

S. 7727

A. 10694

S E N A T E - A S S E M B L Y

June 15, 2012

IN SENATE -- Introduced by Sens. RITCHIE, VALESKY, BONACIC, NOZZOLIO, LAVALLE, O'MARA, DeFRANCISCO -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- (at request of M. of A. Magee, Schimminger, Barrett, Brindisi, Bronson, Gabryszak, Gunther, Lupardo, McEneny, Reilly, Roberts, Russell, Skartados, Zebrowski, P. Lopez, Montesano, Sayward) -- (at request of the Governor) -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law and the agriculture and markets law, in relation to the creation of a farm brewery license and to amend the tax law, in relation to farm winery, farm distillery and farm brewery sales tax information return filing requirements

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 a new subdivision 12-aaa to read as follows:

3 12-AAA. "FARM BREWERY" MEANS AND INCLUDES ANY PLACE OR PREMISES,
4 LOCATED ON A FARM IN NEW YORK STATE, IN WHICH NEW YORK STATE LABELLED
5 BEER IS MANUFACTURED, STORED AND SOLD, OR ANY OTHER PLACE OR PREMISES IN
6 NEW YORK STATE IN WHICH NEW YORK STATE LABELLED BEER IS MANUFACTURED,
7 STORED AND SOLD.

8 S 2. Section 3 of the alcoholic beverage control law is amended by
9 adding two new subdivisions 20-d and 20-e to read as follows:

10 20-D. "NEW YORK STATE LABELLED BEER" MEANS:

11 (A) FROM THE EFFECTIVE DATE OF THIS SUBDIVISION UNTIL DECEMBER THIR-
12 TY-FIRST, TWO THOUSAND EIGHTEEN, BEER MADE WITH NO LESS THAN TWENTY
13 PERCENT, BY WEIGHT, OF ITS HOPS GROWN IN NEW YORK STATE AND NO LESS THAN
14 TWENTY PERCENT, BY WEIGHT, OF ALL OF ITS OTHER INGREDIENTS, EXCLUDING
15 WATER, GROWN IN NEW YORK STATE;

16 (B) FROM JANUARY FIRST, TWO THOUSAND NINETEEN UNTIL DECEMBER
17 THIRTY-FIRST, TWO THOUSAND TWENTY-THREE, BEER MADE WITH NO LESS THAN
18 SIXTY PERCENT, BY WEIGHT, OF ITS HOPS GROWN IN NEW YORK STATE AND NO

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

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1 LESS THAN SIXTY PERCENT, BY WEIGHT, OF ALL OF ITS OTHER INGREDIENTS,
2 EXCLUDING WATER, GROWN IN NEW YORK STATE; AND

3 (C) FROM JANUARY FIRST, TWO THOUSAND TWENTY-FOUR AND THEREAFTER, BEER
4 MADE WITH NO LESS THAN NINETY PERCENT, BY WEIGHT, OF ITS HOPS GROWN IN
5 NEW YORK STATE AND NO LESS THAN NINETY PERCENT, BY WEIGHT, OF ALL OF ITS
6 OTHER INGREDIENTS, EXCLUDING WATER, GROWN IN NEW YORK STATE.

7 20-E. "NEW YORK STATE LABELLED CIDER" MEANS CIDER MADE EXCLUSIVELY
8 FROM APPLES GROWN IN NEW YORK STATE.

9 S 3. Subdivision 6 of section 51 of the alcoholic beverage control
10 law, as amended by chapter 258 of the laws of 2009, is renumbered subdi-
11 vision 5-a and amended to read as follows:

12 5-a. Except as otherwise provided in subdivisions three, four [and],
13 five AND SIX-A of this section and except as provided in section fifty-
14 two of this article no brewer shall sell any beer, wine or liquor at
15 retail.

16 S 4. Section 51 of the alcoholic beverage control law is amended by
17 adding a new subdivision 6-a to read as follows:

18 6-A. A LICENSED BREWER PRODUCING NEW YORK STATE LABELLED BEER MAY:

19 (A) SELL SUCH BEER TO LICENSED FARM DISTILLERS, FARM WINERIES AND FARM
20 BREWERIES. ALL SUCH BEER SOLD BY THE LICENSEE SHALL BE SECURELY SEALED
21 AND HAVE ATTACHED THERETO A LABEL AS SHALL BE REQUIRED BY SECTION ONE
22 HUNDRED SEVEN-A OF THIS CHAPTER;

23 (B) CONDUCT TASTINGS AT THE LICENSED PREMISES OF SUCH BEER;

24 (C) SELL SUCH BEER AT RETAIL FOR CONSUMPTION OFF THE PREMISES AT THE
25 STATE FAIR, AT RECOGNIZED COUNTY FAIRS AND AT FARMERS MARKETS OPERATED
26 ON A NOT-FOR-PROFIT BASIS;

27 (D) SELL AND CONDUCT TASTINGS OF SUCH BEER AT RETAIL FOR CONSUMPTION
28 ON THE PREMISES OF A RESTAURANT, CONFERENCE CENTER, INN, BED AND BREAK-
29 FAST OR HOTEL BUSINESS OWNED AND OPERATED BY THE LICENSEE IN OR ADJACENT
30 TO ITS FARM BREWERY. A LICENSEE WHO OPERATES A RESTAURANT, CONFERENCE
31 CENTER, INN, BED AND BREAKFAST OR HOTEL PURSUANT TO SUCH AUTHORITY SHALL
32 COMPLY WITH ALL APPLICABLE PROVISIONS OF THIS CHAPTER WHICH RELATE TO
33 LICENSES TO SELL BEER AT RETAIL FOR CONSUMPTION ON THE PREMISES;

34 (E) APPLY FOR A PERMIT TO CONDUCT TASTINGS AWAY FROM THE LICENSED
35 PREMISES OF SUCH BEER. SUCH PERMIT SHALL BE VALID THROUGHOUT THE STATE
36 AND MAY BE ISSUED ON AN ANNUAL BASIS OR FOR INDIVIDUAL EVENTS. EACH SUCH
37 PERMIT AND THE EXERCISE OF THE PRIVILEGE GRANTED THEREBY SHALL BE
38 SUBJECT TO SUCH RULES AND CONDITIONS OF THE AUTHORITY AS IT DEEMS NECES-
39 SARY. TASTINGS SHALL BE CONDUCTED SUBJECT TO THE FOLLOWING CONDITIONS:

40 (I) TASTINGS SHALL BE CONDUCTED BY AN OFFICIAL AGENT, REPRESENTATIVE
41 OR SOLICITOR OF THE LICENSEE. SUCH AGENT, REPRESENTATIVE OR SOLICITOR
42 SHALL BE PHYSICALLY PRESENT AT ALL TIMES DURING THE CONDUCT OF THE TAST-
43 INGS; AND

44 (II) ANY LIABILITY STEMMING FROM A RIGHT OF ACTION RESULTING FROM A
45 TASTING OF BEER OR CIDER AS AUTHORIZED HEREIN AND IN ACCORDANCE WITH THE
46 PROVISIONS OF SECTIONS 11-100 AND 11-101 OF THE GENERAL OBLIGATIONS LAW,
47 SHALL ACCRUE TO THE LICENSEE.

