

5333--A

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 -- 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 alcohol tasting

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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. ANY PERSON HOLDING A RETAIL LICENSE TO SELL BEER  
4 UNDER THIS CHAPTER SHALL BE PERMITTED TO CONDUCT CONSUMER TASTINGS OF  
5 BEER UPON SUCH PERSON'S LICENSED PREMISES. ALL SUCH TASTINGS SHALL BE  
6 SUBJECT TO THE FOLLOWING LIMITATIONS:  
7 (A) TASTINGS OF BEER SHALL BE CONDUCTED BY THE LICENSEE OR AN AUTHOR-  
8 IZED AGENT OF THE LICENSEE. PROVIDED, HOWEVER, A LICENSED BEER OR CIDER  
9 WHOLESALER SHALL NOT SERVE AS THE AUTHORIZED AGENT FOR ANOTHER ENTITY,  
10 NOR SHALL A LICENSED BEER OR CIDER WHOLESALER BE INVOLVED IN ANY MANNER  
11 WITH A BEER TASTING CONDUCTED BY ANOTHER ENTITY.  
12 (B) NO MORE THAN THREE SAMPLES OF BEER MAY BE PROVIDED TO A PERSON IN  
13 ONE CALENDAR DAY.  
14 (C) NO SAMPLE MAY EXCEED THREE FLUID OUNCES.  
15 (D) NO TASTING SHALL BE HELD DURING THE HOURS PROHIBITED BY THE  
16 PROVISIONS OF SECTIONS ONE HUNDRED FIVE AND ONE HUNDRED FIVE-A OF THIS  
17 CHAPTER.  
18 (E) ANY LIABILITY STEMMING FROM A RIGHT OF ACTION RESULTING FROM A  
19 TASTING AUTHORIZED BY THIS SECTION AND IN ACCORDANCE WITH THE PROVISIONS  
20 OF SECTIONS 11-100 AND 11-101 OF THE GENERAL OBLIGATIONS LAW SHALL  
21 ACCRUE TO THE LICENSEE.  
22 (F) NO PERSON UNDER THE AGE OF TWENTY-ONE SHALL BE PERMITTED TO SERVE  
23 A SAMPLE OR HANDLE AN OPEN CONTAINER OF BEER.

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 59-a to read as follows:

3 S 59-A. CIDER TASTING. ANY PERSON HOLDING A RETAIL LICENSE UNDER THIS  
4 CHAPTER SHALL BE PERMITTED TO CONDUCT CONSUMER TASTINGS OF CIDER UPON  
5 SUCH PERSON'S LICENSED PREMISES. ALL SUCH TASTINGS SHALL BE SUBJECT TO  
6 THE FOLLOWING LIMITATIONS:

7 (A) TASTINGS OF CIDER SHALL BE CONDUCTED BY THE LICENSEE OR AN AUTHOR-  
8 IZED AGENT OF THE LICENSEE. PROVIDED, HOWEVER, A LICENSED BEER OR CIDER  
9 WHOLESALER SHALL NOT SERVE AS THE AUTHORIZED AGENT FOR ANOTHER ENTITY,  
10 NOR SHALL A LICENSED BEER OR CIDER WHOLESALER BE INVOLVED IN ANY MANNER  
11 WITH A CIDER TASTING CONDUCTED BY ANOTHER ENTITY.

12 (B) NO MORE THAN THREE SAMPLES OF CIDER MAY BE PROVIDED TO A PERSON IN  
13 ONE CALENDAR DAY.

14 (C) NO SAMPLE MAY EXCEED THREE FLUID OUNCES.

15 (D) NO TASTING SHALL BE HELD DURING THE HOURS PROHIBITED BY THE  
16 PROVISIONS OF SECTION ONE HUNDRED FIVE AND ONE HUNDRED FIVE-A OF THIS  
17 CHAPTER.

18 (E) ANY LIABILITY STEMMING FROM A RIGHT OF ACTION RESULTING FROM A  
19 TASTING AUTHORIZED BY THIS SECTION AND IN ACCORDANCE WITH THE PROVISIONS  
20 OF SECTIONS 11-100 AND 11-101 OF THE GENERAL OBLIGATIONS LAW SHALL  
21 ACCRUE TO THE LICENSEE.

22 (F) NO PERSON UNDER THE AGE OF TWENTY-ONE SHALL BE PERMITTED TO SERVE  
23 A SAMPLE OR HANDLE AN OPEN CONTAINER OF CIDER.

24 S 3. Section 63-a of the alcoholic beverage control law, as added by  
25 chapter 272 of the laws of 2001, is amended to read as follows:

26 S 63-a. Liquor tasting. 1. (A) Any person licensed pursuant to section  
27 sixty-one or sixty-two of this article [may] SHALL BE PERMITTED TO  
28 conduct consumer tastings of liquor in establishments licensed under  
29 section sixty-three of this article to sell alcoholic beverages for  
30 off-premises consumption. (B) ANY PERSON HOLDING A RETAIL LICENSE TO  
31 SELL LIQUOR UNDER THIS CHAPTER SHALL BE PERMITTED TO CONDUCT CONSUMER  
32 TASTINGS OF LIQUOR UPON SUCH PERSON'S LICENSED PREMISES.

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

35 (a) tastings of liquor shall be conducted by THE LICENSEE OR an [offi-  
36 cial] AUTHORIZED agent of [one or more persons licensed pursuant to  
37 section sixty-one or sixty-two of this article] THE LICENSEE. Such  
38 LICENSEE OR agent shall be physically present upon the premises at all  
39 times during the conducting of the consumer tasting of liquor.

40 (b) no [such person or persons licensed pursuant to section sixty-one  
41 or sixty-two of this article, and no official agent thereof, may  
42 provide, directly or indirectly: (i)] more than a total of three samples  
43 of liquor MAY BE PROVIDED for tasting to a person in one calendar day[;  
44 or (ii) a].

45 (C) NO sample of liquor for tasting [equal to more than] MAY EXCEED  
46 one-quarter fluid ounce.

47 [(c)] (D) any liability stemming from a right of action resulting from  
48 a consumer tasting of liquor authorized by this section and in accord-  
49 ance with the provisions of sections 11-100 and 11-101 of the general  
50 obligations law, shall accrue to the [persons licensed pursuant to  
51 section sixty-one or sixty-two of this article] LICENSEE, who conducted  
52 such tasting.

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

55 S 4. This act shall take effect on the thirtieth day after it shall  
56 have become a law.