

1227--B

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I N S E N A T E

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Introduced by Sens. CARLUCCI, AVELLA, GALLIVAN, LARKIN, 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 -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the alcoholic beverage control law, in relation to beer centers, cider centers and incubator wine 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 14-a, 14-b and 14-c to read as follows:  
3 14-A. "CUSTOM BEERMAKERS' CENTER" MEANS A FACILITY THAT PROVIDES ONE  
4 OR MORE INDIVIDUALS WITH RENTAL SPACE, THE USE OF EQUIPMENT AND STORAGE  
5 FACILITIES, AND/OR BEER MAKING SUPPLIES TO MANUFACTURE BEER FOR PERSONAL  
6 HOUSEHOLD USE AND NOT FOR RESALE IN ACCORDANCE WITH STATE AND FEDERAL  
7 LAWS, RULES, AND REGULATIONS.  
8 14-B. "CUSTOM CIDERMAKERS' CENTER" MEANS A FACILITY THAT PROVIDES ONE  
9 OR MORE INDIVIDUALS WITH RENTAL SPACE, THE USE OF EQUIPMENT AND STORAGE  
10 FACILITIES, AND/OR FRUIT TO MANUFACTURE CIDER FOR PERSONAL HOUSEHOLD USE  
11 AND NOT FOR RESALE IN ACCORDANCE WITH STATE AND FEDERAL LAWS, RULES AND  
12 REGULATIONS.  
13 14-C. "CUSTOM WINEMAKERS' CENTER" MEANS A FACILITY THAT PROVIDES ONE  
14 OR MORE INDIVIDUALS WITH RENTAL SPACE, THE USE OF EQUIPMENT AND STORAGE  
15 FACILITIES, AND/OR FRUIT TO MANUFACTURE WINE FOR PERSONAL HOUSEHOLD USE  
16 AND NOT FOR RESALE IN ACCORDANCE WITH STATE AND FEDERAL LAWS, RULES AND  
17 REGULATIONS.

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

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1 S 2. The alcoholic beverage control law is amended by adding a new  
2 section 52 to read as follows:

3 S 52. CUSTOM BEERMAKERS' CENTER. 1. ANY PERSON MAY APPLY TO THE  
4 AUTHORITY ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND NINETEEN FOR  
5 A CUSTOM BEERMAKERS' CENTER LICENSE AS PROVIDED FOR IN THIS SECTION TO  
6 OPERATE A CUSTOM BEERMAKERS' CENTER FACILITY AND PROVIDE INDIVIDUALS  
7 WITH RENTAL SPACE, THE USE OF EQUIPMENT AND STORAGE FACILITIES, AND/OR  
8 BEER MAKING SUPPLIES FOR THE PRODUCTION OF BEER BY SUCH INDIVIDUALS FOR  
9 PERSONAL HOUSEHOLD USE AND NOT FOR RESALE IN ACCORDANCE WITH STATE AND  
10 FEDERAL LAWS, RULES, AND REGULATIONS AUTHORIZING SUCH PRODUCTION. SUCH  
11 APPLICATION SHALL BE IN WRITING AND VERIFIED AND SHALL CONTAIN SUCH  
12 INFORMATION AS THE AUTHORITY SHALL REQUIRE, PROVIDED, HOWEVER, THE HOLD-  
13 ER OF A LICENSE UNDER THIS SECTION MAY RENEW SUCH LICENSE ON OR AFTER  
14 DECEMBER THIRTY-FIRST, TWO THOUSAND NINETEEN. SUCH APPLICATION SHALL BE  
15 ACCOMPANIED BY A CHECK OR DRAFT FOR THE AMOUNT REQUIRED BY THIS ARTICLE  
16 FOR SUCH LICENSE. IF THE AUTHORITY GRANTS THE APPLICATION, IT SHALL  
17 ISSUE A LICENSE IN SUCH FORM AS SHALL BE DETERMINED BY ITS RULES. SUCH  
18 LICENSE SHALL CONTAIN A DESCRIPTION OF THE LICENSED PREMISES AND IN FORM  
19 AND IN SUBSTANCE SHALL BE A LICENSE TO THE PERSON THEREIN SPECIFICALLY  
20 DESIGNATED TO OPERATE SUCH CENTER TO MANUFACTURE BEER FOR PERSONAL  
21 HOUSEHOLD USE IN THE PREMISES THEREIN SPECIFICALLY LICENSED.

