

1100--A

2015-2016 Regular Sessions

I N A S S E M B L Y

January 8, 2015

Introduced by M. of A. MAGEE, LUPARDO -- Multi-Sponsored by -- M. of A. CLARK -- read once and referred to the Committee on Agriculture -- reference changed to the Committee on Economic Development -- 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 incubator beer 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. "INCUBATOR BEER CENTER" MEANS A FACILITY THAT PROVIDES ONE OR
4 MORE INDIVIDUALS WITH RENTAL SPACE, THE USE OF EQUIPMENT AND STORAGE
5 FACILITIES, AND/OR BEER MAKING SUPPLIES TO MANUFACTURE BEER FOR PERSONAL
6 USE AND NOT FOR RESALE IN ACCORDANCE WITH STATE AND FEDERAL LAWS, RULES,
7 AND REGULATIONS, AND WHICH THE FEDERAL ALCOHOL AND TOBACCO TAX AND TRADE
8 BUREAU DEEMS TO BE TAX EXEMPT BEER TO BE USED FOR PERSONAL USE PURSUANT
9 TO 27 CFR 25.205, ET. SEQ.
10 14-B. "INCUBATOR CIDER CENTER" MEANS A FACILITY THAT PROVIDES ONE OR
11 MORE INDIVIDUALS WITH RENTAL SPACE, THE USE OF EQUIPMENT AND STORAGE
12 FACILITIES, AND/OR FRUIT TO MANUFACTURE CIDER FOR PERSONAL USE AND NOT
13 FOR RESALE IN ACCORDANCE WITH STATE AND FEDERAL LAWS, RULES AND REGU-
14 LATIONS, AND WHICH THE FEDERAL ALCOHOL AND TOBACCO TAX AND TRADE BUREAU
15 DEEMS TO BE TAX EXEMPT CIDER TO BE USED FOR PERSONAL USE PURSUANT TO 27
16 CFR 24.75.
17 14-C. "INCUBATOR WINE CENTER" MEANS A FACILITY THAT PROVIDES ONE OR
18 MORE INDIVIDUALS WITH RENTAL SPACE, THE USE OF EQUIPMENT AND STORAGE
19 FACILITIES, AND/OR FRUIT TO MANUFACTURE WINE FOR PERSONAL USE AND NOT
20 FOR RESALE IN ACCORDANCE WITH STATE AND FEDERAL LAWS, RULES AND REGU-
21 LATIONS, AND WHICH THE FEDERAL ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

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

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DEEMS TO BE TAX EXEMPT WINE TO BE USED FOR PERSONAL USE PURSUANT TO 27 CFR 24.75.

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

S 52. INCUBATOR BEER CENTER. 1. ANY PERSON MAY APPLY TO THE AUTHORITY ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND SEVENTEEN FOR AN INCUBATOR BEER CENTER LICENSE AS PROVIDED FOR IN THIS SECTION TO OPERATE AN INCUBATOR BEER CENTER FACILITY AND PROVIDE INDIVIDUALS WITH RENTAL SPACE, THE USE OF EQUIPMENT AND STORAGE FACILITIES, AND/OR BEER MAKING SUPPLIES FOR THE PRODUCTION OF BEER BY SUCH INDIVIDUALS FOR PERSONAL HOUSEHOLD USE AND NOT FOR RESALE IN ACCORDANCE WITH STATE AND FEDERAL LAWS, RULES, AND REGULATIONS AUTHORIZING SUCH PRODUCTION. SUCH APPLICATION SHALL BE IN WRITING AND VERIFIED AND SHALL CONTAIN SUCH INFORMATION AS THE AUTHORITY SHALL REQUIRE, PROVIDED, HOWEVER, THE HOLDER OF A LICENSE UNDER THIS SECTION MAY RENEW SUCH LICENSE ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND SEVENTEEN. SUCH APPLICATION SHALL BE ACCOMPANIED BY A CHECK OR DRAFT FOR THE AMOUNT REQUIRED BY THIS ARTICLE FOR SUCH LICENSE. IF THE AUTHORITY GRANTS THE APPLICATION, IT SHALL ISSUE A LICENSE IN SUCH FORM AS SHALL BE DETERMINED BY ITS RULES. SUCH LICENSE SHALL CONTAIN A DESCRIPTION OF THE LICENSED PREMISES AND IN FORM AND IN SUBSTANCE SHALL BE A LICENSE TO THE PERSON THEREIN SPECIFICALLY DESIGNATED TO OPERATE INCUBATOR SPACE TO MANUFACTURE BEER FOR PERSONAL USE IN THE PREMISES THEREIN SPECIFICALLY LICENSED.