48 (F) IF IT HOLDS A TASTING PERMIT ISSUED PURSUANT TO PARAGRAPH (E) OF
49 THIS SUBDIVISION, APPLY TO THE AUTHORITY FOR A PERMIT TO SELL SUCH BEER,
50 FOR CONSUMPTION OFF THE PREMISES, DURING SUCH TASTINGS IN PREMISES
51 LICENSED UNDER SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, EIGHTY-ONE AND EIGHT-
52 Y-ONE-A OF THIS CHAPTER. EACH SUCH PERMIT AND THE EXERCISE OF THE PRIVI-
53 LEGE GRANTED THEREBY SHALL BE SUBJECT TO SUCH RULES AND CONDITIONS OF
54 THE AUTHORITY AS IT DEEMS NECESSARY.

55 S 5. The alcoholic beverage control law is amended by adding a new
56 section 51-a to read as follows:

1 S 51-A. FARM BREWERY LICENSE. 1. ANY PERSON MAY APPLY TO THE AUTHORITY
2 FOR A FARM BREWERY LICENSE AS PROVIDED FOR IN THIS SECTION TO BREW BEER
3 WITHIN THIS STATE FOR SALE. SUCH APPLICATION SHALL BE IN WRITING AND
4 VERIFIED AND SHALL CONTAIN SUCH INFORMATION AS THE AUTHORITY SHALL
5 REQUIRE. SUCH APPLICATION SHALL BE ACCOMPANIED BY A CHECK OR DRAFT FOR
6 THE AMOUNT REQUIRED BY THIS ARTICLE FOR SUCH LICENSE. IF THE AUTHORITY
7 GRANTS THE APPLICATION, IT SHALL ISSUE A LICENSE IN SUCH FORM AS SHALL
8 BE DETERMINED BY ITS RULES. SUCH LICENSE SHALL CONTAIN A DESCRIPTION OF
9 THE LICENSED PREMISES AND IN FORM AND IN SUBSTANCE SHALL BE A LICENSE TO
10 THE PERSON THEREIN SPECIFICALLY DESIGNATED TO BREW BEER IN THE PREMISES
11 THEREIN SPECIFICALLY LICENSED.

12 2. A FARM BREWERY LICENSE SHALL AUTHORIZE THE HOLDER THEREOF TO OPER-
13 ATE A BREWERY FOR THE MANUFACTURE OF NEW YORK STATE LABELLED BEER. SUCH
14 A LICENSE SHALL ALSO AUTHORIZE THE LICENSEE TO:

15 (A) MANUFACTURE NEW YORK STATE LABELLED CIDER;

16 (B) SELL IN BULK BEER AND CIDER MANUFACTURED BY THE LICENSEE TO ANY
17 PERSON LICENSED TO MANUFACTURE ALCOHOLIC BEVERAGES IN THIS STATE OR TO A
18 PERMITTEE ENGAGED IN THE MANUFACTURE OF PRODUCTS WHICH ARE UNFIT FOR
19 BEVERAGE USE;

20 (C) SELL OR DELIVER BEER AND CIDER MANUFACTURED BY THE LICENSEE TO
21 PERSONS OUTSIDE THE STATE PURSUANT TO THE LAWS OF THE PLACE OF SUCH
22 DELIVERY;

23 (D) SELL BEER AND CIDER MANUFACTURED BY THE LICENSEE TO WHOLESALERS
24 AND RETAILERS LICENSED IN THIS STATE TO SELL SUCH BEER AND CIDER,
25 LICENSED FARM DISTILLERS, LICENSED FARM WINERIES AND ANY OTHER LICENSED
26 FARM BREWERY. ALL SUCH BEER AND CIDER SOLD BY THE LICENSEE SHALL BE
27 SECURELY SEALED AND HAVE ATTACHED THERETO A LABEL AS SHALL BE REQUIRED
28 BY SECTION ONE HUNDRED SEVEN-A OF THIS CHAPTER;

29 (E) SELL AT THE LICENSED PREMISES BEER AND CIDER MANUFACTURED BY THE
30 LICENSEE OR ANY OTHER LICENSED FARM BREWERY AT RETAIL FOR CONSUMPTION ON
31 OR OFF THE LICENSED PREMISES;

32 (F) CONDUCT TASTINGS AT THE LICENSED PREMISES OF BEER AND CIDER MANU-
33 FACTURED BY THE LICENSEE OR ANY OTHER LICENSED FARM BREWERY;

34 (G) SELL AND CONDUCT TASTINGS OF BEER AND CIDER MANUFACTURED BY THE
35 LICENSEE OR ANY OTHER LICENSED FARM BREWERY AT RETAIL FOR CONSUMPTION ON
36 THE PREMISES OF A RESTAURANT, CONFERENCE CENTER, INN, BED AND BREAKFAST
37 OR HOTEL BUSINESS OWNED AND OPERATED BY THE LICENSEE IN OR ADJACENT TO
38 ITS FARM BREWERY. A LICENSEE WHO OPERATES A RESTAURANT, CONFERENCE
39 CENTER, INN, BED AND BREAKFAST OR HOTEL PURSUANT TO SUCH AUTHORITY SHALL
40 COMPLY WITH ALL APPLICABLE PROVISIONS OF THIS CHAPTER WHICH RELATE TO
41 LICENSES TO SELL BEER AT RETAIL FOR CONSUMPTION ON THE PREMISES;

42 (H) SELL BEER AND CIDER MANUFACTURED BY THE LICENSEE OR ANY OTHER
43 LICENSED FARM BREWERY AT RETAIL FOR CONSUMPTION OFF THE PREMISES, AT THE
44 STATE FAIR, AT RECOGNIZED COUNTY FAIRS AND AT FARMERS MARKETS OPERATED
45 ON A NOT-FOR-PROFIT BASIS;

