

STATE OF NEW YORK

1078--A

Cal. No. 278

2017-2018 Regular Sessions

IN SENATE

January 6, 2017

Introduced by Sens. VALESKY, AKSHAR, HELMING, KLEIN, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 licensees for resale

The People of the State of New York, represented in Senate and Assembly, 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:

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

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1 (b) food items for the purpose of complementing cider tastings, which
2 shall mean a diversified selection of food that is ordinarily consumed
3 without the use of tableware and can be conveniently consumed while
4 standing or walking. Such food items shall include but not be limited
5 to: cheeses, fruits, vegetables, chocolates, breads, baked goods,
6 mustards and crackers;

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

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

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

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