2. FOR THE PURPOSES OF THIS SECTION, "BEER MAKING SUPPLIES" SHALL MEAN HOPS, GRAINS, MALTED GRAINS, WORT, SUGARS, YEASTS, WATER, FRUITS, FRUIT JUICES, AND OTHER AGRICULTURAL PRODUCTS INCLUDING, BUT NOT LIMITED TO, HONEY AND FLOWERS, THAT ARE GROWN OR PRODUCED IN THE STATE OF NEW YORK, IN QUANTITY AMOUNTS AS DETERMINED BY THE AUTHORITY AND SHALL BE GOVERNED BY PARAGRAPH (B) OF SUBDIVISION ELEVEN OF SECTION FIFTY-ONE-A OF THIS ARTICLE.

3. AN INCUBATOR BEER CENTER LICENSE SHALL AUTHORIZE THE HOLDER THEREOF TO OPERATE A FACILITY FOR INDIVIDUALS TO RENT SPACE, EQUIPMENT, AND STORAGE FACILITIES AND, IF NECESSARY, TO PURCHASE BEER MAKING SUPPLIES TO MANUFACTURE BEER FOR PERSONAL USE PROVIDED THAT THE MANUFACTURE AND PRODUCTION OF BEER FOR PERSONAL CONSUMPTION AND USE IS DONE IN ACCORDANCE WITH STATE AND FEDERAL LAWS AND REGULATIONS. SUCH A LICENSE SHALL ALSO AUTHORIZE THE LICENSEE TO:

(A) CONDUCT TRAINING CLASSES ON HOW TO MANUFACTURE BEER PROVIDED THAT THE AUTHORITY ESTABLISHES MINIMUM CREDENTIAL REQUIREMENTS FOR THE TEACHER; AND

(B) CONDUCT TASTINGS FOR THOSE INDIVIDUALS TAKING CLASSES AND/OR USING SUCH FACILITY FOR BREWING PURPOSES AT THE LICENSED FACILITY OF BEER MANUFACTURED AT THE LICENSED FACILITY PROVIDED THAT THE TASTINGS SHALL BE SUBJECT TO THE FOLLOWING LIMITATIONS:

(I) TASTINGS SHALL BE CONDUCTED BY THE LICENSEE OR BY AN OFFICIAL AGENT, REPRESENTATIVE OR SOLICITOR OF THE LICENSEE. SUCH LICENSEE, AGENT, REPRESENTATIVE OR SOLICITOR SHALL BE PHYSICALLY PRESENT AT ALL TIMES DURING THE CONDUCT OF THE TASTINGS; AND

(II) ANY LIABILITY STEMMING FROM A RIGHT OF ACTION RESULTING FROM A TASTING OF BEER 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 INCUBATOR BEER CENTER.

4. THE INCUBATOR BEER CENTER LICENSEE SHALL BE SUBJECT TO THE SUPERVISION OF THE AUTHORITY TO ENSURE THAT THE LICENSEE AND THE INDIVIDUALS UTILIZING THE INCUBATOR BEER CENTER ARE IN COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER, STATE LAWS, RULES, AND REGULATIONS, AND THE

1 LAWS, RULES, AND REGULATIONS OF THE FEDERAL ALCOHOL AND TOBACCO TAX AND
2 TRADE BUREAU RELATING TO SUCH INCUBATOR BEER CENTERS.

3 5. THE LICENSEE OR AN OFFICIAL AGENT, REPRESENTATIVE OR SOLICITOR OF
4 THE LICENSEE SHALL BE PHYSICALLY PRESENT AT ALL TIMES DURING THE FACILI-
5 TY'S HOURS OF OPERATIONS.

6 6. THE ANNUAL AGGREGATE PRODUCTION OF BEER AT ANY INCUBATOR BEER
7 CENTER PREMISES FOR ALL INDIVIDUALS MAKING BEER AT SUCH PREMISES, PURSU-
8 ANT TO AN INCUBATOR BEER CENTER LICENSE, SHALL NOT EXCEED THE PRODUCTION
9 LIMITS SET BY THE AUTHORITY THAT ARE COMMENSURATE WITH A NON-COMMERCIAL
10 PRODUCTION FACILITY. PROVIDED THAT SUCH AGGREGATE PRODUCTION LIMIT SHALL
11 NOT BE OFFSET BY BEER PRODUCED AT SUCH FACILITY UNDER A BREWER'S LICENSE
12 OR FARM BREWERY LICENSE.