46 (I) CONDUCT TASTINGS OF AND SELL AT RETAIL FOR CONSUMPTION OFF THE
47 PREMISES NEW YORK STATE LABELLED WINE MANUFACTURED BY A LICENSED WINERY
48 OR LICENSED FARM WINERY;

49 (J) CONDUCT TASTINGS OF AND SELL AT RETAIL FOR CONSUMPTION OFF THE
50 PREMISES NEW YORK STATE LABELLED LIQUOR MANUFACTURED BY A LICENSED
51 DISTILLER OR LICENSED FARM DISTILLER; PROVIDED, HOWEVER, THAT NO CONSUM-
52 ER MAY BE PROVIDED, DIRECTLY OR INDIRECTLY: (I) WITH MORE THAN THREE
53 SAMPLES OF LIQUOR FOR TASTING IN ONE CALENDAR DAY; OR (II) WITH A SAMPLE
54 OF LIQUOR FOR TASTING EQUAL TO MORE THAN ONE-QUARTER FLUID OUNCE; AND

55 (K) ENGAGE IN ANY OTHER BUSINESS ON THE LICENSED PREMISES SUBJECT TO
56 SUCH RULES AND REGULATIONS AS THE AUTHORITY MAY PRESCRIBE. SUCH RULES

1 AND REGULATIONS SHALL DETERMINE WHICH BUSINESSES WILL BE COMPATIBLE WITH
2 THE POLICY AND PURPOSES OF THIS CHAPTER AND SHALL CONSIDER THE EFFECT OF
3 PARTICULAR BUSINESSES ON THE COMMUNITY AND AREA IN THE VICINITY OF THE
4 FARM BREWERY LICENSEE.

5 3. (A) A FARM BREWERY LICENSEE MAY APPLY FOR A PERMIT TO CONDUCT TAST-
6 INGS AWAY FROM THE LICENSED PREMISES OF BEER AND CIDER PRODUCED BY THE
7 LICENSEE. SUCH PERMIT SHALL BE VALID THROUGHOUT THE STATE AND MAY BE
8 ISSUED ON AN ANNUAL BASIS OR FOR INDIVIDUAL EVENTS. EACH SUCH PERMIT AND
9 THE EXERCISE OF THE PRIVILEGE GRANTED THEREBY SHALL BE SUBJECT TO SUCH
10 RULES AND CONDITIONS OF THE AUTHORITY AS IT DEEMS NECESSARY.

11 (B) TASTINGS SHALL BE CONDUCTED SUBJECT TO THE FOLLOWING LIMITATIONS:

12 (I) TASTINGS SHALL BE CONDUCTED BY AN OFFICIAL AGENT, REPRESENTATIVE
13 OR SOLICITOR OF ONE OR MORE FARM BREWERIES. SUCH AGENT, REPRESENTATIVE
14 OR SOLICITOR SHALL BE PHYSICALLY PRESENT AT ALL TIMES DURING THE CONDUCT
15 OF THE TASTINGS; AND

16 (II) ANY LIABILITY STEMMING FROM A RIGHT OF ACTION RESULTING FROM A
17 TASTING OF BEER OR CIDER AS AUTHORIZED HEREIN AND IN ACCORDANCE WITH THE
18 PROVISIONS OF SECTIONS 11-100 AND 11-101 OF THE GENERAL OBLIGATIONS LAW,
19 SHALL ACCRUE TO THE FARM BREWERY.

20 4. A LICENSED FARM BREWERY HOLDING A TASTING PERMIT ISSUED PURSUANT TO
21 SUBDIVISION THREE OF THIS SECTION MAY APPLY TO THE AUTHORITY FOR A
22 PERMIT TO SELL BEER AND CIDER PRODUCED BY SUCH FARM BREWERY, BY THE
23 BOTTLE, DURING SUCH TASTINGS IN PREMISES LICENSED UNDER SECTIONS SIXTY-
24 FOUR, SIXTY-FOUR-A, EIGHTY-ONE AND EIGHTY-ONE-A OF THIS CHAPTER. EACH
25 SUCH PERMIT AND THE EXERCISE OF THE PRIVILEGE GRANTED THEREBY SHALL BE
26 SUBJECT TO SUCH RULES AND CONDITIONS OF THE AUTHORITY AS IT DEEMS NECES-
27 SARY.

28 5. A LICENSED FARM BREWERY MAY, UNDER SUCH RULES AS MAY BE ADOPTED BY
29 THE AUTHORITY, SELL BEER OR CIDER MANUFACTURED BY THE LICENSEE OR ANY
30 OTHER LICENSED FARM BREWERY AT RETAIL IN BULK BY THE KEG, CASK OR BARREL
31 FOR CONSUMPTION AND NOT FOR RESALE AT A CLAM-BAKE, BARBEQUE, PICNIC,
32 OUTING OR OTHER SIMILAR OUTDOOR GATHERING AT WHICH MORE THAN FIFTY
33 PERSONS ARE ASSEMBLED.

34 6. A LICENSED FARM BREWERY MAY APPLY TO THE AUTHORITY FOR A LICENSE TO
35 SELL LIQUOR AND/OR WINE AT RETAIL FOR CONSUMPTION ON THE PREMISES IN A
36 RESTAURANT OWNED BY HIM AND CONDUCTED AND OPERATED BY THE LICENSEE IN OR
37 ADJACENT TO ITS FARM BREWERY. ALL OF THE PROVISIONS OF THIS CHAPTER
38 RELATIVE TO LICENSES TO SELL LIQUOR OR WINE AT RETAIL OR CONSUMPTION ON
39 THE PREMISES SHALL APPLY SO FAR AS APPLICABLE.

