

9863

I N A S S E M B L Y

April 18, 2012

Introduced by M. of A. CAHILL -- read once and referred to the Committee
on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to the
sale and production of liquor by farm distilleries

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

1 Section 1. Paragraph b of subdivision 2-c of section 61 of the alco-
2 holic beverage control law, as amended by chapter 454 of the laws of
3 2008, is amended to read as follows:
4 (b)(i) Retail sales by a licensed farm distillery may be made only to
5 customers who are physically present upon the licensed premises and such
6 sale shall be concluded by the customer's taking, with him or her, of
7 the sealed containers purchased by the customer at the time the customer
8 leaves the licensed premises EXCEPT AS PROVIDED FOR IN SUBPARAGRAPH (IV)
9 OF THIS PARAGRAPH;
10 (ii) Such retail sales shall not be made where the order is placed by
11 letter, telephone, fax or e-mail, or where the customer otherwise does
12 not place the order while the customer is physically present upon the
13 premises of the licensed premises EXCEPT AS PROVIDED FOR IN SUBPARAGRAPH
14 (IV) OF THIS PARAGRAPH;
15 (iii) Such retail sales shall not be made where the contemplated sale
16 requires the licensee to transport or ship by common carrier, sealed
17 containers of liquor to a customer[.];
18 (IV) A LICENSED FARM DISTILLERY MAY APPLY TO THE LIQUOR AUTHORITY FOR
19 A PERMIT TO SELL LIQUOR IN A SEALED CONTAINER FOR OFF-PREMISES CONSUMP-
20 TION AT THE STATE FAIR, AT RECOGNIZED COUNTY FAIRS AND AT FARMERS'
21 MARKETS OPERATED ON A NOT-FOR-PROFIT BASIS. AS A CONDITION OF THE PERMIT
22 A REPRESENTATIVE FROM THE DISTILLERY MUST BE PRESENT AT THE TIME OF
23 SALE.
24 S 2. The opening paragraph of paragraph c of subdivision 2-c of
25 section 61 of the alcoholic beverage control law, as amended by chapter
26 454 of the laws of 2008, is amended to read as follows:
27 A licensed farm distillery may conduct upon the licensed premises, OR
28 AT APPROVED LOCATIONS AS PERMITTED IN SUBDIVISION SIX OF THIS SECTION,

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

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1 consumer tastings of liquor manufactured by the licensee and from no
2 more than three other class A, A-1, B, B-1, C or D distilleries, subject
3 to the following limitations:

4 S 3. Section 61 of the alcoholic beverage control law is amended by
5 adding a new subdivision 6 to read as follows:

6 6. ANY PERSON HAVING APPLIED FOR AND RECEIVED A LICENSE AS A FARM
7 DISTILLERY UNDER THIS SECTION MAY CONDUCT CONSUMER TASTINGS OF LIQUOR
8 PURSUANT TO RULES OR REGULATIONS PROMULGATED BY THE LIQUOR AUTHORITY,
9 AND SUBJECT TO THE LIMITATIONS SET FORTH IN PARAGRAPH C OF SUBDIVISION
10 TWO-C OF THIS SECTION AT THE STATE FAIR, AT RECOGNIZED COUNTY FAIRS AND
11 AT FARMERS' MARKETS OPERATED ON A NOT-FOR-PROFIT BASIS.

12 S 4. This act shall take effect on the one hundred eightieth day after
13 it shall have become a law, provided, however, that effective immediate-
14 ly, the addition, amendment and/or repeal of any rule or regulation
15 necessary for the implementation of this act on its effective date is
16 authorized to be made and completed on or before such date.