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

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I N A S S E M B L Y

June 16, 2014

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Schimminger, Barrett, Brindisi, Hennessey, Magee, Russell, Santabarbara, Skoufis, Stirpe, Bronson) -- (at request of the Governor) -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to licenses and permits regarding the manufacture of alcoholic beverages; 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:

Section 1. Section 51 of the alcoholic beverage control law is amended by adding a new subdivision 3-a to read as follows:

3-A. A LICENSED BREWER MAY AT THE LICENSED PREMISES CONDUCT TASTINGS OF, AND SELL AT RETAIL FOR CONSUMPTION ON OR OFF THE LICENSED PREMISES, ANY BEER MANUFACTURED BY THE LICENSEE OR ANY NEW YORK STATE LABELED BEER. PROVIDED, HOWEVER, THAT FOR TASTINGS AND SALES FOR ON-PREMISES CONSUMPTION, THE LICENSEE SHALL REGULARLY KEEP FOOD AVAILABLE FOR SALE OR SERVICE TO ITS RETAIL CUSTOMERS FOR CONSUMPTION ON THE PREMISES. A LICENSEE PROVIDING THE FOLLOWING SHALL BE DEEMED IN COMPLIANCE WITH THIS PROVISION: (I) SANDWICHES, SOUPS OR OTHER SUCH FOODS, WHETHER FRESH, PROCESSED, PRE-COOKED OR FROZEN; AND/OR (II) FOOD ITEMS INTENDED TO COMPLEMENT THE TASTING OF ALCOHOLIC BEVERAGES, WHICH SHALL MEAN A DIVERSIFIED SELECTION OF FOOD THAT IS ORDINARILY CONSUMED WITHOUT THE USE OF TABLEWARE AND CAN BE CONVENIENTLY CONSUMED WHILE STANDING OR WALKING, INCLUDING BUT NOT LIMITED TO: CHEESES, FRUITS, VEGETABLES, CHOCOLATES, BREADS, MUSTARDS AND CRACKERS. ALL OF THE PROVISIONS OF THIS CHAPTER RELATIVE TO LICENSES TO SELL BEER AT RETAIL FOR CONSUMPTION ON AND OFF THE PREMISES SHALL APPLY SO FAR AS APPLICABLE TO SUCH LICENSEE.

S 2. Subdivision 4 of section 51 of the alcoholic beverage control law, as amended by chapter 100 of the laws of 1940, is amended to read as follows:

4. A LICENSED BREWERY MAY OPERATE A RESTAURANT, HOTEL, CATERING ESTABLISHMENT, OR OTHER FOOD AND DRINKING ESTABLISHMENT IN OR ADJACENT TO THE LICENSED PREMISES AND SELL AT SUCH PLACE, AT RETAIL FOR CONSUMPTION ON THE PREMISES, BEER MANUFACTURED BY THE LICENSEE AND ANY NEW YORK

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

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STATE LABELED BEER. ALL OF THE PROVISIONS OF THIS CHAPTER RELATIVE TO LICENSES TO SELL BEER AT RETAIL FOR CONSUMPTION ON THE PREMISES SHALL APPLY SO FAR AS APPLICABLE TO SUCH LICENSEE. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE licensed brewer may apply to the liquor authority for a license to sell beer, wine or liquor at retail for consumption on the premises [in a restaurant owned by him and conducted and operated by him in or adjacent to the brewery for which he is licensed] AT SUCH ESTABLISHMENT. All of the provisions of this chapter relative to licenses to sell beer, wine or liquor at retail for consumption on the premises shall apply so far as applicable to such application.

S 3. Paragraphs (b) and (d) of subdivision 6-a of section 51 of the alcoholic beverage control law are REPEALED.

