

5333

2015-2016 Regular Sessions

I N S E N A T E

May 13, 2015

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and
when printed to be committed to the Committee on Commerce, Economic
Development and Small Business

AN ACT to amend the alcoholic beverage control law, in relation to alco-
hol tastings

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The alcoholic beverage control law is amended by adding a
2 new section 54-b to read as follows:
3 S 54-B. BEER TASTING. IN ADDITION TO AS OTHERWISE PROVIDED FOR IN THIS
4 CHAPTER, ANY PERSON LICENSED TO SELL BEER AT RETAIL PURSUANT TO SECTION
5 FIFTY-FOUR, SECTION FIFTY-FOUR-A, OR SECTION FIFTY-FIVE OF THIS ARTICLE
6 SHALL BE PERMITTED TO CONDUCT CONSUMER TASTINGS OF BEER UPON SUCH
7 PERSON'S LICENSED PREMISES. TASTINGS CONDUCTED PURSUANT TO THIS SECTION
8 SHALL BE SUBJECT TO THE PROVISIONS OF SECTION ONE HUNDRED TWO-A OF THIS
9 CHAPTER.
10 S 2. The alcoholic beverage control law is amended by adding a new
11 section 59-a to read as follows:
12 S 59-A. CIDER TASTING. IN ADDITION TO AS OTHERWISE PROVIDED FOR IN
13 THIS CHAPTER, ANY PERSON AUTHORIZED TO SELL CIDER AT RETAIL PURSUANT TO
14 SECTION FIFTY-NINE OF THIS ARTICLE SHALL BE PERMITTED TO CONDUCT CONSUM-
15 ER TASTINGS OF CIDER UPON SUCH PERSON'S LICENSED PREMISES. TASTINGS
16 CONDUCTED PURSUANT TO THIS SECTION SHALL BE SUBJECT TO THE PROVISIONS OF
17 SECTION ONE HUNDRED TWO-A OF THIS CHAPTER.
18 S 3. Section 63-a of the alcoholic beverage control law, as added by
19 chapter 272 of the laws of 2001, is amended to read as follows:
20 S 63-a. Liquor tasting. 1. Any person licensed pursuant to [section
21 sixty-one or sixty-two of] this article [may] SHALL BE PERMITTED TO
22 conduct consumer tastings of liquor in establishments licensed under
23 [section sixty-three of] this article [to sell alcoholic beverages for
24 off-premises consumption].

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

LBD11064-01-5

2. [All consumer tastings of liquor shall be conducted subject to the following limitations:

(a) tastings of liquor shall be conducted by an official agent of one or more persons licensed pursuant to section sixty-one or sixty-two of this article. Such agent shall be physically present upon the premises at all times during the conducting of the consumer tasting of liquor.

(b) no such person or persons licensed pursuant to section sixty-one or sixty-two of this article, and no official agent thereof, may provide, directly or indirectly: (i) more than a total of three samples of liquor for tasting to a person in one calendar day; or (ii) a sample of liquor for tasting equal to more than one-quarter fluid ounce.

(c) any liability stemming from a right of action resulting from a consumer tasting of liquor authorized by this section and in accordance with the provisions of sections 11-100 and 11-101 of the general obligations law, shall accrue to the persons licensed pursuant to section sixty-one or sixty-two of this article, who conducted such tasting.]
TASTINGS CONDUCTED PURSUANT TO THIS SECTION SHALL BE SUBJECT TO THE PROVISIONS OF SECTION ONE HUNDRED TWO-A OF THIS CHAPTER.

[3. The state liquor authority shall promulgate rules and regulations regarding liquor tastings as provided for in this section.]

S 4. Section 80 of the alcoholic beverage control law, as amended by chapter 221 of the laws of 2011, is amended to read as follows:

S 80. Wine tasting. 1. Except as otherwise provided for in this chapter, any person licensed to sell wine pursuant to this article, or section sixty-three [or section seventy-nine] of this chapter, shall be permitted to conduct CONSUMER [wine] tastings OF WINE only upon [the] SUCH PERSON'S licensed premises. [Wine tastings which are conducted under the auspices of an official agent of a farm winery, winery, wholesaler, or importer and where such agent is physically present at all times during the conduct of the tasting, then, in that event, any liability stemming from a right of action resulting from a wine tasting as authorized herein, and in accordance with the provisions of sections 11-100 and 11-101 of the general obligations law, shall accrue to the farm winery, winery, wholesaler, or importer.]