13 7. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE AUTHORITY
14 MAY ISSUE AN INCUBATOR BEER CENTER LICENSE TO THE HOLDER OF A FARM BREW-
15 ERY OR BREWERY LICENSE FOR USE AT SUCH LICENSEE'S EXISTING LICENSED
16 PREMISES.

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

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

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

25 11. THE ANNUAL FEE FOR A LICENSE TO OPERATE AN INCUBATOR BEER CENTER
26 SHALL BE THREE HUNDRED TWENTY DOLLARS.

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

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

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

21 3. If the authority shall deny an application filed pursuant to this
22 chapter it shall return the annual fee to the applicant and retain the
23 filing fee.

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

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

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

48 3. AN INCUBATOR CIDER CENTER LICENSE SHALL AUTHORIZE THE HOLDER THERE-
49 OF TO OPERATE A FACILITY FOR INDIVIDUALS TO RENT SPACE, EQUIPMENT, AND
50 STORAGE FACILITIES AND, IF NECESSARY, TO PURCHASE FRUIT TO MANUFACTURE
51 CIDER FOR PERSONAL USE PROVIDED THAT THE MANUFACTURE AND PRODUCTION OF
52 CIDER FOR PERSONAL CONSUMPTION AND USE IS DONE IN ACCORDANCE WITH STATE
53 AND FEDERAL LAWS AND REGULATIONS. SUCH A LICENSE SHALL ALSO AUTHORIZE
54 THE LICENSEE TO:

1 (A) CONDUCT TRAINING CLASSES ON HOW TO MANUFACTURE CIDER PROVIDED THAT
2 THE AUTHORITY ESTABLISHES MINIMUM CREDENTIAL REQUIREMENTS FOR THE TEACH-
3 ER; AND

4 (B) CONDUCT TASTINGS FOR THOSE INDIVIDUALS TAKING CLASSES AND/OR USING
5 SUCH FACILITY FOR THE PRODUCTION OF CIDER AT THE LICENSED FACILITY OF
6 CIDER MANUFACTURED AT THE LICENSED FACILITY PROVIDED THAT THE TASTINGS
7 SHALL BE SUBJECT TO THE FOLLOWING LIMITATIONS:

8 (I) TASTINGS SHALL BE CONDUCTED BY THE LICENSEE OR BY AN OFFICIAL
9 AGENT, REPRESENTATIVE OR SOLICITOR OF THE LICENSEE. SUCH LICENSEE,
10 AGENT, REPRESENTATIVE OR SOLICITOR SHALL BE PHYSICALLY PRESENT AT ALL
11 TIMES DURING THE CONDUCT OF THE TASTINGS; AND

12 (II) ANY LIABILITY STEMMING FROM A RIGHT OF ACTION RESULTING FROM A
13 TASTING OF CIDER AS AUTHORIZED HEREIN AND IN ACCORDANCE WITH THE
14 PROVISIONS OF SECTIONS 11-100 AND 11-101 OF THE GENERAL OBLIGATIONS LAW,
15 SHALL ACCRUE TO THE INCUBATOR CIDER CENTER.

16 4. THE INCUBATOR CIDER CENTER LICENSEE SHALL BE SUBJECT TO THE SUPER-
17 VISION OF THE AUTHORITY TO ENSURE THAT THE LICENSEE AND THE INDIVIDUALS
18 UTILIZING THE INCUBATOR CIDER CENTER ARE IN COMPLIANCE WITH THE
19 PROVISIONS OF THIS CHAPTER, STATE LAWS, RULES, AND REGULATIONS, AND THE
20 LAWS, RULES, AND REGULATIONS OF THE FEDERAL ALCOHOL AND TOBACCO TAX AND
21 TRADE BUREAU RELATING TO SUCH INCUBATOR CIDER CENTERS.

22 5. THE LICENSEE OR AN OFFICIAL AGENT, REPRESENTATIVE OR SOLICITOR OF
23 THE LICENSEE SHALL BE PHYSICALLY PRESENT AT ALL TIMES DURING THE FACILI-
24 TY'S HOURS OF OPERATIONS.