S 4. Section 51 of the alcoholic beverage control law is amended by adding a new subdivision 9 to read as follows:

9. A BREWERY SHALL MANUFACTURE AT LEAST FIFTY BARRELS OF BEER ANNUALLY.

S 5. Paragraph (g) of subdivision 2 of section 51-a of the alcoholic beverage control law, as added by chapter 108 of the laws of 2012, is amended to read as follows:

(g) [sell and conduct tastings of beer and cider manufactured by the licensee or any other licensed farm brewery at retail for consumption on the premises of a restaurant, conference center, inn, bed and breakfast or hotel business owned and operated by the licensee in or adjacent to its farm brewery. A licensee who operates a restaurant, conference center, inn, bed and breakfast or hotel pursuant to such authority shall comply with all applicable provisions of this chapter which relate to licenses to sell beer at retail for consumption on the premises] OPERATE A RESTAURANT, HOTEL, CATERING ESTABLISHMENT, OR OTHER FOOD AND DRINKING ESTABLISHMENT IN OR ADJACENT TO THE LICENSED PREMISES AND SELL AT SUCH PLACE, AT RETAIL FOR CONSUMPTION ON THE PREMISES, BEER AND CIDER MANUFACTURED BY THE LICENSEE AND ANY NEW YORK STATE LABELED BEER OR NEW YORK STATE LABELED CIDER. ALL OF THE PROVISIONS OF THIS CHAPTER RELATIVE TO LICENSES TO SELL BEER AT RETAIL FOR CONSUMPTION ON AND OFF THE PREMISES SHALL APPLY SO FAR AS APPLICABLE TO SUCH LICENSEE. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE LICENSED FARM BREWERY MAY APPLY TO THE AUTHORITY FOR A LICENSE UNDER THIS CHAPTER TO SELL OTHER ALCOHOLIC BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES AT SUCH ESTABLISHMENT;

S 6. Subdivision 10 of section 51-a of the alcoholic beverage control law, as added by chapter 108 of the laws of 2012, is amended to read as follows:

10. (A) No farm brewery shall manufacture in excess of [sixty] SEVENTY-FIVE thousand finished barrels of beer AND CIDER annually.

(B) A FARM BREWERY SHALL MANUFACTURE AT LEAST FIFTY BARRELS OF BEER AND CIDER ANNUALLY.

S 7. Section 52 of the alcoholic beverage control law is REPEALED.

S 8. Paragraph (a) of subdivision 1 of section 56 of the alcoholic beverage control law, as amended by chapter 108 of the laws of 2012, is amended to read as follows:

(a) four thousand dollars for a brewer's license, unless the annual production of the brewer is less than [sixty] SEVENTY-FIVE thousand barrels per year, in which case the annual fee shall be three hundred twenty dollars;

S 9. Section 58 of the alcoholic beverage control law is amended by adding a new subdivision 5 to read as follows:

5. A CIDER PRODUCER SHALL MANUFACTURE AT LEAST FIFTY GALLONS OF CIDER ANNUALLY.

S 10. Paragraphs (d) and (e) of subdivision 2 of section 58-c of the alcoholic beverage control law are REPEALED.

S 11. Paragraph (f) of subdivision 2 of section 58-c of the alcoholic beverage control law, as added by chapter 384 of the laws of 2013, is amended to read as follows:

