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I N   A S S E M B L Y

June 16, 2014

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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:

1     Section 1.     Section 51 of the alcoholic beverage control law is  
2 amended by adding a new subdivision 3-a to read as follows:  
3     3-A. A LICENSED BREWER MAY AT THE LICENSED PREMISES CONDUCT TASTINGS  
4 OF, AND SELL AT RETAIL FOR CONSUMPTION ON OR OFF THE LICENSED PREMISES,  
5 ANY BEER MANUFACTURED BY THE LICENSEE OR ANY NEW YORK STATE LABELED  
6 BEER. PROVIDED, HOWEVER, THAT FOR TASTINGS AND SALES FOR ON-PREMISES  
7 CONSUMPTION, THE LICENSEE SHALL REGULARLY KEEP FOOD AVAILABLE FOR SALE  
8 OR SERVICE TO ITS RETAIL CUSTOMERS FOR CONSUMPTION ON THE PREMISES. A  
9 LICENSEE PROVIDING THE FOLLOWING SHALL BE DEEMED IN COMPLIANCE WITH THIS  
10 PROVISION: (I) SANDWICHES, SOUPS OR OTHER SUCH FOODS, WHETHER FRESH,  
11 PROCESSED, PRE-COOKED OR FROZEN; AND/OR (II) FOOD ITEMS INTENDED TO  
12 COMPLEMENT THE TASTING OF ALCOHOLIC BEVERAGES, WHICH SHALL MEAN A DIVER-  
13 SIFIED SELECTION OF FOOD THAT IS ORDINARILY CONSUMED WITHOUT THE USE OF  
14 TABLEWARE AND CAN BE CONVENIENTLY CONSUMED WHILE STANDING OR WALKING,  
15 INCLUDING BUT NOT LIMITED TO: CHEESES, FRUITS, VEGETABLES, CHOCOLATES,  
16 BREADS, MUSTARDS AND CRACKERS. ALL OF THE PROVISIONS OF THIS CHAPTER  
17 RELATIVE TO LICENSES TO SELL BEER AT RETAIL FOR CONSUMPTION ON AND OFF  
18 THE PREMISES SHALL APPLY SO FAR AS APPLICABLE TO SUCH LICENSEE.  
19     S 2. Subdivision 4 of section 51 of the alcoholic beverage control  
20 law, as amended by chapter 100 of the laws of 1940, is amended to read  
21 as follows:  
22     4.     A LICENSED BREWERY MAY OPERATE A RESTAURANT, HOTEL, CATERING  
23 ESTABLISHMENT, OR OTHER FOOD AND DRINKING ESTABLISHMENT IN OR ADJACENT  
24 TO THE LICENSED PREMISES AND SELL AT SUCH PLACE, AT RETAIL FOR CONSUMP-  
25 TION 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.

LBD12097-07-4

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

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

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

15 9. A BREWERY SHALL MANUFACTURE AT LEAST FIFTY BARRELS OF BEER ANNUAL-  
16 LY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

50 1-a. A class A-1 distiller's license shall authorize the holder ther-  
51 eof to operate a distillery which has a production capacity of no more  
52 than [thirty-five] SEVENTY-FIVE thousand gallons per year for the manu-  
53 facture of liquors by distillation or redistillation at the premises  
54 specifically designated in the license. Such a license shall also  
55 authorize the sale in bulk by such licensee from the licensed premises  
56 of the products manufactured under such license to any person holding a

