

10122

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:

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.