

8043

2015-2016 Regular Sessions

I N A S S E M B L Y

June 4, 2015

Introduced by M. of A. SCHIMMINGER -- read once and referred to the
Committee on Economic Development

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 AUTHORIZED
8 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.
24 S 2. The alcoholic beverage control law is amended by adding a new
25 section 59-a to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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