40 7. A FARM BREWERY LICENSE SHALL AUTHORIZE THE HOLDER THEREOF TO MANU-
41 FACTURE, BOTTLE AND SELL FOOD CONDIMENTS AND PRODUCTS SUCH AS MUSTARDS,
42 SAUCES, HOP SEASONINGS, BEER NUTS, AND OTHER HOPS AND BEER RELATED FOODS
43 IN ADDITION TO BEER AND HOP SOAPS, HOP PILLOWS, HOP WREATHS AND OTHER
44 SUCH FOOD AND CRAFTS ON AND FROM THE LICENSED PREMISES. SUCH LICENSE
45 SHALL AUTHORIZE THE HOLDER THEREOF TO STORE AND SELL GIFT ITEMS IN A
46 TAX-PAID ROOM UPON THE LICENSED PREMISES INCIDENTAL TO THE SALE OF BEER.
47 THESE GIFT ITEMS SHALL BE LIMITED TO THE FOLLOWING CATEGORIES:

48 (A) NON-ALCOHOLIC BEVERAGES FOR CONSUMPTION ON OR OFF PREMISES,
49 INCLUDING BUT NOT LIMITED TO BOTTLED WATER, JUICE AND SODA BEVERAGES;

50 (B) FOOD ITEMS FOR THE PURPOSE OF COMPLEMENTING BEER AND CIDER TAST-
51 INGS, WHICH SHALL MEAN A DIVERSIFIED SELECTION OF FOOD THAT IS ORDINAR-
52 ILY CONSUMED WITHOUT THE USE OF TABLEWARE AND CAN BE CONVENIENTLY
53 CONSUMED WHILE STANDING OR WALKING. SUCH FOOD ITEMS SHALL INCLUDE BUT
54 NOT BE LIMITED TO: CHEESES, FRUITS, VEGETABLES, CHOCOLATES, BREADS,
55 MUSTARDS AND CRACKERS;

(C) FOOD ITEMS, WHICH SHALL INCLUDE LOCALLY PRODUCED FARM PRODUCTS AND ANY FOOD OR FOOD PRODUCT NOT SPECIFICALLY PREPARED FOR IMMEDIATE CONSUMPTION UPON THE PREMISES. SUCH FOOD ITEMS MAY BE COMBINED INTO A PACKAGE CONTAINING CIDER, BEER AND/OR HOP RELATED PRODUCTS;

(D) BEER SUPPLIES AND ACCESSORIES, WHICH SHALL INCLUDE ANY ITEM UTILIZED FOR THE STORAGE, SERVING OR CONSUMPTION OF BEER OR FOR DECORATIVE PURPOSES. THESE SUPPLIES MAY BE SOLD AS SINGLE ITEMS OR MAY BE COMBINED INTO A PACKAGE CONTAINING BEER;

(E) BEER-MAKING EQUIPMENT AND SUPPLIES INCLUDING, BUT NOT LIMITED TO, HOME BEER-MAKING OR HOMEBREWING KITS, FILTERS, BOTTLING EQUIPMENT, HOPS, BARLEY, YEASTS, CHEMICALS AND OTHER BEER ADDITIVES, AND BOOKS OR OTHER WRITTEN MATERIAL TO ASSIST BEER-MAKERS AND HOME BEER-MAKERS OR HOMEBREWERS TO PRODUCE AND BOTTLE BEER;

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

8. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER TO THE CONTRARY, ANY FARM BREWERY LICENSEE MAY CHARGE FOR TOURS OF ITS PREMISES.

9. THE HOLDER OF A LICENSE ISSUED UNDER THIS SECTION MAY OPERATE UP TO FIVE BRANCH OFFICES LOCATED AWAY FROM THE LICENSED FARM BREWERY. SUCH LOCATIONS SHALL BE CONSIDERED PART OF THE LICENSED PREMISES AND ALL ACTIVITIES ALLOWED AT AND LIMITED TO THE FARM BREWERY MAY BE CONDUCTED AT THE BRANCH OFFICES. SUCH BRANCH OFFICES SHALL NOT BE LOCATED WITHIN, SHARE A COMMON ENTRANCE AND EXIT WITH, OR HAVE ANY INTERIOR ACCESS TO ANY OTHER BUSINESS, INCLUDING PREMISES LICENSED TO SELL ALCOHOLIC BEVERAGES AT RETAIL. PRIOR TO COMMENCING OPERATION OF ANY SUCH BRANCH OFFICE, THE LICENSEE SHALL NOTIFY THE AUTHORITY OF THE LOCATION OF SUCH BRANCH OFFICE AND THE AUTHORITY MAY ISSUE A PERMIT FOR THE OPERATION OF SAME.

10. NO FARM BREWERY SHALL MANUFACTURE IN EXCESS OF SIXTY THOUSAND FINISHED BARRELS OF BEER ANNUALLY.

11. (A) EXCEPT AS PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION, NO LICENSED FARM BREWERY SHALL MANUFACTURE OR SELL ANY BEER OTHER THAN NEW YORK STATE LABELLED BEER.

(B) IN THE EVENT THAT THE COMMISSIONER OF AGRICULTURE AND MARKETS, AFTER INVESTIGATING AND COMPILING INFORMATION PURSUANT TO SUBDIVISION FORTY-TWO OF SECTION SIXTEEN OF THE AGRICULTURE AND MARKETS LAW, DETERMINES THAT A NATURAL DISASTER, ACT OF GOD, OR CONTINUED ADVERSE WEATHER CONDITION HAS DESTROYED MUCH OF THE NECESSARY INGREDIENTS FOR BREWING BEER, SUCH COMMISSIONER, IN CONSULTATION WITH THE CHAIRMAN OF THE AUTHORITY, MAY GIVE AUTHORIZATION TO A DULY LICENSED FARM BREWERY TO MANUFACTURE OR SELL BEER PRODUCED FROM INGREDIENTS GROWN OR PRODUCED OUTSIDE THIS STATE. NO SUCH AUTHORIZATION SHALL BE GRANTED TO A FARM BREWERY LICENSEE UNLESS SUCH LICENSEE CERTIFIES TO SUCH COMMISSIONER THE QUANTITY OF NEW YORK GROWN INGREDIENTS UNAVAILABLE TO SUCH LICENSEE DUE TO SUCH NATURAL DISASTER, ACT OF GOD OR CONTINUING ADVERSE WEATHER CONDITION AND SATISFIES SUCH COMMISSIONER THAT REASONABLE EFFORTS WERE MADE TO OBTAIN BREWING INGREDIENTS FROM A NEW YORK STATE SOURCE FOR SUCH BEER MAKING PURPOSE. NO FARM BREWERY SHALL UTILIZE AN AMOUNT OF OUT-OF-STATE GROWN OR PRODUCED INGREDIENTS EXCEEDING THE AMOUNT OF NEW YORK GROWN INGREDIENTS THAT SUCH BREWERY IS UNABLE TO OBTAIN DUE TO THE DESTRUCTION OF NEW YORK GROWN OR PRODUCED INGREDIENTS BY A NATURAL DISASTER, ACT OF GOD OR CONTINUING ADVERSE WEATHER CONDITION AS DETERMINED BY THE COMMISSIONER OF AGRICULTURE AND MARKETS PURSUANT TO THIS SUBDIVISION. FOR PURPOSES OF THIS SUBDIVISION, THE DEPARTMENT OF AGRICULTURE AND MARKETS AND THE AUTHORITY ARE AUTHORIZED TO ADOPT RULES AND REGULATIONS AS THEY MAY DEEM NECESSARY TO CARRY OUT THE PROVISIONS OF

1 THIS SUBDIVISION WHICH SHALL INCLUDE ENSURING THAT IN MANUFACTURING BEER
2 FARM BREWERIES UTILIZE INGREDIENTS GROWN OR PRODUCED IN NEW YORK STATE
3 TO THE EXTENT THEY ARE REASONABLY AVAILABLE, PRIOR TO UTILIZING INGREDI-
4 ENTS FROM AN OUT-OF-STATE SOURCE FOR SUCH PURPOSE.

