDIVISION ONE OF
10 section one hundred [and] one[, subdivision one (c)] of this [chapter]
11 ARTICLE. Such books, records and invoices shall be kept for a period of
12 two years and shall be available for inspection by any authorized repre-
13 sentative of the liquor authority. PROVIDED, HOWEVER, THAT ANY BOOKS AND
14 RECORDS REQUIRED BY THIS CHAPTER TO BE MAINTAINED BY A WINERY, FARM
15 WINERY, SPECIAL WINERY, SPECIAL FARM WINERY OR MICROWINERY MUST BE KEPT
16 EITHER UPON THE LICENSED PREMISES OR SUCH OTHER LOCATION AS MAY BE
17 APPROVED BY THE AUTHORITY.
18 S 20. This act shall take effect on the ninetieth day after it shall
19 have become a law.