22 2. 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 IN QUANTITY AMOUNTS AS DETERMINED BY THE AUTHORITY AND SHALL BE GOVERNED  
27 BY PARAGRAPH (B) OF SUBDIVISION ELEVEN OF SECTION FIFTY-ONE-A OF THIS  
28 ARTICLE.

29 3. A CUSTOM BEERMAKERS' CENTER LICENSE SHALL AUTHORIZE THE HOLDER  
30 THEREOF TO OPERATE A FACILITY FOR INDIVIDUALS TO RENT SPACE, EQUIPMENT,  
31 AND STORAGE FACILITIES AND, IF NECESSARY, TO PURCHASE BEER MAKING  
32 SUPPLIES TO MANUFACTURE BEER FOR PERSONAL HOUSEHOLD USE PROVIDED THAT  
33 THE MANUFACTURE AND PRODUCTION OF BEER FOR PERSONAL HOUSEHOLD CONSUMP-  
34 TION AND USE IS DONE IN ACCORDANCE WITH STATE AND FEDERAL LAWS AND REGU-  
35 LATIONS. SUCH A LICENSE SHALL ALSO AUTHORIZE THE LICENSEE, PROVIDED  
36 SUCH ACTIVITIES ARE PERMITTED BY THE FEDERAL ALCOHOL AND TOBACCO TAX AND  
37 TRADE BUREAU FOR THE MANUFACTURE OF TAX EXEMPT BEER FOR PERSONAL HOUSE-  
38 HOLD USE, TO:

39 (A) CONDUCT TRAINING CLASSES ON HOW TO MANUFACTURE BEER; AND

40 (B) CONDUCT BEER TASTINGS FOR THOSE INDIVIDUALS TAKING SUCH CLASSES  
41 AND/OR USING SUCH FACILITY FOR BREWING PURPOSES AT THE LICENSED FACILITY  
42 PROVIDED THAT THE TASTINGS SHALL BE SUBJECT TO THE FOLLOWING LIMITA-  
43 TIONS:

44 (I) TASTINGS SHALL BE CONDUCTED BY THE LICENSEE OR BY AN OFFICIAL  
45 AGENT OF THE LICENSEE. SUCH LICENSEE OR AGENT SHALL BE PHYSICALLY PRES-  
46 ENT AT ALL TIMES DURING THE CONDUCT OF THE TASTINGS; AND

47 (II) ANY LIABILITY STEMMING FROM A RIGHT OF ACTION RESULTING FROM A  
48 TASTING OF BEER AS AUTHORIZED HEREIN AND IN ACCORDANCE WITH THE  
49 PROVISIONS OF SECTIONS 11-100 AND 11-101 OF THE GENERAL OBLIGATIONS LAW,  
50 SHALL ACCRUE TO THE CUSTOM BEERMAKERS' CENTER.

51 4. THE CUSTOM BEERMAKERS' CENTER LICENSEE SHALL BE SUBJECT TO THE  
52 SUPERVISION OF THE AUTHORITY TO ENSURE THAT THE LICENSEE AND THE INDI-  
53 VIDUALS UTILIZING SUCH CENTER ARE IN COMPLIANCE WITH THE PROVISIONS OF  
54 THIS CHAPTER, STATE LAWS, RULES, AND REGULATIONS, AND THE LAWS, RULES,  
55 AND REGULATIONS OF THE FEDERAL ALCOHOL AND TOBACCO TAX AND TRADE BUREAU.

1 5. THE LICENSEE OR AN OFFICIAL AGENT OF THE LICENSEE SHALL BE PHYS-  
2 ICALLY PRESENT AT ALL TIMES DURING THE FACILITY'S HOURS OF OPERATIONS.

3 6. THE ANNUAL AGGREGATE PRODUCTION OF BEER AT ANY SUCH CENTER FOR ALL  
4 INDIVIDUALS MAKING BEER AT SUCH PREMISES, PURSUANT TO A CUSTOM BEERMAK-  
5 ERS' CENTER LICENSE, SHALL NOT EXCEED THE PRODUCTION LIMITS SET BY THE  
6 AUTHORITY THAT ARE COMMENSURATE WITH A NON-COMMERCIAL PRODUCTION FACILI-  
7 TY. PROVIDED THAT SUCH AGGREGATE PRODUCTION LIMIT SHALL NOT BE OFFSET BY  
8 BEER PRODUCED AT SUCH FACILITY UNDER A BREWER'S LICENSE OR FARM BREWERY  
9 LICENSE.