25 6. THE ANNUAL AGGREGATE PRODUCTION OF CIDER AT ANY INCUBATOR CIDER
26 CENTER PREMISES FOR ALL INDIVIDUALS MAKING CIDER AT SUCH PREMISES,
27 PURSUANT TO AN INCUBATOR CIDER CENTER LICENSE, SHALL NOT EXCEED THE
28 PRODUCTION LIMITS SET FORTH BY THE AUTHORITY THAT ARE COMMENSURATE WITH
29 A NON-COMMERCIAL PRODUCTION FACILITY. PROVIDED THAT SUCH AGGREGATE
30 PRODUCTION LIMIT SHALL NOT BE OFFSET BY CIDER PRODUCED AT SUCH FACILITY
31 UNDER A CIDERY LICENSE OR FARM CIDERY LICENSE.

32 7. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE AUTHORITY
33 MAY ISSUE AN INCUBATOR CIDER CENTER LICENSE TO THE HOLDER OF A FARM
34 CIDERY OR CIDERY LICENSE FOR USE AT SUCH LICENSEE'S EXISTING LICENSED
35 PREMISES.

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

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

42 10. THE ANNUAL FEE FOR A LICENSE TO OPERATE AN INCUBATOR CIDER CENTER
43 SHALL BE THREE HUNDRED TWENTY DOLLARS.

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

46 S 77. INCUBATOR WINE CENTER. 1. ANY PERSON MAY APPLY TO THE AUTHORITY
47 ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND SEVENTEEN FOR AN INCU-
48 BATOR WINE CENTER LICENSE AS PROVIDED FOR IN THIS SECTION TO OPERATE AN
49 INCUBATOR WINE CENTER FACILITY AND PROVIDE INDIVIDUALS WITH RENTAL
50 SPACE, THE USE OF EQUIPMENT AND STORAGE FACILITIES, AND/OR FRUIT FOR THE
51 PRODUCTION OF WINE BY SUCH INDIVIDUALS FOR PERSONAL HOUSEHOLD USE AND
52 NOT FOR RESALE IN ACCORDANCE WITH STATE AND FEDERAL LAWS, RULES, AND
53 REGULATIONS AUTHORIZING SUCH PRODUCTION. SUCH APPLICATION SHALL BE IN
54 WRITING AND VERIFIED AND SHALL CONTAIN SUCH INFORMATION AS THE AUTHORITY
55 SHALL REQUIRE. SUCH APPLICATION SHALL BE ACCOMPANIED BY A CHECK OR DRAFT
56 FOR THE AMOUNT REQUIRED BY THIS ARTICLE FOR SUCH LICENSE. IF THE AUTHOR-

1 ITY GRANTS THE APPLICATION, IT SHALL ISSUE A LICENSE IN SUCH FORM AS
2 SHALL BE DETERMINED BY ITS RULES. SUCH LICENSE SHALL CONTAIN A
3 DESCRIPTION OF THE LICENSED PREMISES AND IN FORM AND IN SUBSTANCE SHALL
4 BE A LICENSE TO THE PERSON THEREIN SPECIFICALLY DESIGNATED TO OPERATE
5 INCUBATOR SPACE TO MANUFACTURE WINE FOR PERSONAL USE IN THE PREMISES
6 THEREIN SPECIFICALLY LICENSED.

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

11 3. AN INCUBATOR WINE CENTER LICENSE SHALL AUTHORIZE THE HOLDER THEREOF
12 TO OPERATE A FACILITY FOR INDIVIDUALS TO RENT SPACE, EQUIPMENT, AND
13 STORAGE FACILITIES AND, IF NECESSARY, TO PURCHASE FRUIT TO MANUFACTURE
14 WINE FOR PERSONAL USE PROVIDED THAT THE MANUFACTURE AND PRODUCTION OF
15 WINE FOR PERSONAL CONSUMPTION AND USE IS DONE IN ACCORDANCE WITH STATE
16 AND FEDERAL LAWS AND REGULATIONS. SUCH A LICENSE SHALL ALSO AUTHORIZE
17 THE LICENSEE TO:

18 (A) CONDUCT TRAINING CLASSES ON HOW TO MANUFACTURE WINE PROVIDED THAT
19 THE AUTHORITY ESTABLISHES MINIMUM CREDENTIAL REQUIREMENTS FOR THE TEACH-
20 ER; AND