2. In addition to such other wine tastings permitted under this chapter, licensed farm wineries, wineries, and wine wholesalers may apply for a permit, pursuant to paragraph k of subdivision one of section ninety-nine-b of this chapter, to conduct wine tastings. Such permits shall be valid throughout the state and may be issued on an annual basis or for individual events. Each such permit and the exercise of the privilege granted thereby shall be subject to such rules of the liquor authority as it deems necessary.

3. TASTINGS CONDUCTED PURSUANT TO THIS SECTION SHALL BE SUBJECT TO THE PROVISIONS OF SECTION ONE HUNDRED TWO-A OF THIS CHAPTER.

S 5. The alcoholic beverage control law is amended by adding a new section 102-a to read as follows:

S 102-A. TASTINGS OF ALCOHOLIC BEVERAGES. ANY TASTING CONDUCTED PURSUANT TO SECTION FIFTY-FOUR-B, FIFTY-NINE-A, SIXTY-THREE-A, OR EIGHTY OF THIS CHAPTER SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE SITE OF THE TASTING SHALL BE SUBJECT TO INSPECTION DURING THE TASTING BY THE AUTHORITY.

2. A FEE OF NO MORE THAN ONE DOLLAR MAY BE CHARGED FOR THE TASTING, PROVIDED HOWEVER THAT NO PERSON LICENSED TO SELL ALCOHOLIC BEVERAGES AT RETAIL FOR OFF-PREMISES CONSUMPTION SHALL CHARGE ANY FEE FOR A TASTING.

3. EACH SAMPLE SHALL BE LIMITED:

1 (A) IN THE CASE OF BEER, WINE PRODUCTS AND CIDER, TO THREE OUNCES OR
2 LESS.

3 (B) IN THE CASE OF WINE, TO TWO OUNCES OR LESS.

4 (C) IN THE CASE OF LIQUOR, TO ONE-QUARTER OUNCE OR LESS. PROVIDED,
5 HOWEVER, THAT THE LIQUOR MAY BE MIXED WITH NO MORE THAN TWO OUNCES OF A
6 NON-ALCOHOLIC BEVERAGE.

7 4. NO TASTING SHALL BE HELD DURING THE HOURS PROHIBITED BY THE
8 PROVISIONS OF SECTIONS ONE HUNDRED FIVE AND ONE HUNDRED FIVE-A OF THIS
9 CHAPTER; PROVIDED, HOWEVER, THAT A LICENSED WINERY OR LICENSED FARM
10 WINERY MAY CONDUCT TASTINGS OF WINE AND WINE PRODUCTS FOR CONSUMPTION
11 OFF THE PREMISES BETWEEN THE HOURS OF TEN O'CLOCK IN THE MORNING AND
12 MIDNIGHT ON SUNDAYS.

13 5. THE TASTING SHALL BE CONDUCTED BY THE LICENSEE OR AN AUTHORIZED
14 AGENT OF THE LICENSEE; PROVIDED, HOWEVER, THAT WITH RESPECT TO BEER AND
15 CIDER TASTINGS, A LICENSED BEER WHOLESALER SHALL NOT SERVE AS THE
16 AUTHORIZED AGENT FOR ANOTHER ENTITY, NOR SHALL A LICENSED BEER WHOLE-
17 SALER BE INVOLVED IN ANY MANNER WITH A BEER OR CIDER TASTING CONDUCTED
18 BY ANOTHER ENTITY.

19 6. ANY LIABILITY STEMMING FROM A RIGHT OF ACTION RESULTING FROM SUCH
20 TASTING, AND IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 11-100 AND
21 11-101 OF THE GENERAL OBLIGATIONS LAW, SHALL ACCRUE TO THE LICENSEE OR
22 PERMIT HOLDER.

23 7. ALL ALCOHOLIC BEVERAGES USED FOR ANY TASTING SHALL BE IN THE
24 ORIGINAL CONTAINERS AND MUST COMPLY WITH ANY ONE OF THE FOLLOWING:

25 (A) SECTION ONE HUNDRED SEVEN-A OF THIS CHAPTER AND THE RULES OF THE
26 AUTHORITY REGARDING BRAND LABEL REGISTRATION; OR

27 (B) HAVE RECEIVED A CERTIFICATE OF LABEL APPROVAL FROM THE FEDERAL TAX
28 AND TRADE BUREAU; OR

29 (C) HAVE AN EXEMPTION FROM A CERTIFICATE OF LABEL APPROVAL REGISTRA-
30 TION ISSUED BY THE FEDERAL TAX AND TRADE BUREAU.

31 S 6. This act shall take effect on the thirtieth day after it shall
32 have become a law.