

1227--A

2015-2016 Regular Sessions

I N S E N A T E

January 9, 2015

Introduced by Sens. CARLUCCI, AVELLA, GALLIVAN, PANEPINTO, PARKER, SERINO, SEWARD, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business -- recommitted to the Committee on Commerce, Economic Development and Small Business in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the alcoholic beverage control law, in relation to the operation of home beer makers centers, home cider makers centers and home wine makers centers

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 three new subdivisions 13-a, 13-b and 13-c to read as follows:
3 13-A. "HOME BEER MAKERS CENTER" MEANS A PLACE WHERE AN INDIVIDUAL PAYS
4 A FEE TO USE SPACE AND EQUIPMENT TO MAKE BEER FOR PERSONAL OR FAMILY
5 USE, AND WHICH THE FEDERAL ALCOHOL AND TOBACCO TAX AND TRADE BUREAU
6 DEEMS TO BE TAX EXEMPT BEER TO BE USED FOR PERSONAL OR FAMILY USE PURSU-
7 ANT TO 27 CFR 25.205, ET SEQ.
8 13-B. "HOME CIDER MAKERS CENTER" MEANS A PLACE WHERE AN INDIVIDUAL
9 PAYS A FEE TO USE SPACE AND EQUIPMENT TO MAKE CIDER FOR PERSONAL OR
10 FAMILY USE, AND WHICH THE FEDERAL ALCOHOL AND TOBACCO TAX AND TRADE
11 BUREAU DEEMS TO BE TAX EXEMPT CIDER TO BE USED FOR PERSONAL OR FAMILY
12 USE PURSUANT TO 27 CFR 24.76.
13 13-C. "HOME WINE MAKERS CENTER" MEANS A PLACE WHERE AN INDIVIDUAL PAYS
14 A FEE TO USE SPACE AND EQUIPMENT TO MAKE WINE FOR PERSONAL OR FAMILY
15 USE, AND WHICH THE FEDERAL ALCOHOL AND TOBACCO TAX AND TRADE BUREAU
16 DEEMS TO BE TAX EXEMPT WINE TO BE USED FOR PERSONAL OR FAMILY USE PURSU-
17 ANT TO 27 CFR 24.75.
18 S 2. Section 51 of the alcoholic beverage control law is amended by
19 adding a new subdivision 10 to read as follows:

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

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10. NOTWITHSTANDING ANY PROVISION OF THIS SECTION, A LICENSED BREWERY SHALL BE AUTHORIZED TO OPERATE A HOME BEER MAKERS CENTER PURSUANT TO SECTION NINETY-SEVEN-C OF THIS CHAPTER. PROVIDED, FURTHER, THAT A BREWERY MAY OPERATE SUCH A CENTER UPON THE SAME OR ADJACENT PREMISES AS THE BREWERY IS OPERATED SUBJECT TO THE PROVISIONS OF SECTION NINETY-SEVEN-C OF THIS CHAPTER AND FEDERAL LAW.

S 3. Section 51-a of the alcoholic beverage control law is amended by adding a new subdivision 16 to read as follows:

16. NOTWITHSTANDING ANY PROVISION OF THIS SECTION, A LICENSED FARM BREWERY SHALL BE AUTHORIZED TO OPERATE A HOME BEER MAKERS CENTER PURSUANT TO SECTION NINETY-SEVEN-C OF THIS CHAPTER. PROVIDED, FURTHER, THAT A FARM BREWERY MAY OPERATE SUCH A CENTER UPON THE SAME OR ADJACENT PREMISES AS THE FARM BREWERY IS OPERATED SUBJECT TO THE PROVISIONS OF SECTION NINETY-SEVEN-C OF THIS CHAPTER AND FEDERAL LAW.