21 (B) CONDUCT TASTINGS FOR THOSE INDIVIDUALS TAKING CLASSES AND/OR USING
22 SUCH FACILITIES FOR THE PRODUCTION OF WINE AT THE LICENSED FACILITY OF
23 WINE MANUFACTURED AT THE LICENSED FACILITY PROVIDED THAT THE TASTINGS
24 SHALL BE SUBJECT TO THE FOLLOWING LIMITATIONS:

25 (I) TASTINGS SHALL BE CONDUCTED BY THE LICENSEE OR BY AN OFFICIAL
26 AGENT, REPRESENTATIVE OR SOLICITOR OF THE LICENSEE. SUCH LICENSEE,
27 AGENT, REPRESENTATIVE OR SOLICITOR SHALL BE PHYSICALLY PRESENT AT ALL
28 TIMES DURING THE CONDUCT OF THE TASTINGS; AND

29 (II) ANY LIABILITY STEMMING FROM A RIGHT OF ACTION RESULTING FROM A
30 TASTING OF WINE AS AUTHORIZED HEREIN AND IN ACCORDANCE WITH THE
31 PROVISIONS OF SECTIONS 11-100 AND 11-101 OF THE GENERAL OBLIGATIONS LAW,
32 SHALL ACCRUE TO THE INCUBATOR WINE CENTER.

33 4. THE INCUBATOR WINE CENTER LICENSEE SHALL BE SUBJECT TO THE SUPER-
34 VISION OF THE AUTHORITY TO ENSURE THAT THE LICENSEE AND THE INDIVIDUALS
35 UTILIZING THE INCUBATOR WINE CENTER ARE IN COMPLIANCE WITH THE
36 PROVISIONS OF THIS CHAPTER, STATE LAWS, RULES, AND REGULATIONS, AND THE
37 LAWS, RULES, AND REGULATIONS OF THE FEDERAL ALCOHOL AND TOBACCO TAX AND
38 TRADE BUREAU RELATING TO SUCH INCUBATOR WINE CENTERS.

39 5. THE LICENSEE OR AN OFFICIAL AGENT, REPRESENTATIVE OR SOLICITOR OF
40 THE LICENSEE SHALL BE PHYSICALLY PRESENT AT ALL TIMES DURING THE FACILI-
41 TY'S HOURS OF OPERATIONS.

42 6. THE ANNUAL AGGREGATE PRODUCTION OF WINE AT ANY INCUBATOR WINE
43 CENTER PREMISES FOR ALL INDIVIDUALS MAKING WINE AT SUCH PREMISES, PURSU-
44 ANT TO AN INCUBATOR WINE CENTER LICENSE, SHALL NOT EXCEED THE PRODUCTION
45 LIMITS SET FORTH BY THE AUTHORITY THAT ARE COMMENSURATE WITH A NON-COM-
46 MERCIAL PRODUCTION FACILITY. PROVIDED THAT SUCH AGGREGATE PRODUCTION
47 LIMIT SHALL NOT BE OFFSET BY WINE PRODUCED AT SUCH FACILITY UNDER A
48 WINERY'S LICENSE OR FARM WINERY LICENSE.

49 7. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE AUTHORITY
50 MAY ISSUE AN INCUBATOR WINE CENTER LICENSE TO THE HOLDER OF A FARM
51 WINERY OR WINERY LICENSE FOR USE AT SUCH LICENSEE'S EXISTING LICENSED
52 PREMISES.

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

55 9. THE LICENSEE MUST MAINTAIN A RECORD OF THE NAME, ADDRESS, AND
56 CONTACT INFORMATION OF THE INDIVIDUAL OR INDIVIDUALS THAT HAVE USED SUCH

1 FACILITY AND THE ANNUAL AMOUNT OF WINE PRODUCED BY EACH INDIVIDUAL AT
2 THE FACILITY PURSUANT TO THE RULES OF THE AUTHORITY.
3 S 7. Section 83 of the alcoholic beverage control law is amended by
4 adding a new subdivision 9 to read as follows:
5 9. THE ANNUAL FEE FOR A LICENSE TO OPERATE AN INCUBATOR WINE CENTER
6 SHALL BE THREE HUNDRED TWENTY DOLLARS.
7 S 8. This act shall take effect on the thirtieth day after it shall
8 have become a law.