5 (C) THE COMMISSIONER OF AGRICULTURE AND MARKETS SHALL MAKE AVAILABLE
6 TO FARM BREWERIES AND TO THE PUBLIC EACH SPECIFIC INGREDIENT LOSS DETER-
7 MINATION ISSUED PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION ON OR
8 BEFORE AUGUST TWENTIETH OF EACH YEAR.

9 (D) IN THE EVENT THAT THE CONTINUING EFFECTS OF A NATURAL DISASTER,
10 ACT OF GOD, OR ADVERSE WEATHER CONDITION WHICH OCCURRED PRIOR TO AUGUST
11 TWENTIETH OF EACH YEAR OR THE EFFECTS OF A NATURAL DISASTER, ACT OF GOD,
12 OR ADVERSE WEATHER CONDITION WHICH OCCURS SUBSEQUENT TO AUGUST TWENTIETH
13 EACH YEAR RESULTS IN ANY INGREDIENT LOSS WHICH MEETS THE STANDARDS
14 PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION, THE COMMISSIONER OF AGRI-
15 CULTURE AND MARKETS, IN CONSULTATION WITH THE CHAIRMAN OF THE AUTHORITY,
16 MAY ISSUE ADDITIONAL INGREDIENT LOSS DETERMINATIONS AND SHALL EXPE-
17 DITIOUSLY MAKE AVAILABLE TO FARM BREWERIES AND TO THE PUBLIC EACH
18 SPECIFIC INGREDIENT LOSS DETERMINATION ISSUED PURSUANT TO THIS PARAGRAPH
19 PRIOR TO OCTOBER TENTH OF EACH YEAR.

20 12. (A) EXCEPT AS PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION, NO
21 LICENSED FARM BREWERY SHALL MANUFACTURE OR SELL ANY CIDER OTHER THAN NEW
22 YORK STATE LABELLED CIDER.

23 (B) IN THE EVENT THAT THE COMMISSIONER OF AGRICULTURE AND MARKETS,
24 AFTER INVESTIGATING AND COMPILING INFORMATION PURSUANT TO SUBDIVISION
25 FORTY-TWO OF SECTION SIXTEEN OF THE AGRICULTURE AND MARKETS LAW, DETER-
26 MINES THAT A NATURAL DISASTER, ACT OF GOD, OR CONTINUED ADVERSE WEATHER
27 CONDITION HAS DESTROYED MUCH OF THE APPLE CROP NECESSARY FOR PRODUCING
28 CIDER, SUCH COMMISSIONER, IN CONSULTATION WITH THE CHAIRMAN OF THE
29 AUTHORITY, MAY GIVE AUTHORIZATION TO A DULY LICENSED FARM BREWERY TO
30 MANUFACTURE OR SELL CIDER PRODUCED FROM APPLES GROWN OUTSIDE THIS STATE.
31 NO SUCH AUTHORIZATION SHALL BE GRANTED TO A FARM BREWERY LICENSEE UNLESS
32 SUCH LICENSEE CERTIFIES TO SUCH COMMISSIONER THE QUANTITY OF NEW YORK
33 GROWN APPLES UNAVAILABLE TO SUCH LICENSEE DUE TO SUCH NATURAL DISASTER,
34 ACT OF GOD OR CONTINUING ADVERSE WEATHER CONDITION AND SATISFIES SUCH
35 COMMISSIONER THAT REASONABLE EFFORTS WERE MADE TO OBTAIN APPLES FROM A
36 NEW YORK STATE SOURCE FOR SUCH CIDER MAKING PURPOSE. NO FARM BREWERY
37 SHALL UTILIZE AN AMOUNT OF OUT-OF-STATE GROWN APPLES EXCEEDING THE
38 AMOUNT OF NEW YORK GROWN APPLES THAT SUCH BREWERY IS UNABLE TO OBTAIN
39 DUE TO THE DESTRUCTION OF NEW YORK GROWN APPLES BY A NATURAL DISASTER,
40 ACT OF GOD OR CONTINUING ADVERSE WEATHER CONDITION AS DETERMINED BY THE
41 COMMISSIONER OF AGRICULTURE AND MARKETS PURSUANT TO THIS SUBDIVISION.
42 FOR PURPOSES OF THIS SUBDIVISION, THE DEPARTMENT OF AGRICULTURE AND
43 MARKETS AND THE AUTHORITY ARE AUTHORIZED TO ADOPT RULES AND REGULATIONS
44 AS THEY MAY DEEM NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBDIVI-
45 SION WHICH SHALL INCLUDE ENSURING THAT IN MANUFACTURING CIDER FARM BREW-
46 ERIES UTILIZE APPLES GROWN IN NEW YORK STATE TO THE EXTENT THEY ARE
47 REASONABLY AVAILABLE, PRIOR TO UTILIZING APPLES FROM AN OUT-OF-STATE
48 SOURCE FOR SUCH PURPOSE.

49 (C) THE COMMISSIONER OF AGRICULTURE AND MARKETS SHALL MAKE AVAILABLE
50 TO FARM BREWERIES AND TO THE PUBLIC EACH SPECIFIC APPLE LOSS DETERMI-
51 NATION ISSUED PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION ON OR AFTER
52 AUGUST TWENTIETH OF EACH YEAR.