(f) [sell and conduct tastings of cider manufactured by the licensee or any other licensed farm cidery at retail for consumption on the premises of a restaurant, conference center, inn, bed and breakfast or hotel business owned and operated by the licensee in or adjacent to its farm cidery. A licensee who operates a restaurant, conference center, inn, bed and breakfast or hotel pursuant to such authority shall comply with all applicable provisions of this chapter which relate to licenses to sell cider at retail for consumption on the premises] (I) AT THE LICENSED PREMISES, CONDUCT TASTINGS OF, AND SELL AT RETAIL FOR CONSUMPTION ON OR OFF THE LICENSED PREMISES, ANY CIDER MANUFACTURED BY THE LICENSEE OR ANY NEW YORK STATE LABELED CIDER. PROVIDED, HOWEVER, FOR TASTINGS AND SALES FOR ON-PREMISES CONSUMPTION, THE LICENSEE SHALL REGULARLY KEEP FOOD AVAILABLE FOR SALE OR SERVICE TO ITS RETAIL CUSTOMERS FOR CONSUMPTION ON THE PREMISES. A LICENSEE PROVIDING THE FOLLOWING SHALL BE DEEMED IN COMPLIANCE WITH THIS PROVISION: (A) SANDWICHES, SOUPS OR OTHER SUCH FOODS, WHETHER FRESH, PROCESSED, PRE-COOKED OR FROZEN; AND/OR (B) FOOD ITEMS INTENDED TO COMPLEMENT THE TASTING OF ALCOHOLIC BEVERAGES, WHICH SHALL MEAN A DIVERSIFIED SELECTION OF FOOD THAT IS ORDINARILY CONSUMED WITHOUT THE USE OF TABLEWARE AND CAN BE CONVENIENTLY CONSUMED WHILE STANDING OR WALKING, INCLUDING BUT NOT LIMITED TO: CHEESES, FRUITS, VEGETABLES, CHOCOLATES, BREADS, MUSTARDS AND CRACKERS. ALL OF THE PROVISIONS OF THIS CHAPTER RELATIVE TO LICENSEES SELLING CIDER AT RETAIL SHALL APPLY; AND (II) OPERATE A RESTAURANT, HOTEL, CATERING ESTABLISHMENT, OR OTHER FOOD AND DRINKING ESTABLISHMENT IN OR ADJACENT TO THE LICENSED PREMISES AND SELL AT SUCH PLACE, AT RETAIL FOR CONSUMPTION ON THE PREMISES, CIDER MANUFACTURED BY THE LICENSEE AND ANY NEW YORK STATE LABELED CIDER. ALL OF THE PROVISIONS OF THIS CHAPTER RELATIVE TO LICENSEES TO SELLING CIDER AT RETAIL SHALL APPLY. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE LICENSED FARM CIDERY MAY APPLY TO THE AUTHORITY FOR A LICENSE UNDER THIS CHAPTER TO SELL OTHER ALCOHOLIC BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES AT SUCH ESTABLISHMENT;

S 12. Subdivision 10 of section 58-c of the alcoholic beverage control law, as added by chapter 384 of the laws of 2013, is amended to read as follows:

10. (A) No farm cidery shall manufacture in excess of [one] TWO hundred fifty thousand gallons of cider annually.

(B) A LICENSED FARM CIDERY SHALL PRODUCE AT LEAST FIFTY GALLONS OF CIDER ANNUALLY.

S 13. Subdivision 1-a of section 61 of the alcoholic beverage control law, as amended by chapter 384 of the laws of 2013, is amended to read as follows:

1-a. A class A-1 distiller's license shall authorize the holder thereof to operate a distillery which has a production capacity of no more than [thirty-five] SEVENTY-FIVE thousand gallons per year for the manufacture of liquors by distillation or redistillation at the premises specifically designated in the license. Such a license shall also authorize the sale in bulk by such licensee from the licensed premises of the products manufactured under such license to any person holding a

winery license, farm winery license, distiller's class A license, a distiller's class B license or a permittee engaged in the manufacture of products which are unfit for beverage use. It shall also authorize the sale from the licensed premises and from one other location in the state of New York of liquors manufactured by such licensee to a wholesale or retail liquor licensee or permittee in sealed containers of not more than one quart each. In addition, it shall authorize such licensee to sell from the licensed premises New York state labelled liquors to licensed farm wineries, farm breweries, farm distilleries and farm cideries in sealed containers of not more than one quart for retail sale for off-premises consumption. Such license shall also include the privilege to operate a rectifying plant under the same terms and conditions as the holder of a class B-1 distiller's license without the payment of any additional fee.

S 14. Subdivision 2-b of section 61 of the alcoholic beverage control law, as amended by chapter 571 of the laws of 2008, is amended to read as follows:

2-b. A class B-1 distiller's license shall authorize the holder thereof to operate a rectifying plant which has a production capacity of no more than [thirty-five] SEVENTY-FIVE thousand gallons per year for the manufacture of the products of rectification by purifying or combining alcohol, spirits, wine, or beer and the manufacture of cordials by the redistillation of alcohol or spirits over or with any materials. Such a license shall also authorize the holder thereof to blend, reduce proof and bottle on his licensed premises or in a United States customs bonded warehouse for which a warehouse permit has been issued under this chapter for wholesale liquor licensees or for persons authorized to sell liquor at wholesale pursuant to the laws and regulation of any other state, territorial possession of the United States or foreign country liquor received in bulk by such wholesalers from other states, territorial possessions of the United States or a foreign country, and to rebottle or recondition for wholesale liquor or wine licensees or for persons authorized to sell liquor or wine at wholesale pursuant to the laws and regulations of any other state, territorial possession of the United States or foreign country, liquor or wine manufactured outside the state, which was purchased and received by such wholesalers in sealed containers not exceeding one quart each of liquor or fifteen gallons each of wine. Such a license shall also authorize the sale from the licensed premises of the products manufactured by such licensee to a wholesale or retail licensee in sealed containers of not more than one quart each. In addition, it shall authorize such licensee to sell from the licensed premises New York state labelled liquors to a farm winery licensee in sealed containers of not more than one quart for retail sale for off-premises consumption.

S 15. Paragraph (e) of subdivision 2-c of section 61 of the alcoholic beverage control law, as amended by chapter 454 of the laws of 2008, is amended to read as follows:

(e) Notwithstanding any other provision of law to the contrary, the holder of a farm distillery license may [apply to the authority for a license to sell beer, wine and liquor for consumption on the premises in a restaurant operated on or adjacent to the licensed farm distillery. All the provisions of this chapter relative to licensees to sell beer, wine or liquor at retail for consumption on the premises shall apply so far as applicable to such application.] (I) SELL AT RETAIL FOR CONSUMPTION ON THE LICENSED PREMISES, ANY LIQUOR MANUFACTURED BY THE LICENSEE OR ANY NEW YORK STATE LABELED LIQUOR. PROVIDED, HOWEVER, THE LICENSEE

SHALL REGULARLY KEEP FOOD AVAILABLE FOR SALE OR SERVICE TO ITS RETAIL CUSTOMERS FOR CONSUMPTION ON THE PREMISES. A LICENSEE PROVIDING THE FOLLOWING SHALL BE DEEMED IN COMPLIANCE WITH THIS PROVISION: SANDWICHES, SOUPS OR OTHER SUCH FOODS, WHETHER FRESH, PROCESSED, PRE-COOKED OR FROZEN; AND/OR FOOD ITEMS INTENDED TO COMPLIMENT THE TASTING OF ALCOHOLIC BEVERAGES, WHICH SHALL MEAN A DIVERSIFIED SELECTION OF FOOD THAT IS ORDINARILY CONSUMED WITHOUT THE USE OF TABLEWARE AND CAN BE CONVENIENTLY CONSUMED WHILE STANDING OR WALKING, INCLUDING BUT NOT LIMITED TO: CHEESE, FRUITS, VEGETABLES, CHOCOLATES, BREADS, MUSTARDS AND CRACKERS. ALL OF THE PROVISIONS OF THIS CHAPTER RELATIVE TO LICENSES TO SELL LIQUOR AT RETAIL FOR CONSUMPTION ON THE PREMISES SHALL APPLY SO FAR AS APPLICABLE TO SUCH LICENSEE; AND

(II) OPERATE A RESTAURANT, HOTEL, CATERING ESTABLISHMENT, OR OTHER FOOD AND DRINKING ESTABLISHMENT IN OR ADJACENT TO THE LICENSED PREMISES AND SELL AT SUCH PLACE, AT RETAIL FOR CONSUMPTION ON THE PREMISES, LIQUOR MANUFACTURED BY THE LICENSEE AND ANY NEW YORK STATE LABELED LIQUOR. ALL OF THE PROVISIONS OF THIS CHAPTER RELATIVE TO LICENSES TO SELL LIQUOR AT RETAIL FOR CONSUMPTION ON THE PREMISES SHALL APPLY SO FAR AS APPLICABLE TO SUCH LICENSEE. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE LICENSEE MAY APPLY TO THE AUTHORITY FOR A LICENSE UNDER THIS CHAPTER TO SELL OTHER ALCOHOLIC BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES AT SUCH ESTABLISHMENT.