10 7. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE AUTHORITY  
11 MAY ISSUE A CUSTOM BEERMAKERS' CENTER LICENSE TO THE HOLDER OF A FARM  
12 BREWERY OR BREWERY LICENSE FOR USE AT SUCH LICENSEE'S EXISTING LICENSED  
13 PREMISES.

14 8. THE AUTHORITY IS HEREBY AUTHORIZED TO PROMULGATE RULES AND REGU-  
15 LATIONS TO EFFECTUATE THE PURPOSES OF THIS SECTION.

16 9. THE LICENSEE MUST MAINTAIN A RECORD OF THE NAME, ADDRESS, AND  
17 CONTACT INFORMATION OF THE INDIVIDUALS THAT HAVE USED SUCH FACILITY AND  
18 THE ANNUAL AMOUNT OF BEER PRODUCED BY EACH INDIVIDUAL AT THE FACILITY  
19 PURSUANT TO THE RULES OF THE AUTHORITY.

20 S 3. Section 56 of the alcoholic beverage control law is amended by  
21 adding a new subdivision 11 to read as follows:

22 11. THE ANNUAL FEE FOR A LICENSE TO OPERATE A CUSTOM BEERMAKERS'  
23 CENTER SHALL BE THREE HUNDRED TWENTY DOLLARS.

24 S 4. Section 56-a of the alcoholic beverage control law, as added by  
25 chapter 204 of the laws of 1963, subdivisions 1 and 2 as amended by  
26 chapter 384 of the laws of 2013 and subdivision 3 as renumbered by chap-  
27 ter 919 of the laws of 1976, is amended to read as follows:

28 S 56-a. Filing fees and refunds. 1. In addition to the annual fees  
29 provided for in this chapter, there shall be paid to the authority with  
30 each initial application for a license filed pursuant to section fifty-  
31 one, fifty-one-a, FIFTY-TWO, fifty-three, fifty-eight, fifty-eight-c,  
32 FIFTY-EIGHT-D, sixty-one, sixty-two, seventy-six, SEVENTY-SEVEN or  
33 seventy-eight of this chapter, a filing fee of four hundred dollars;  
34 with each initial application for a license filed pursuant to section  
35 sixty-three, sixty-four, sixty-four-a or sixty-four-b of this chapter, a  
36 filing fee of two hundred dollars; with each initial application for a  
37 license filed pursuant to section fifty-three-a, fifty-four, fifty-five,  
38 fifty-five-a, seventy-nine, eighty-one or eighty-one-a of this chapter,  
39 a filing fee of one hundred dollars; with each initial application for a  
40 permit filed pursuant to section ninety-one, ninety-one-a, ninety-two,  
41 ninety-two-a, ninety-three, ninety-three-a, if such permit is to be  
42 issued on a calendar year basis, ninety-four, ninety-five, ninety-six or  
43 ninety-six-a, or pursuant to paragraph b, c, e or j of subdivision one  
44 of section ninety-nine-b of this chapter if such permit is to be issued  
45 on a calendar year basis, or for an additional bar pursuant to subdivi-  
46 sion four of section one hundred of this chapter, a filing fee of twenty  
47 dollars; and with each application for a permit under section ninety-  
48 three-a of this chapter, other than a permit to be issued on a calendar  
49 year basis, section ninety-seven, ninety-eight, ninety-nine, or ninety-  
50 nine-b of this chapter, other than a permit to be issued pursuant to  
51 paragraph b, c, e or j of subdivision one of section ninety-nine-b of  
52 this chapter on a calendar year basis, a filing fee of ten dollars.