53 (D) IN THE EVENT THAT THE CONTINUING EFFECTS OF A NATURAL DISASTER,
54 ACT OF GOD, OR ADVERSE WEATHER CONDITION WHICH OCCURRED PRIOR TO AUGUST
55 TWENTIETH OF EACH YEAR OR THE EFFECTS OF A NATURAL DISASTER, ACT OF GOD,
56 OR ADVERSE WEATHER CONDITION WHICH OCCURS SUBSEQUENT TO AUGUST TWENTIETH

1 OF EACH YEAR RESULTS IN ANY APPLE CROP LOSS WHICH MEETS THE STANDARDS
2 PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION, THE COMMISSIONER OF AGRI-
3 CULTURE AND MARKETS, IN CONSULTATION WITH THE CHAIRMAN OF THE AUTHORITY,
4 MAY ISSUE ADDITIONAL APPLE CROP LOSS DETERMINATIONS AND SHALL EXPE-
5 DITIOUSLY MAKE AVAILABLE TO FARM BREWERIES AND TO THE PUBLIC THE LOSS
6 DETERMINATION ISSUED PURSUANT TO THIS PARAGRAPH PRIOR TO OCTOBER TENTH
7 OF EACH YEAR.

8 13. NOTWITHSTANDING ANY CONTRARY PROVISION OF LAW OR OF ANY RULE OR
9 REGULATION PROMULGATED PURSUANT THERETO, AND IN ADDITION TO THE ACTIV-
10 ITIES WHICH MAY OTHERWISE BE CARRIED OUT BY ANY PERSON LICENSED UNDER
11 THIS SECTION, SUCH PERSON MAY, ON THE PREMISES DESIGNATED IN SUCH
12 LICENSE:

13 (A) PRODUCE, PACKAGE, BOTTLE, SELL AND DELIVER SOFT DRINKS AND OTHER
14 NON-ALCOHOLIC BEVERAGES, VITAMINS, MALT, MALT SYRUP, AND OTHER BY-PRO-
15 DUCTS;

16 (B) DRY SPENT GRAIN FROM THE BREWERY;

17 (C) RECOVER CARBON DIOXIDE AND YEAST;

18 (D) STORE BOTTLES, PACKAGES AND SUPPLIES NECESSARY OR INCIDENTAL TO
19 ALL SUCH OPERATIONS;

20 (E) PACKAGE, BOTTLE, SELL AND DELIVER WINE PRODUCTS;

21 (F) ALLOW FOR THE PREMISES INCLUDING SPACE AND EQUIPMENT TO BE RENTED
22 BY A LICENSED TENANT BREWER FOR THE PURPOSES OF ALTERNATION.

23 14. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE AUTHORITY
24 MAY ISSUE A FARM BREWERY LICENSE TO THE HOLDER OF A FARM WINERY OR FARM
25 DISTILLER'S LICENSE FOR USE AT SUCH LICENSEE'S EXISTING LICENSED PREM-
26 ISES. THE HOLDER OF A FARM WINERY OR FARM DISTILLER'S LICENSE THAT
27 SIMULTANEOUSLY HOLDS A FARM BREWERY LICENSE ON AN ADJACENT PREMISES MAY
28 SHARE AND USE THE SAME TASTING ROOM FACILITIES TO CONDUCT ANY TASTINGS
29 THAT SUCH LICENSEE IS OTHERWISE AUTHORIZED TO CONDUCT.

30 15. THE AUTHORITY IS HEREBY AUTHORIZED TO PROMULGATE RULES AND REGU-
31 LATIONS TO EFFECTUATE THE PURPOSES OF THIS SECTION. IN PRESCRIBING SUCH
32 RULES AND REGULATIONS, THE AUTHORITY SHALL PROMOTE THE EXPANSION AND
33 PROFITABILITY OF BEER AND CIDER PRODUCTION AND OF TOURISM IN NEW YORK,
34 THEREBY PROMOTING THE CONSERVATION, PRODUCTION AND ENHANCEMENT OF NEW
35 YORK STATE AGRICULTURAL LANDS.

36 S 6. Subdivision 1 of section 56 of the alcoholic beverage control
37 law, as amended by section 1 of part Z of chapter 85 of the laws of
38 2002, is amended to read as follows:

39 1. The annual fee for a [brewer's] license TO MANUFACTURE BEER shall
40 be:

41 (A) four thousand dollars FOR A BREWER'S LICENSE, unless the annual
42 production of the brewer is less than sixty thousand barrels per year,
43 in which case the annual fee shall be three hundred twenty dollars;

44 (B) THREE HUNDRED TWENTY DOLLARS FOR A FARM BREWERY LICENSE.

45 S 7. Subdivision 1 of section 56-a of the alcoholic beverage control
46 law, as amended by section 1 of part B of chapter 56 of the laws of
47 2004, is amended to read as follows:

48 1. In addition to the annual fees provided for in this chapter, there
49 shall be paid to the [division] AUTHORITY with each initial application
50 for a license filed pursuant to section fifty-one, FIFTY-ONE-A, fifty-
51 three, fifty-eight, sixty-one, sixty-two, seventy-six or seventy-eight
52 of this chapter, a filing fee of four hundred dollars; with each initial
53 application for a license filed pursuant to section sixty-three, sixty-
54 four, sixty-four-a or sixty-four-b of this chapter, a filing fee of two
55 hundred dollars; with each initial application for a license filed
56 pursuant to section fifty-three-a, fifty-four, fifty-five, fifty-five-a,

1 seventy-nine, eighty-one or eighty-one-a of this chapter, a filing fee
2 of one hundred dollars; with each initial application for a permit filed
3 pursuant to section [seventy-seven,] ninety-one, ninety-one-a, ninety-
4 two, ninety-two-a, ninety-three, ninety-three-a, if such permit is to be
5 issued on a calendar year basis, ninety-four, ninety-five, ninety-six or
6 ninety-six-a, or pursuant to paragraph b, c, e or j of subdivision one
7 of section ninety-nine-b of this chapter if such permit is to be issued
8 on a calendar year basis, or for an additional bar pursuant to subdivi-
9 sion four of section one hundred of this chapter, a filing fee of twenty
10 dollars; and with each application for a permit under section ninety-
11 three-a of this chapter, other than a permit to be issued on a calendar
12 year basis, section ninety-seven, ninety-eight, ninety-nine, or ninety-
13 nine-b of this chapter, other than a permit to be issued pursuant to
14 paragraph b, c, e or j of subdivision one of section ninety-nine-b of
15 this chapter on a calendar year basis, a filing fee of ten dollars.