S 16. Paragraph (f) of subdivision 2-c of section 61 of the alcoholic beverage control law, as amended by chapter 454 of the laws of 2008, is amended to read as follows:

(f) No holder of a farm distillery license shall manufacture in excess of [thirty-five] SEVENTY-FIVE thousand gallons of liquor annually. In the case of the holder of a class A, A-1, B, B-1 or C distiller's license who operates a farm distillery on the same premises, the liquor manufactured pursuant to the farm distillery license shall not be considered with respect to any limitation on the volume that may be manufactured by the class A, A-1, B, B-1 or C distillery.

S 17. Subdivision 2-c of section 61 of the alcoholic beverage control law is amended by adding a new paragraph (g) to read as follows:

(G) THE HOLDER OF A LICENSE ISSUED UNDER THIS SUBDIVISION MAY OPERATE UP TO ONE BRANCH OFFICE LOCATED AWAY FROM THE LICENSED FARM DISTILLERY. SUCH LOCATION SHALL BE CONSIDERED PART OF THE LICENSED PREMISES AND ALL ACTIVITIES ALLOWED AT AND LIMITED TO THE FARM DISTILLERY MAY BE CONDUCTED AT THE BRANCH OFFICE. SUCH BRANCH OFFICE 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.

S 18. Section 61 of the alcoholic beverage control law is amended by adding a new subdivision 7 to read as follows:

7. ANY PERSON LICENSED UNDER THIS SECTION SHALL MANUFACTURE AT LEAST FIFTY GALLONS OF LIQUOR PER YEAR.

S 19. Subdivision 4 of section 76 of the alcoholic beverage control law, as amended by chapter 221 of the laws of 2011, is amended to read as follows:

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

application] AT THE LICENSED PREMISES, CONDUCT TASTINGS OF, AND SELL AT RETAIL FOR CONSUMPTION ON OR OFF THE LICENSED PREMISES, ANY WINE OR WINE PRODUCT MANUFACTURED BY THE LICENSEE OR ANY NEW YORK STATE LABELED WINE OR NEW YORK STATE LABELED WINE PRODUCT. PROVIDED, HOWEVER, FOR TASTINGS AND SALES FOR ON-PREMISES CONSUMPTION, THE LICENSEE SHALL REGULARLY KEEP FOOD AVAILABLE FOR SALE OR SERVICE TO ITS RETAIL CUSTOMERS FOR CONSUMPTION ON THE PREMISES. A LICENSEE PROVIDING THE FOLLOWING SHALL BE DEEMED IN COMPLIANCE WITH THIS PROVISION: (I) SANDWICHES, SOUPS OR OTHER SUCH FOODS, WHETHER FRESH, PROCESSED, PRE-COOKED OR FROZEN; AND/OR (II) FOOD ITEMS INTENDED TO COMPLEMENT THE TASTING OF ALCOHOLIC BEVERAGES, WHICH SHALL MEAN A DIVERSIFIED SELECTION OF FOOD THAT IS ORDINARILY CONSUMED WITHOUT THE USE OF TABLEWARE AND CAN BE CONVENIENTLY CONSUMED WHILE STANDING OR WALKING, INCLUDING BUT NOT LIMITED TO: CHEESES, FRUITS, VEGETABLES, CHOCOLATES, BREADS, MUSTARDS AND CRACKERS. ALL OF THE PROVISIONS OF THIS CHAPTER RELATIVE TO LICENSES TO SELL WINE AT RETAIL FOR CONSUMPTION ON OR OFF THE PREMISES SHALL APPLY SO FAR AS APPLICABLE TO SUCH LICENSEE.

S 20. Subdivision 4-a of section 76 of the alcoholic beverage control law, as amended by chapter 221 of the laws of 2011, is amended to read as follows:

4-a. [Notwithstanding any other provision of law, any winery, licensed pursuant to subdivision four of this section to sell wine at retail for consumption on the premises in a restaurant in or adjacent to the winery, may apply to the liquor authority for a license to sell beer, wine or liquor at retail for consumption on the premises of such restaurant. All of the provisions of this chapter relative to licenses to sell beer, wine or liquor at retail for consumption on the premises shall apply so far as applicable to such application] A LICENSED WINERY MAY OPERATE A RESTAURANT, HOTEL, CATERING ESTABLISHMENT, OR OTHER FOOD AND DRINKING ESTABLISHMENT IN OR ADJACENT TO THE LICENSED PREMISES AND SELL AT SUCH PLACE, AT RETAIL FOR CONSUMPTION ON THE PREMISES, WINE AND WINE PRODUCTS MANUFACTURED BY THE LICENSEE AND ANY NEW YORK STATE LABELED WINE OR NEW YORK STATE LABELED WINE PRODUCT. ALL OF THE PROVISIONS OF THIS CHAPTER RELATIVE TO LICENSES TO SELL WINE AT RETAIL FOR CONSUMPTION ON THE PREMISES SHALL APPLY SO FAR AS APPLICABLE TO SUCH LICENSEE. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE LICENSED WINERY MAY APPLY TO THE AUTHORITY FOR A LICENSE UNDER ARTICLE FOUR OF THIS CHAPTER TO SELL OTHER ALCOHOLIC BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES AT SUCH ESTABLISHMENT.

S 21. Subdivision 10 of section 76 of the alcoholic beverage control law, as added by chapter 221 of the laws of 2011, is amended to read as follows:

10. Notwithstanding any provision of this chapter to the contrary, and upon payment to the liquor authority of an additional annual fee of one hundred twenty-five dollars, the liquor authority may in its discretion and upon such terms and conditions as it may prescribe, issue to a licensed winery upon application therefor a certificate authorizing such winery to sell wine at retail in sealed containers to a regularly organized church, synagogue or religious organization for sacramental purposes[, and to a householder for consumption in his home].

S 22. Section 76 of the alcoholic beverage control law is amended by adding a new subdivision 14 to read as follows:

14. ANY PERSON LICENSED UNDER THIS SECTION SHALL MANUFACTURE AT LEAST FIFTY GALLONS OF WINE PER YEAR.

S 23. Paragraph (f) of subdivision 2 of section 76-a of the alcoholic beverage control law, as added by chapter 221 of the laws of 2011, is amended to read as follows:

(f) [sell wine at retail for consumption on the premises of a restaurant, conference center, inn, bed and breakfast or hotel business owned and operated by the licensee in or adjacent to the farm winery for which the licensee is licensed. A licensee who operates a restaurant, conference center, inn, bed and breakfast or hotel pursuant to such authority shall comply with all applicable provisions of this chapter which relate to licenses to sell wine at retail for consumption on the premises] OPERATE A RESTAURANT, HOTEL, CATERING ESTABLISHMENT, OR OTHER FOOD AND DRINKING ESTABLISHMENT IN OR ADJACENT TO THE LICENSED PREMISES AND SELL AT SUCH PLACE, AT RETAIL FOR CONSUMPTION ON THE PREMISES, WINE, CIDER AND WINE PRODUCTS MANUFACTURED BY THE LICENSEE AND ANY NEW YORK STATE LABELED WINE, NEW YORK STATE LABELED CIDER OR NEW YORK STATE LABELED WINE PRODUCT. ALL OF THE PROVISIONS OF THIS CHAPTER RELATIVE TO LICENSES TO SELL WINE AT RETAIL FOR CONSUMPTION ON THE PREMISES SHALL APPLY SO FAR AS APPLICABLE TO SUCH LICENSEE. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE LICENSED WINERY MAY APPLY TO THE AUTHORITY FOR A LICENSE UNDER ARTICLE FOUR OF THIS CHAPTER TO SELL OTHER ALCOHOLIC BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES AT SUCH ESTABLISHMENT.

S 24. Subdivision 3-a of section 76-a of the alcoholic beverage control law is REPEALED.

S 25. Subdivision 8 of section 76-a of the alcoholic beverage control law, as amended by chapter 147 of the laws of 1988 and as renumbered by chapter 221 of the laws of 2011, is amended to read as follows:

8. (A) No licensed farm winery shall manufacture in excess of [one] TWO hundred fifty thousand finished gallons of wine annually.

(B) ANY PERSON LICENSED UNDER THIS SECTION SHALL MANUFACTURE AT LEAST FIFTY GALLONS OF WINE PER YEAR.

S 26. This act shall take effect on the thirtieth day after it shall have become a law.