S 4. Section 58 of the alcoholic beverage control law is amended by adding a new subdivision 6 to read as follows:

6. NOTWITHSTANDING ANY PROVISION OF THIS SECTION, A LICENSED CIDER PRODUCER SHALL BE AUTHORIZED TO OPERATE A HOME CIDER MAKERS CENTER PURSUANT TO SECTION NINETY-SEVEN-D OF THIS CHAPTER. PROVIDED, FURTHER, THAT A CIDER PRODUCER MAY OPERATE SUCH A CENTER UPON THE SAME OR ADJACENT PREMISES AS THE CIDER PRODUCER IS OPERATED SUBJECT TO THE PROVISIONS OF SECTION NINETY-SEVEN-D OF THIS CHAPTER AND FEDERAL LAW.

S 5. Section 58-c of the alcoholic beverage control law is amended by adding a new subdivision 15 to read as follows:

15. NOTWITHSTANDING ANY PROVISION OF THIS SECTION, A LICENSED FARM CIDERY SHALL BE AUTHORIZED TO OPERATE A HOME CIDER MAKERS CENTER PURSUANT TO SECTION NINETY-SEVEN-D OF THIS CHAPTER. PROVIDED, FURTHER, THAT A FARM CIDERY MAY OPERATE SUCH CENTER UPON THE SAME OR ADJACENT PREMISES AS THE FARM CIDERY IS OPERATED SUBJECT TO THE PROVISIONS OF SECTION NINETY-SEVEN-D OF THIS CHAPTER AND FEDERAL LAW.

S 6. Section 76 of the alcoholic beverage control law is amended by adding a new subdivision 15 to read as follows:

15. NOTWITHSTANDING ANY PROVISION OF THIS SECTION, A LICENSED WINERY SHALL BE AUTHORIZED TO OPERATE A HOME WINE MAKERS CENTER PURSUANT TO SECTION NINETY-SEVEN-B OF THIS CHAPTER. PROVIDED, FURTHER, THAT A WINERY MAY OPERATE SUCH A CENTER UPON THE SAME OR ADJACENT PREMISES AS THE WINERY IS OPERATED SUBJECT TO THE PROVISIONS OF SECTION NINETY-SEVEN-B OF THIS CHAPTER AND FEDERAL LAW.

S 7. Section 76-a of the alcoholic beverage control law is amended by adding a new subdivision 11 to read as follows:

11. NOTWITHSTANDING ANY PROVISION OF THIS SECTION, A LICENSED FARM WINERY SHALL BE AUTHORIZED TO OPERATE A HOME WINE MAKERS CENTER PURSUANT TO SECTION NINETY-SEVEN-B OF THIS CHAPTER. PROVIDED, FURTHER, THAT A FARM WINERY MAY OPERATE SUCH A CENTER UPON THE SAME OR ADJACENT PREMISES AS THE FARM WINERY IS OPERATED SUBJECT TO THE PROVISIONS OF SECTION NINETY-SEVEN-B OF THIS CHAPTER AND FEDERAL LAW.

S 8. Section 83 of the alcoholic beverage control law is amended by adding three new subdivisions 9, 10 and 11 to read as follows:

9. THE FEE FOR A WRITTEN CONSENT LETTER AUTHORIZING A WINERY OR FARM WINERY TO OPERATE A HOME WINE MAKERS CENTER PURSUANT TO SECTION NINETY-SEVEN-B OF THIS CHAPTER SHALL BE ONE HUNDRED TWENTY-FIVE DOLLARS.

10. THE FEE FOR A WRITTEN CONSENT LETTER AUTHORIZING A BREWERY OR FARM BREWERY TO OPERATE A HOME BEER MAKERS CENTER PURSUANT TO SECTION NINETY-SEVEN-C OF THIS CHAPTER SHALL BE ONE HUNDRED TWENTY-FIVE DOLLARS.

11. THE FEE FOR A WRITTEN CONSENT LETTER AUTHORIZING A CIDER PRODUCER OR FARM CIDERY TO OPERATE A HOME CIDER MAKERS CENTER PURSUANT TO SECTION NINETY-SEVEN-D OF THIS CHAPTER SHALL BE ONE HUNDRED TWENTY-FIVE DOLLARS.