16 S 8. Subdivision 2 of section 56-a of the alcoholic beverage control
17 law, as amended by chapter 55 of the laws of 1992, is amended to read as
18 follows:

19 2. In addition to the annual fees provided for in this chapter, there
20 shall be paid to the authority with each renewal application for a
21 license filed pursuant to section fifty-one, FIFTY-ONE-A, fifty-three,
22 fifty-eight, sixty-one, sixty-two, seventy-six or seventy-eight of this
23 chapter, a filing fee of one hundred dollars; with each renewal applica-
24 tion for a license filed pursuant to section sixty-three, sixty-four,
25 sixty-four-a or sixty-four-b of this chapter, a filing fee of ninety
26 dollars; with each renewal application for a license filed pursuant to
27 section seventy-nine, eighty-one or eighty-one-a of this chapter, a
28 filing fee of twenty-five dollars; and with each renewal application for
29 a license or permit filed pursuant to section fifty-three-a, fifty-four,
30 fifty-five, fifty-five-a, [seventy-seven,] ninety-one, ninety-one-a,
31 ninety-two, ninety-two-a, ninety-three, ninety-three-a, if such permit
32 is issued on a calendar year basis, ninety-four, ninety-five, ninety-six
33 or ninety-six-a of this chapter or pursuant to subdivisions b, c, e or j
34 of section ninety-nine-b, if such permit is issued on a calendar year
35 basis, or with each renewal application for an additional bar pursuant
36 to subdivision four of section one hundred of this chapter, a filing fee
37 of thirty dollars.

38 S 9. Subdivision 1 of section 61 of the alcoholic beverage control
39 law, as amended by chapter 581 of the laws of 1951, is amended to read
40 as follows:

41 1. A class A distiller's license shall authorize the holder thereof to
42 operate a distillery for the manufacture of liquors by distillation or
43 redistillation at the premises specifically designated in the license.
44 Such a license shall also authorize the sale in bulk by such licensee
45 from the licensed premises of the products manufactured under such
46 license to any person holding a distiller's class A license, a
47 distiller's class B license or a permittee engaged in the manufacture of
48 products which are unfit for beverage use. It shall also authorize the
49 sale from the licensed premises and from one other location in the state
50 of New York of any liquor whether or not manufactured by such licensee
51 to a wholesale or retail liquor licensee or permittee in sealed contain-
52 ers of not more than one quart each. SUCH LICENSE SHALL ALSO AUTHORIZE
53 THE SALE OF NEW YORK STATE LABELLED LIQUOR TO LICENSED FARM WINERIES AND
54 FARM BREWERIES IN SEALED CONTAINERS OF NOT MORE THAN ONE QUART EACH.
55 Such license shall also include the privilege to operate a rectifying

1 plant under the same terms and conditions as the holder of a class B
2 distiller's license without the payment of any additional fee.

3 S 10. Paragraph (a) of subdivision 2-c of section 61 of the alcoholic
4 beverage control law, as amended by chapter 454 of the laws of 2008, is
5 amended to read as follows:

6 (a) A class D distiller's license, otherwise known as a farm distil-
7 lery license, shall authorize the holder of such a license to operate a
8 farm distillery at the premises specifically designated in the license:

9 (i) To manufacture liquor primarily from farm and food products, as
10 defined in subdivision two of section two hundred eighty-two of the
11 agriculture and markets law;

12 (ii) To put such liquor into containers of not more than one quart
13 each, which containers shall then be sealed and to sell such liquor at
14 wholesale, for resale, and to LICENSED FARM WINERIES AND FARM BREWERIES,
15 wholesale and retail licensees, and permittees;

16 (iii) To sell at retail, for personal use, in such sealed containers;
17 [and]

18 (iv) To sell in bulk, liquor manufactured by the licensee to a winery
19 or farm winery licensee, or to the holder of a class A, A-1, B, B-1 or C
20 distiller's license, or to the holder of a permit issued pursuant to
21 paragraph c of subdivision one of section ninety-nine-b of this chap-
22 ter[.];

23 (V) TO CONDUCT TASTINGS OF AND SELL AT RETAIL FOR CONSUMPTION OFF THE
24 PREMISES NEW YORK STATE LABELLED BEER MANUFACTURED BY A LICENSED BREWER
25 OR LICENSED FARM BREWERY;

26 (VI) TO CONDUCT TASTINGS OF AND SELL AT RETAIL FOR CONSUMPTION OFF THE
27 PREMISES NEW YORK STATE LABELLED CIDER MANUFACTURED BY A LICENSED BREW-
28 ER, LICENSED FARM BREWERY, LICENSED FARM WINERY OR LICENSED CIDER
29 PRODUCER; AND

30 (VII) TO CONDUCT TASTINGS OF AND SELL AT RETAIL FOR CONSUMPTION OFF
31 THE PREMISES NEW YORK STATE LABELLED WINE MANUFACTURED BY A LICENSED
32 WINERY OR LICENSED FARM WINERY.

33 S 11. Subdivision 2 of section 76 of the alcoholic beverage control
34 law, as amended by chapter 221 of the laws of 2011, is amended to read
35 as follows:

36 2. A winery license shall authorize the holder thereof:

37 (a) to operate a winery for the manufacture of wine at the premises
38 specifically designated in the license;

39 (b) to receive and possess wine from other states consigned to a
40 United States government bonded winery, warehouse or storeroom located
41 within the state;

42 (c) to sell in bulk from the licensed premises the products manufac-
43 tured under such license and wine received by such licensee from any
44 other state to any winery licensee, any distiller licensee or to a
45 permittee engaged in the manufacture of products which are unfit for
46 beverage use and to sell or deliver such wine to persons outside the
47 state pursuant to the laws of the place of such sale or delivery;

48 (d) to sell from the licensed premises to a licensed wholesaler or
49 retailer, or to a corporation operating railroad cars or aircraft for
50 consumption on such carriers, wine manufactured or received by the
51 licensee as above set forth in the original sealed containers of not
52 more than fifteen gallons each and to sell or deliver such wine to
53 persons outside the state pursuant to the laws of the place of such sale
54 or delivery. All wine sold by such licensee shall be securely sealed and
55 have attached thereto a label setting forth such information as shall be
56 required by this chapter; [and]

1 (e) TO SELL FROM THE LICENSED PREMISES TO LICENSED FARM WINERIES AND
2 FARM BREWERIES NEW YORK STATE LABELLED WINE MANUFACTURED BY THE LICENSEE
3 IN THE ORIGINAL SEALED CONTAINERS OF NOT MORE THAN FIFTEEN GALLONS EACH;
4 AND

5 (F) to operate, or use the services of, a custom crush facility as
6 defined in subdivision nine-a of section three of this chapter.