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

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

18 2-b. A class B-1 distiller's license shall authorize the holder there-  
19 of to operate a rectifying plant which has a production capacity of no  
20 more than [thirty-five] SEVENTY-FIVE thousand gallons per year for the  
21 manufacture of the products of rectification by purifying or combining  
22 alcohol, spirits, wine, or beer and the manufacture of cordials by the  
23 redistillation of alcohol or spirits over or with any materials. Such a  
24 license shall also authorize the holder thereof to blend, reduce proof  
25 and bottle on his licensed premises or in a United States customs bonded  
26 warehouse for which a warehouse permit has been issued under this chap-  
27 ter for wholesale liquor licensees or for persons authorized to sell  
28 liquor at wholesale pursuant to the laws and regulation of any other  
29 state, territorial possession of the United States or foreign country  
30 liquor received in bulk by such wholesalers from other states, territo-  
31 rial possessions of the United States or a foreign country, and to  
32 rebottle or recondition for wholesale liquor or wine licensees or for  
33 persons authorized to sell liquor or wine at wholesale pursuant to the  
34 laws and regulations of any other state, territorial possession of the  
35 United States or foreign country, liquor or wine manufactured outside  
36 the state, which was purchased and received by such wholesalers in  
37 sealed containers not exceeding one quart each of liquor or fifteen  
38 gallons each of wine. Such a license shall also authorize the sale from  
39 the licensed premises of the products manufactured by such licensee to a  
40 wholesale or retail licensee in sealed containers of not more than one  
41 quart each. In addition, it shall authorize such licensee to sell from  
42 the licensed premises New York state labelled liquors to a farm winery  
43 licensee in sealed containers of not more than one quart for retail sale  
44 for off-premises consumption.

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

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

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

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

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

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

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

35 (G) THE HOLDER OF A LICENSE ISSUED UNDER THIS SUBDIVISION MAY OPERATE  
36 UP TO ONE BRANCH OFFICE LOCATED AWAY FROM THE LICENSED FARM DISTILLERY.  
37 SUCH LOCATION SHALL BE CONSIDERED PART OF THE LICENSED PREMISES AND ALL  
38 ACTIVITIES ALLOWED AT AND LIMITED TO THE FARM DISTILLERY MAY BE  
39 CONDUCTED AT THE BRANCH OFFICE. SUCH BRANCH OFFICE SHALL NOT BE LOCATED  
40 WITHIN, SHARE A COMMON ENTRANCE AND EXIT WITH, OR HAVE ANY INTERIOR  
41 ACCESS TO ANY OTHER BUSINESS, INCLUDING PREMISES LICENSED TO SELL ALCO-  
42 HOLIC BEVERAGES AT RETAIL. PRIOR TO COMMENCING OPERATION OF ANY SUCH  
43 BRANCH OFFICE, THE LICENSEE SHALL NOTIFY THE AUTHORITY OF THE LOCATION  
44 OF SUCH BRANCH OFFICE AND THE AUTHORITY MAY ISSUE A PERMIT FOR THE OPER-  
45 ATION OF SAME.

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

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

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

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

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

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

21 4-a. [Notwithstanding any other provision of law, any winery, licensed  
22 pursuant to subdivision four of this section to sell wine at retail for  
23 consumption on the premises in a restaurant in or adjacent to the  
24 winery, may apply to the liquor authority for a license to sell beer,  
25 wine or liquor at retail for consumption on the premises of such restau-  
26 rant. All of the provisions of this chapter relative to licenses to sell  
27 beer, wine or liquor at retail for consumption on the premises shall  
28 apply so far as applicable to such application] A LICENSED WINERY MAY  
29 OPERATE A RESTAURANT, HOTEL, CATERING ESTABLISHMENT, OR OTHER FOOD AND  
30 DRINKING ESTABLISHMENT IN OR ADJACENT TO THE LICENSED PREMISES AND SELL  
31 AT SUCH PLACE, AT RETAIL FOR CONSUMPTION ON THE PREMISES, WINE AND WINE  
32 PRODUCTS MANUFACTURED BY THE LICENSEE AND ANY NEW YORK STATE LABELED  
33 WINE OR NEW YORK STATE LABELED WINE PRODUCT. ALL OF THE PROVISIONS OF  
34 THIS CHAPTER RELATIVE TO LICENSES TO SELL WINE AT RETAIL FOR CONSUMPTION  
35 ON THE PREMISES SHALL APPLY SO FAR AS APPLICABLE TO SUCH LICENSEE.  
36 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE LICENSED WINERY MAY  
37 APPLY TO THE AUTHORITY FOR A LICENSE UNDER ARTICLE FOUR OF THIS CHAPTER  
38 TO SELL OTHER ALCOHOLIC BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREM-  
39 ISSES AT SUCH ESTABLISHMENT.

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

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

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

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

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

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

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

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

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

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

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