S 9. Section 90 of the alcoholic beverage control law is amended by adding three new subdivisions 7-a, 7-b and 7-c to read as follows:

7-A. HOME WINE MAKERS CENTER PERMIT.

7-B. HOME BEER MAKERS CENTER PERMIT.

7-C. HOME CIDER MAKERS CENTER PERMIT.

S 10. The alcoholic beverage control law is amended by adding three new sections 97-b, 97-c and 97-d to read as follows:

S 97-B. HOME WINE MAKERS CENTERS. 1. THE PROVISIONS OF THIS SECTION SHALL APPLY TO HOME WINE MAKERS CENTERS.

2. THE MANUFACTURE AND PRODUCTION OF WINE FOR PERSONAL CONSUMPTION AND FAMILY USE SHALL BE PERMISSIBLE SO LONG AS SUCH MANUFACTURE OR PRODUCTION OF WINE IS DONE IN ACCORDANCE WITH FEDERAL LAW AND REGULATIONS. IN ADDITION, SUCH MANUFACTURE OR PRODUCTION MAY BE CONDUCTED AT HOME WINE MAKERS CENTERS AS PROVIDED IN FEDERAL LAW AND REGULATIONS APPLICABLE THERETO.

3. THE OPERATION OF HOME WINE MAKERS CENTERS SHALL BE SUBJECT TO THE SUPERVISION OF THE LIQUOR AUTHORITY TO ENSURE COMPLIANCE WITH THE PROVISIONS OF FEDERAL LAW AND THE RULES AND REGULATIONS OF THE FEDERAL ALCOHOL AND TOBACCO TAX AND TRADE BUREAU RELATING TO SUCH CENTERS.

4. EVERY HOME WINE MAKERS CENTER SHALL HOLD A PERMIT ISSUED BY THE LIQUOR AUTHORITY TO PROVIDE, FOR A FEE, FRUIT, AND THE USE OF EQUIPMENT AND STORAGE FACILITIES FOR THE PRODUCTION OF WINE BY INDIVIDUALS FOR PERSONAL HOUSEHOLD USE AND NOT FOR RESALE IN ACCORDANCE WITH FEDERAL LAW, RULES AND REGULATIONS AUTHORIZING THE PRODUCTION OF WINE FOR HOUSEHOLD PERSONAL OR FAMILY USE. THE FEE FOR SUCH PERMIT SHALL BE ONE HUNDRED TWENTY-FIVE DOLLARS A YEAR.

5. THE ANNUAL AGGREGATE PRODUCTION OF WINE AT ANY HOME WINE MAKERS CENTER PREMISES FOR ALL INDIVIDUALS AND FAMILIES MAKING WINE AT SUCH PREMISES, PURSUANT TO A HOME WINE MAKERS LICENSE, SHALL NOT EXCEED TEN THOUSAND GALLONS. PROVIDED, THAT SUCH AGGREGATE PRODUCTION LIMIT SHALL NOT BE OFFSET BY WINES PRODUCED AT SUCH FACILITY UNDER A WINERY OR FARM WINERY LICENSE.

6. THE LOCATION OF A FREE STANDING HOME WINE MAKERS CENTER MAY BE ON A FARM OR OTHER PREMISES THAT IS NOT ASSOCIATED WITH A WINERY OR FARM WINERY.

7. A PERSON OR ENTITY LICENSED PURSUANT TO THIS CHAPTER MAY ALSO BE AUTHORIZED AND HOLD A PERMIT TO OPERATE A HOME WINE MAKERS CENTER ON THE SAME OR ADJACENT PREMISES OF A WINERY OR FARM WINERY.

8. FOR THE PURPOSES OF THIS SECTION, "FRUIT" SHALL MEAN GRAPES, OTHER FRUITS, FRUIT JUICES, AND OTHER AGRICULTURAL PRODUCTS INCLUDING, BUT NOT LIMITED TO, HONEY, FLOWERS AND VEGETABLES, THAT ARE GROWN OR PRODUCED IN THE STATE OF NEW YORK.