53 2. In addition to the annual fees provided for in this chapter, there  
54 shall be paid to the authority with each renewal application for a  
55 license filed pursuant to section fifty-one, fifty-one-a, FIFTY-TWO,  
56 fifty-three, fifty-eight, fifty-eight-c, FIFTY-EIGHT-D, sixty-one,

1 sixty-two, seventy-six, SEVENTY-SEVEN or seventy-eight of this chapter,  
2 a filing fee of one hundred dollars; with each renewal application for a  
3 license filed pursuant to section sixty-three, sixty-four, sixty-four-a  
4 or sixty-four-b of this chapter, a filing fee of ninety dollars; with  
5 each renewal application for a license filed pursuant to section seven-  
6 ty-nine, eighty-one or eighty-one-a of this chapter, a filing fee of  
7 twenty-five dollars; and with each renewal application for a license or  
8 permit filed pursuant to section fifty-three-a, fifty-four, fifty-five,  
9 fifty-five-a, ninety-one, ninety-one-a, ninety-two, ninety-two-a, nine-  
10 ty-three, ninety-three-a, if such permit is issued on a calendar year  
11 basis, ninety-four, ninety-five, ninety-six or ninety-six-a of this  
12 chapter or pursuant to [subdivisions] PARAGRAPH b, c, e or j of SUBDIVI-  
13 SION ONE OF section ninety-nine-b, if such permit is issued on a calen-  
14 dar year basis, or with each renewal application for an additional bar  
15 pursuant to subdivision four of section one hundred of this chapter, a  
16 filing fee of thirty dollars.

17 3. If the authority shall deny an application filed pursuant to this  
18 chapter it shall return the annual fee to the applicant and retain the  
19 filing fee.

20 S 5. The alcoholic beverage control law is amended by adding a new  
21 section 58-d to read as follows:

22 S 58-D. CUSTOM CIDERMAKERS' CENTER. 1. ANY PERSON MAY APPLY TO THE  
23 AUTHORITY ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND NINETEEN FOR  
24 A CUSTOM CIDERMAKERS' CENTER LICENSE AS PROVIDED FOR IN THIS SECTION TO  
25 OPERATE A CUSTOM CIDERMAKERS' CENTER FACILITY AND PROVIDE INDIVIDUALS  
26 WITH RENTAL SPACE, THE USE OF EQUIPMENT AND STORAGE FACILITIES, AND/OR  
27 FRUIT FOR THE PRODUCTION OF CIDER BY SUCH INDIVIDUALS FOR PERSONAL  
28 HOUSEHOLD USE AND NOT FOR RESALE IN ACCORDANCE WITH STATE AND FEDERAL  
29 LAWS, RULES, AND REGULATIONS AUTHORIZING SUCH PRODUCTION. SUCH APPLICA-  
30 TION SHALL BE IN WRITING AND VERIFIED AND SHALL CONTAIN SUCH INFORMATION  
31 AS THE AUTHORITY SHALL REQUIRE, PROVIDED, HOWEVER, THE HOLDER OF SUCH A  
32 LICENSE UNDER THIS SECTION MAY RENEW SUCH LICENSE ON OR AFTER DECEMBER  
33 THIRTY-FIRST, TWO THOUSAND NINETEEN. SUCH APPLICATION SHALL BE ACCOMPA-  
34 NIED BY A CHECK OR DRAFT FOR THE AMOUNT REQUIRED BY THIS ARTICLE FOR  
35 SUCH LICENSE. IF THE AUTHORITY GRANTS THE APPLICATION, IT SHALL ISSUE A  
36 LICENSE IN SUCH FORM AS SHALL BE DETERMINED BY ITS RULES. SUCH LICENSE  
37 SHALL CONTAIN A DESCRIPTION OF THE LICENSED PREMISES AND IN FORM AND IN  
38 SUBSTANCE SHALL BE A LICENSE TO THE PERSON THEREIN SPECIFICALLY DESIG-  
39 NATED TO OPERATE SUCH CENTER TO MANUFACTURE CIDER FOR PERSONAL HOUSEHOLD  
40 USE IN THE PREMISES THEREIN SPECIFICALLY LICENSED.

41 2. FOR THE PURPOSES OF THIS SECTION, "FRUIT" SHALL MEAN FRESH, WHOLE  
42 APPLES OR OTHER POME FRUITS THAT ARE GROWN OR PRODUCED IN THE STATE OF  
43 NEW YORK.

