

# STATE OF NEW YORK

4972--A

2017-2018 Regular Sessions

## IN ASSEMBLY

February 6, 2017

Introduced by M. of A. MAGEE, LUPARDO, DiPIETRO, SKOUFIS, FRIEND, LUPI-  
NACCI, BRABENEC, B. MILLER -- Multi-Sponsored by -- M. of A. LOPEZ,  
McDONOUGH -- read once and referred 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  
promoting economic development by expanding products sold by farm  
cideries and authorizing such cideries to sell cider to other licen-  
sees for resale

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Paragraph (b) of subdivision 3-a of section 58 of the alco-  
2 holic beverage control law, as added by chapter 384 of the laws of 2013,  
3 is amended to read as follows:  
4 (b) conduct tastings at the licensed premises of such cider or any  
5 other New York state labeled cider;  
6 § 2. Paragraph (c) of subdivision 2 of section 58-c of the alcoholic  
7 beverage control law, as added by chapter 384 of the laws of 2013, is  
8 amended to read as follows:  
9 (c) sell cider manufactured by the licensee to wholesalers and retail-  
10 ers licensed in this state to sell such cider, licensed farm distillers,  
11 licensed farm wineries, licensed wineries, licensed farm breweries and  
12 any other licensed farm cidery. All such cider sold by the licensee  
13 shall be securely sealed and have attached thereto a label as shall be  
14 required by section one hundred seven-a of this chapter;  
15 § 3. Paragraphs (b) and (e) of subdivision 7 of section 58-c of the  
16 alcoholic beverage control law, as added by chapter 384 of the laws of  
17 2013, are amended to read as follows:  
18 (b) food items for the purpose of complementing cider tastings, which  
19 shall mean a diversified selection of food that is ordinarily consumed  
20 without the use of tableware and can be conveniently consumed while

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

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1 standing or walking. Such food items shall include but not be limited  
2 to: cheeses, fruits, vegetables, chocolates, breads, baked goods,  
3 mustards and crackers;

4 (e) cider-making equipment and supplies including, but not limited to,  
5 apples, apple juice, other pome fruits, other pome fruit juices, home  
6 cider-making kits, presses, pumps, filters, yeasts, chemicals and other  
7 cider additives, bottling equipment, bottles, cider storage and ferment-  
8 ing vessels, barrels, and books or other written material to assist  
9 cider-makers and home cider-makers to produce and bottle cider;

10 § 4. Subdivision 4 of section 76 of the alcoholic beverage control  
11 law, as amended by chapter 431 of the laws of 2014, is amended to read  
12 as follows:

13 4. A licensed winery may at the licensed premises, conduct tastings  
14 of, and sell at retail for consumption on or off the licensed premises,  
15 any wine or wine product manufactured by the licensee or any New York  
16 state labeled wine or New York state labeled wine product or any New  
17 York state labeled cider. Provided, however, for tastings and sales for  
18 on-premises consumption, the licensee shall regularly keep food avail-  
19 able for sale or service to its retail customers for consumption on the  
20 premises. A licensee providing the following shall be deemed in compli-  
21 ance with this provision: (i) sandwiches, soups or other such foods,  
22 whether fresh, processed, pre-cooked or frozen; and/or (ii) food items  
23 intended to complement the tasting of alcoholic beverages, which shall  
24 mean a diversified selection of food that is ordinarily consumed without  
25 the use of tableware and can be conveniently consumed while standing or  
26 walking, including but not limited to: cheeses, fruits, vegetables,  
27 chocolates, breads, mustards and crackers. All of the provisions of this  
28 chapter relative to licenses to sell wine at retail for consumption on  
29 or off the premises shall apply so far as applicable to such licensee.

30 § 5. This act shall take effect on the one hundred eightieth day after  
31 it shall have become a law; provided, however, that effective immediate-  
32 ly, the addition, amendment and/or repeal of any rule or regulation  
33 necessary for the implementation of this act on its effective date are  
34 authorized and directed to be made and completed on or before such  
35 effective date.