S 97-C. HOME BEER MAKERS CENTERS. 1. THE PROVISIONS OF THIS SECTION SHALL APPLY TO HOME BEER MAKERS CENTERS.

2. THE MANUFACTURE AND PRODUCTION OF BEER FOR PERSONAL CONSUMPTION AND FAMILY USE SHALL BE PERMISSIBLE SO LONG AS SUCH MANUFACTURE OR PRODUCTION OF BEER IS DONE IN ACCORDANCE WITH FEDERAL LAW AND REGULATIONS. IN ADDITION, SUCH MANUFACTURE OR PRODUCTION MAY BE CONDUCTED AT HOME BEER MAKERS CENTERS AS PROVIDED IN FEDERAL LAW AND REGULATIONS APPLICABLE THERETO.

3. THE OPERATION OF HOME BEER MAKERS CENTERS SHALL BE SUBJECT TO THE SUPERVISION OF THE LIQUOR AUTHORITY TO ENSURE COMPLIANCE WITH THE

1 PROVISIONS OF FEDERAL LAW AND THE RULES AND REGULATIONS OF THE FEDERAL
2 ALCOHOL AND TOBACCO TAX AND TRADE BUREAU RELATING TO SUCH CENTERS.

3 4. EVERY HOME BEER MAKERS CENTER SHALL HOLD A PERMIT ISSUED BY THE
4 LIQUOR AUTHORITY TO PROVIDE, FOR A FEE, BEER MAKING SUPPLIES, AND THE
5 USE OF EQUIPMENT AND STORAGE FACILITIES FOR THE PRODUCTION OF BEER BY
6 INDIVIDUALS FOR PERSONAL HOUSEHOLD USE AND NOT FOR RESALE IN ACCORDANCE
7 WITH FEDERAL LAW, RULES AND REGULATIONS AUTHORIZING THE PRODUCTION OF
8 BEER FOR HOUSEHOLD PERSONAL OR FAMILY USE. THE FEE FOR SUCH PERMIT SHALL
9 BE ONE HUNDRED TWENTY-FIVE DOLLARS A YEAR.

10 5. THE ANNUAL AGGREGATE PRODUCTION OF BEER AT ANY HOME BEER MAKERS
11 CENTER PREMISES FOR ALL INDIVIDUALS AND FAMILIES MAKING BEER AT SUCH
12 PREMISES, PURSUANT TO A HOME BEER MAKERS LICENSE, SHALL NOT EXCEED TEN
13 THOUSAND GALLONS. PROVIDED, THAT SUCH AGGREGATE PRODUCTION LIMIT SHALL
14 NOT BE OFFSET BY BEER PRODUCED AT SUCH FACILITY UNDER A BREWER'S LICENSE
15 OR FARM BREWERY LICENSE.

16 6. THE LOCATION OF A FREE STANDING HOME BEER MAKERS CENTER MAY BE ON A
17 FARM OR OTHER PREMISES THAT IS NOT ASSOCIATED WITH A BREWERY OR FARM
18 BREWERY.

19 7. A PERSON OR ENTITY LICENSED PURSUANT TO THIS CHAPTER MAY ALSO BE
20 AUTHORIZED AND HOLD A PERMIT TO OPERATE A HOME BEER MAKERS CENTER ON THE
21 SAME OR ADJACENT PREMISES OF A BREWERY OR FARM BREWERY.

22 8. FOR THE PURPOSES OF THIS SECTION, "BEER MAKING SUPPLIES" SHALL MEAN
23 HOPS, GRAINS, MALTED GRAINS, WORT, SUGARS, YEASTS, WATER, FRUITS, FRUIT
24 JUICES, AND OTHER AGRICULTURAL PRODUCTS INCLUDING, BUT NOT LIMITED TO,
25 HONEY AND FLOWERS, THAT ARE GROWN OR PRODUCED IN THE STATE OF NEW YORK.