44 3. A CUSTOM CIDERMAKERS' CENTER LICENSE SHALL AUTHORIZE THE HOLDER  
45 THEREOF TO OPERATE A FACILITY FOR INDIVIDUALS TO RENT SPACE, EQUIPMENT,  
46 AND STORAGE FACILITIES AND, IF NECESSARY, TO PURCHASE FRUIT TO MANUFAC-  
47 TURE CIDER FOR PERSONAL HOUSEHOLD USE PROVIDED THAT THE MANUFACTURE AND  
48 PRODUCTION OF CIDER FOR PERSONAL HOUSEHOLD CONSUMPTION AND USE IS DONE  
49 IN ACCORDANCE WITH STATE AND FEDERAL LAWS AND REGULATIONS. SUCH A  
50 LICENSE SHALL ALSO AUTHORIZE THE LICENSEE, PROVIDED SUCH ACTIVITIES ARE  
51 PERMITTED BY THE FEDERAL ALCOHOL AND TOBACCO TAX AND TRADE BUREAU FOR  
52 THE MANUFACTURE OF TAX EXEMPT CIDER FOR PERSONAL HOUSEHOLD USE, TO:

53 (A) CONDUCT TRAINING CLASSES ON HOW TO MANUFACTURE CIDER; AND

54 (B) CONDUCT CIDER TASTINGS FOR THOSE INDIVIDUALS TAKING SUCH CLASSES  
55 AND/OR USING SUCH FACILITY FOR THE PRODUCTION OF CIDER AT THE LICENSED

1 FACILITY PROVIDED THAT THE TASTINGS SHALL BE SUBJECT TO THE FOLLOWING  
2 LIMITATIONS:

3 (I) TASTINGS SHALL BE CONDUCTED BY THE LICENSEE OR BY AN OFFICIAL  
4 AGENT OF THE LICENSEE. SUCH LICENSEE OR AGENT SHALL BE PHYSICALLY PRES-  
5 ENT AT ALL TIMES DURING THE CONDUCT OF THE TASTINGS; AND

6 (II) ANY LIABILITY STEMMING FROM A RIGHT OF ACTION RESULTING FROM A  
7 TASTING OF CIDER AS AUTHORIZED HEREIN AND IN ACCORDANCE WITH THE  
8 PROVISIONS OF SECTIONS 11-100 AND 11-101 OF THE GENERAL OBLIGATIONS LAW,  
9 SHALL ACCRUE TO SUCH CENTER.

10 4. THE CUSTOM CIDERMAKERS' CENTER LICENSEE SHALL BE SUBJECT TO THE  
11 SUPERVISION OF THE AUTHORITY TO ENSURE THAT THE LICENSEE AND THE INDI-  
12 VIDUALS UTILIZING SUCH CENTER ARE IN COMPLIANCE WITH THE PROVISIONS OF  
13 THIS CHAPTER, STATE LAWS, RULES, AND REGULATIONS, AND THE LAWS, RULES,  
14 AND REGULATIONS OF THE FEDERAL ALCOHOL AND TOBACCO TAX AND TRADE BUREAU.

15 5. THE LICENSEE OR AN OFFICIAL AGENT OF THE LICENSEE SHALL BE PHYS-  
16 ICALLY PRESENT AT ALL TIMES DURING THE FACILITY'S HOURS OF OPERATIONS.

17 6. THE ANNUAL AGGREGATE PRODUCTION OF CIDER AT ANY SUCH CENTER FOR ALL  
18 INDIVIDUALS MAKING CIDER AT SUCH PREMISES, PURSUANT TO A CUSTOM CIDER-  
19 MAKERS' CENTER LICENSE, SHALL NOT EXCEED THE PRODUCTION LIMITS SET FORTH  
20 BY THE AUTHORITY THAT ARE COMMENSURATE WITH A NON-COMMERCIAL PRODUCTION  
21 FACILITY. PROVIDED THAT SUCH AGGREGATE PRODUCTION LIMIT SHALL NOT BE  
22 OFFSET BY CIDER PRODUCED AT SUCH FACILITY UNDER A CIDERY LICENSE OR FARM  
23 CIDERY LICENSE.

24 7. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE AUTHORITY  
25 MAY ISSUE A CUSTOM CIDERMAKERS' CENTER LICENSE TO THE HOLDER OF A FARM  
26 CIDERY OR CIDERY LICENSE OR FARM WINERY OR WINERY LICENSE FOR USE AT  
27 SUCH LICENSEE'S EXISTING LICENSED PREMISES.

28 8. THE AUTHORITY IS HEREBY AUTHORIZED TO PROMULGATE RULES AND REGU-  
29 LATIONS TO EFFECTUATE THE PURPOSES OF THIS SECTION.