7 S 12. Paragraph (c) of subdivision 2 of section 76-a of the alcoholic
8 beverage control law, as added by chapter 221 of the laws of 2011, is
9 amended to read as follows:

10 (c) sell from the licensed premises to a licensed WINERY, FARM DISTIL-
11 LER, FARM BREWERY, wholesaler or retailer, or to a corporation operating
12 railroad cars or aircraft for consumption on such carriers, or at retail
13 for consumption off the premises, wine or cider manufactured by the
14 licensee as above set forth and to sell or deliver such wine or cider to
15 persons outside the state pursuant to the laws of the place of such sale
16 or delivery. All wine or cider sold by such licensee for consumption off
17 the premises shall be securely sealed and have attached thereto a label
18 setting forth such information as shall be required by this chapter;

19 S 13. Subparagraph 6 of paragraph (b) of subdivision 4 of section 76-a
20 of the alcoholic beverage control law, as amended by chapter 571 of the
21 laws of 2008, is amended to read as follows:

22 (6) New York state labelled wine or liquors produced or manufactured
23 by any other New York state winery or farm winery licensee or by the
24 holder of [a class A-1, B-1, or C] ANY distiller's license. Such wine or
25 liquors may be purchased outright by the licensee from a New York winery
26 or farm winery licensee or the holder of [a class A-1, B-1, or C] ANY
27 distiller's license or obtained on a consignment basis pursuant to a
28 written agreement between the selling and purchasing licensee.

29 S 14. Subdivision 6 of section 76-a of the alcoholic beverage control
30 law is amended by adding two new paragraphs (g) and (h) to read as
31 follows:

32 (G) CONDUCT TASTINGS OF AND SELL AT RETAIL FOR CONSUMPTION OFF THE
33 PREMISES NEW YORK STATE LABELLED BEER MANUFACTURED BY A LICENSED BREWER
34 OR FARM BREWERY.

35 (H) CONDUCT TASTINGS OF AND SELL AT RETAIL FOR CONSUMPTION OFF THE
36 PREMISES NEW YORK STATE LABELLED CIDER MANUFACTURED BY A LICENSED BREW-
37 ER, LICENSED FARM BREWERY, LICENSED FARM WINERY OR LICENSED CIDER
38 PRODUCER.

39 S 15. Subdivision 42 of section 16 of the agriculture and markets law,
40 as amended by chapter 227 of the laws of 2006, is amended to read as
41 follows:

42 42. (A) For purposes of making timely determinations and consulting
43 with the chairman of the state liquor authority pursuant to subdivision
44 five of section seventy-six-a of the alcoholic beverage control law,
45 investigate and compile information relative to natural disasters, acts
46 of God, or continued adverse weather conditions which shall affect the
47 crop of grapes or other fruit products used in the production of wine.

48 (B) FOR PURPOSES OF MAKING TIMELY DETERMINATIONS AND CONSULTING WITH
49 THE CHAIRMAN OF THE STATE LIQUOR AUTHORITY PURSUANT TO SUBDIVISION ELEV-
50 EN OF SECTION FIFTY-ONE-A OF THE ALCOHOLIC BEVERAGE CONTROL LAW, INVE-
51 TIGATE AND COMPILE INFORMATION RELATIVE TO NATURAL DISASTERS, ACTS OF
52 GOD, OR CONTINUED ADVERSE WEATHER CONDITIONS WHICH SHALL AFFECT THE
53 NECESSARY INGREDIENTS FOR BREWING BEER.

54 (C) FOR PURPOSES OF MAKING TIMELY DETERMINATIONS AND CONSULTING WITH
55 THE CHAIRMAN OF THE STATE LIQUOR AUTHORITY PURSUANT TO SUBDIVISION
56 TWELVE OF SECTION FIFTY-ONE-A OF THE ALCOHOLIC BEVERAGE CONTROL LAW,

1 INVESTIGATE AND COMPILE INFORMATION RELATIVE TO NATURAL DISASTERS, ACTS
2 OF GOD, OR CONTINUED ADVERSE WEATHER CONDITIONS WHICH SHALL AFFECT THE
3 CROP OF APPLES USED IN THE PRODUCTION OF CIDER.

4 S 16. Subparagraph (C) of paragraph 1 of subdivision (i) of section
5 1136 of the tax law, as amended by a chapter of the laws of 2012 amend-
6 ing the tax law relating to farm winery and farm distillery sales tax
7 information return filing requirements, as proposed in legislative bills
8 numbers S. 7019 and A. 9523, is amended to read as follows:

9 (C) Every wholesaler, as defined by section three of the alcoholic
10 beverage control law, if it has made a sale of an alcoholic beverage, as
11 defined by section four hundred twenty of this chapter, without collect-
12 ing sales or use tax during the period covered by the return, except (i)
13 a sale to a person that has furnished an exempt organization certificate
14 to the wholesaler for that sale; or (ii) a sale to another wholesaler
15 whose license under the alcoholic beverage control law does not allow it
16 to make retail sales of the alcoholic beverage. For each vendor, opera-
17 tor, or recipient to whom the wholesaler has made a sale without
18 collecting sales or compensating use tax, the return must include the
19 total value of those sales made during the period covered by the return
20 (excepting the sales described in clauses (i) and (ii) of this subpara-
21 graph) and the vendor's, operator's or recipient's state liquor authori-
22 ty license number, along with the information required by paragraph two
23 of this subdivision. A person operating pursuant to a farm winery
24 license as provided in section seventy-six-a of the alcoholic beverage
25 control law, or a person operating pursuant to a farm distillery license
26 as provided in subdivision two-c of section sixty-one of such law, OR A
27 PERSON OPERATING PURSUANT TO A FARM BREWERY LICENSE AS PROVIDED IN
28 SECTION FIFTY-ONE-A OF THE ALCOHOLIC BEVERAGE CONTROL LAW, or a person
29 operating pursuant to [both] ANY COMBINATION OF such licenses, shall not
30 be subject to any of the requirements of this subdivision.

31 S 17. This act shall take effect on the one hundred eightieth day
32 after it shall have become a law; provided that the amendment to subpar-
33 agraph (C) of paragraph 1 of subdivision (i) of section 1136 of the tax
34 law, as amended by section sixteen of this act shall take effect on the
35 same date and in the same manner as a chapter of the laws of 2012 amend-
36 ing the tax law relating to farm winery and farm distillery sales tax
37 information return filing requirements, as proposed in legislative bills
38 numbers S. 7019 and A. 9523, takes effect.