26 S 97-D. HOME CIDER MAKERS CENTERS. 1. THE PROVISIONS OF THIS SECTION
27 SHALL APPLY TO HOME CIDER MAKERS CENTERS.

28 2. THE MANUFACTURE AND PRODUCTION OF CIDER FOR PERSONAL CONSUMPTION
29 AND FAMILY USE SHALL BE PERMISSIBLE SO LONG AS SUCH MANUFACTURE OR
30 PRODUCTION OF CIDER IS DONE IN ACCORDANCE WITH FEDERAL LAW AND REGU-
31 LATIONS. IN ADDITION, SUCH MANUFACTURE OR PRODUCTION MAY BE CONDUCTED AT
32 HOME CIDER MAKERS CENTERS AS PROVIDED IN FEDERAL LAW AND REGULATIONS
33 APPLICABLE THERETO.

34 3. THE OPERATION OF HOME CIDER MAKERS CENTERS SHALL BE SUBJECT TO THE
35 SUPERVISION OF THE LIQUOR AUTHORITY TO ENSURE COMPLIANCE WITH THE
36 PROVISIONS OF FEDERAL LAW AND THE RULES AND REGULATIONS OF THE FEDERAL
37 ALCOHOL AND TOBACCO TAX AND TRADE BUREAU RELATING TO SUCH CENTERS.

38 4. EVERY HOME CIDER MAKERS CENTER SHALL HOLD A PERMIT ISSUED BY THE
39 LIQUOR AUTHORITY TO PROVIDE, FOR A FEE, FRUIT, AND THE USE OF EQUIPMENT
40 AND STORAGE FACILITIES FOR THE PRODUCTION OF CIDER BY INDIVIDUALS FOR
41 PERSONAL HOUSEHOLD USE AND NOT FOR RESALE IN ACCORDANCE WITH FEDERAL
42 LAW, RULES AND REGULATIONS AUTHORIZING THE PRODUCTION OF CIDER FOR
43 HOUSEHOLD PERSONAL OR FAMILY USE. THE FEE FOR SUCH PERMIT SHALL BE ONE
44 HUNDRED TWENTY-FIVE DOLLARS A YEAR.

45 5. THE ANNUAL AGGREGATE PRODUCTION OF CIDER AT ANY HOME CIDER MAKERS
46 CENTER PREMISES FOR ALL INDIVIDUALS AND FAMILIES MAKING CIDER AT SUCH
47 PREMISES, PURSUANT TO A HOME CIDER MAKERS LICENSE, SHALL NOT EXCEED TEN
48 THOUSAND GALLONS. PROVIDED, THAT SUCH AGGREGATE PRODUCTION LIMIT SHALL
49 NOT BE OFFSET BY CIDER PRODUCED AT SUCH A FACILITY UNDER A CIDER PRODUC-
50 ER OR FARM CIDERY LICENSE.

51 6. THE LOCATION OF A FREE STANDING HOME CIDER MAKERS CENTER MAY BE ON
52 A FARM OR OTHER PREMISES THAT IS NOT ASSOCIATED WITH A CIDER PRODUCER OR
53 FARM CIDERY.

54 7. A PERSON OR ENTITY LICENSED PURSUANT TO THIS CHAPTER MAY ALSO BE
55 AUTHORIZED AND HOLD A PERMIT TO OPERATE A HOME CIDER MAKERS CENTER ON
56 THE SAME OR ADJACENT PREMISES OF A CIDER PRODUCER OR FARM CIDERY.

1 8. FOR THE PURPOSES OF THIS SECTION, "FRUIT" SHALL MEAN APPLES OR
2 OTHER POMME FRUITS, OTHER FRUITS, FRUIT JUICES, AND OTHER AGRICULTURAL
3 PRODUCTS INCLUDING, BUT NOT LIMITED TO, HONEY, FLOWERS AND VEGETABLES,
4 THAT ARE GROWN OR PRODUCED IN THE STATE OF NEW YORK.

5 S 11. This act shall take effect on the first of January next succeed-
6 ing the date on which it shall have become a law; provided, that, effec-
7 tive immediately any rules, regulations or other actions necessary to
8 implement the provisions of this act on its effective date are author-
9 ized and directed to be completed on or before such date.