30 9. THE LICENSEE MUST MAINTAIN A RECORD OF THE NAME, ADDRESS, AND  
31 CONTACT INFORMATION OF THE INDIVIDUALS THAT HAVE USED SUCH FACILITY AND  
32 THE ANNUAL AMOUNT OF CIDER PRODUCED BY EACH INDIVIDUAL AT THE FACILITY  
33 PURSUANT TO THE RULES OF THE AUTHORITY.

34 10. THE ANNUAL FEE FOR A LICENSE TO OPERATE A CUSTOM CIDERMAKERS'  
35 CENTER SHALL BE THREE HUNDRED TWENTY DOLLARS.

36 S 6. The alcoholic beverage control law is amended by adding a new  
37 section 77 to read as follows:

38 S 77. CUSTOM WINEMAKERS' CENTER. 1. ANY PERSON MAY APPLY TO THE  
39 AUTHORITY ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND NINETEEN FOR  
40 A CUSTOM WINEMAKERS' CENTER LICENSE AS PROVIDED FOR IN THIS SECTION TO  
41 OPERATE A CUSTOM WINEMAKERS' CENTER FACILITY AND PROVIDE INDIVIDUALS  
42 WITH RENTAL SPACE, THE USE OF EQUIPMENT AND STORAGE FACILITIES, AND/OR  
43 FRUIT FOR THE PRODUCTION OF WINE BY SUCH INDIVIDUALS FOR PERSONAL HOUSE-  
44 HOLD USE AND NOT FOR RESALE IN ACCORDANCE WITH STATE AND FEDERAL LAWS,  
45 RULES, AND REGULATIONS AUTHORIZING SUCH PRODUCTION. SUCH APPLICATION  
46 SHALL BE IN WRITING AND VERIFIED AND SHALL CONTAIN SUCH INFORMATION AS  
47 THE AUTHORITY SHALL REQUIRE, PROVIDED, HOWEVER, THE HOLDER OF SUCH  
48 LICENSE UNDER THIS SECTION MAY RENEW SUCH LICENSE ON OR AFTER DECEMBER  
49 THIRTY-FIRST, TWO THOUSAND NINETEEN. SUCH APPLICATION SHALL BE ACCOMPA-  
50 NIED BY A CHECK OR DRAFT FOR THE AMOUNT REQUIRED BY THIS ARTICLE FOR  
51 SUCH LICENSE. IF THE AUTHORITY GRANTS THE APPLICATION, IT SHALL ISSUE A  
52 LICENSE IN SUCH FORM AS SHALL BE DETERMINED BY ITS RULES. SUCH LICENSE  
53 SHALL CONTAIN A DESCRIPTION OF THE LICENSED PREMISES AND IN FORM AND IN  
54 SUBSTANCE SHALL BE A LICENSE TO THE PERSON THEREIN SPECIFICALLY DESIG-  
55 NATED TO OPERATE SUCH CENTER TO MANUFACTURE WINE FOR PERSONAL HOUSEHOLD  
56 USE IN THE PREMISES THEREIN SPECIFICALLY LICENSED.

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

5 3. A CUSTOM WINEMAKERS' CENTER LICENSE SHALL AUTHORIZE THE HOLDER  
6 THEREOF TO OPERATE A FACILITY FOR INDIVIDUALS TO RENT SPACE, EQUIPMENT,  
7 AND STORAGE FACILITIES AND, IF NECESSARY, TO PURCHASE FRUIT TO MANUFAC-  
8 TURE WINE FOR PERSONAL HOUSEHOLD USE PROVIDED THAT THE MANUFACTURE AND  
9 PRODUCTION OF WINE FOR PERSONAL HOUSEHOLD CONSUMPTION AND USE IS DONE IN  
10 ACCORDANCE WITH STATE AND FEDERAL LAWS AND REGULATIONS. SUCH A LICENSE  
11 SHALL ALSO AUTHORIZE THE LICENSEE, PROVIDED SUCH ACTIVITIES ARE PERMIT-  
12 TED BY THE FEDERAL ALCOHOL AND TOBACCO TAX AND TRADE BUREAU FOR THE  
13 MANUFACTURE OF TAX EXEMPT WINE FOR PERSONAL HOUSEHOLD USE, TO:

14 (A) CONDUCT TRAINING CLASSES ON HOW TO MANUFACTURE WINE; AND

15 (B) CONDUCT WINE TASTINGS FOR THOSE INDIVIDUALS TAKING SUCH CLASSES  
16 AND/OR USING SUCH FACILITIES FOR THE PRODUCTION OF WINE AT THE LICENSED  
17 FACILITY PROVIDED THAT THE TASTINGS SHALL BE SUBJECT TO THE FOLLOWING  
18 LIMITATIONS:

19 (I) TASTINGS SHALL BE CONDUCTED BY THE LICENSEE OR BY AN OFFICIAL  
20 AGENT OF THE LICENSEE. SUCH LICENSEE OR AGENT SHALL BE PHYSICALLY PRES-  
21 ENT AT ALL TIMES DURING THE CONDUCT OF THE TASTINGS; AND

22 (II) ANY LIABILITY STEMMING FROM A RIGHT OF ACTION RESULTING FROM A  
23 TASTING OF WINE AS AUTHORIZED HEREIN AND IN ACCORDANCE WITH THE  
24 PROVISIONS OF SECTIONS 11-100 AND 11-101 OF THE GENERAL OBLIGATIONS LAW,  
25 SHALL ACCRUE TO SUCH CENTER.

26 4. THE CUSTOM WINEMAKERS' CENTER LICENSEE SHALL BE SUBJECT TO THE  
27 SUPERVISION OF THE AUTHORITY TO ENSURE THAT THE LICENSEE AND THE INDI-  
28 VIDUALS UTILIZING SUCH CENTER ARE IN COMPLIANCE WITH THE PROVISIONS OF  
29 THIS CHAPTER, STATE LAWS, RULES, AND REGULATIONS, AND THE LAWS, RULES,  
30 AND REGULATIONS OF THE FEDERAL ALCOHOL AND TOBACCO TAX AND TRADE BUREAU.

31 5. THE LICENSEE OR AN OFFICIAL AGENT OF THE LICENSEE SHALL BE PHYS-  
32 ICALLY PRESENT AT ALL TIMES DURING THE FACILITY'S HOURS OF OPERATIONS.

33 6. THE ANNUAL AGGREGATE PRODUCTION OF WINE AT ANY SUCH CENTER FOR ALL  
34 INDIVIDUALS MAKING WINE AT SUCH PREMISES, PURSUANT TO A CUSTOM WINEMAK-  
35 ERS' CENTER LICENSE, SHALL NOT EXCEED THE PRODUCTION LIMITS SET FORTH BY  
36 THE AUTHORITY THAT ARE COMMENSURATE WITH A NON-COMMERCIAL PRODUCTION  
37 FACILITY. PROVIDED THAT SUCH AGGREGATE PRODUCTION LIMIT SHALL NOT BE  
38 OFFSET BY WINE PRODUCED AT SUCH FACILITY UNDER A WINERY'S LICENSE OR  
39 FARM WINERY LICENSE.

40 7. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE AUTHORITY  
41 MAY ISSUE A CUSTOM WINEMAKERS' CENTER LICENSE TO THE HOLDER OF A FARM  
42 WINERY OR WINERY LICENSE FOR USE AT SUCH LICENSEE'S EXISTING LICENSED  
43 PREMISES.

44 8. THE AUTHORITY IS HEREBY AUTHORIZED TO PROMULGATE RULES AND REGU-  
45 LATIONS TO EFFECTUATE THE PURPOSES OF THIS SECTION.

46 9. THE LICENSEE MUST MAINTAIN A RECORD OF THE NAME, ADDRESS, AND  
47 CONTACT INFORMATION OF THE INDIVIDUAL OR INDIVIDUALS THAT HAVE USED SUCH  
48 FACILITY AND THE ANNUAL AMOUNT OF WINE PRODUCED BY EACH INDIVIDUAL AT  
49 THE FACILITY PURSUANT TO THE RULES OF THE AUTHORITY.

50 S 7. Section 83 of the alcoholic beverage control law is amended by  
51 adding a new subdivision 9 to read as follows:

52 9. THE ANNUAL FEE FOR A LICENSE TO OPERATE A CUSTOM WINEMAKERS' CENTER  
53 SHALL BE THREE HUNDRED TWENTY DOLLARS.

54 S 8. This act shall take effect on the one hundred eightieth day after  
55 it shall have become a law.