

STATE OF NEW YORK

5372

2017-2018 Regular Sessions

IN SENATE

March 23, 2017

Introduced by Sens. VALESKY, BOYLE -- (at request of the State Liquor Authority) -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the alcoholic beverage control law, in relation to expanding privileges of distiller licenses

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

1 Section 1. Subparagraphs (v), (vi) and (vii) of paragraph (a) of
2 subdivision 2-c of section 61 of the alcoholic beverage control law, as
3 amended by chapter 384 of the laws of 2013, are amended to read as
4 follows:

5 (v) To conduct tastings of and sell at retail for consumption on or
6 off the premises New York state labelled beer manufactured by a licensed
7 brewer or licensed farm brewery;

8 (vi) To conduct tastings of and sell at retail for consumption on or
9 off the premises New York state labelled cider manufactured by a
10 licensed brewer, licensed farm brewery, licensed farm winery, licensed
11 cider producer or licensed farm cidery; and

12 (vii) To conduct tastings of and sell at retail for consumption on or
13 off the premises New York state labelled wine manufactured by a licensed
14 winery or licensed farm winery.

15 § 2. Subdivision 1-a of section 61 of the alcoholic beverage control
16 law, as amended by chapter 431 of the laws of 2014, is amended to read
17 as follows:

18 1-a. (a) A class A-1 distiller's license shall authorize the holder
19 thereof to operate a distillery which has a production capacity of no
20 more than seventy-five thousand gallons per year for the manufacture of
21 liquors by distillation or redistillation at the premises specifically
22 designated in the license. Such a license shall also authorize the sale
23 in bulk by such licensee from the licensed premises of the products

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

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1 manufactured under such license to any person holding a winery license,
2 farm winery license, distiller's class A license, a distiller's class B
3 license or a permittee engaged in the manufacture of products which are
4 unfit for beverage use. It shall also authorize the sale from the
5 licensed premises and from one other location in the state of New York
6 of liquors manufactured by such licensee to a wholesale or retail liquor
7 licensee or permittee in sealed containers of not more than one quart
8 each. In addition, it shall authorize such licensee to sell from the
9 licensed premises New York state labelled liquors to licensed farm
10 wineries, farm breweries, farm distilleries and farm cideries in sealed
11 containers of not more than one quart for retail sale for off-premises
12 consumption. Such license shall also include the privilege to operate a
13 rectifying plant under the same terms and conditions as the holder of a
14 class B-1 distiller's license without the payment of any additional fee.

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

32 (c) A distiller licensed under paragraph (a) of this subdivision may
33 operate a restaurant, hotel, catering establishment, or other food and
34 drinking establishment in or adjacent to the licensed premises and sell
35 at such place, at retail for consumption on the premises, liquor manu-
36 factured by the licensee and any New York state labelled liquor. All of
37 the provisions of this chapter relative to licenses to sell liquor at
38 retail for consumption on the premises shall apply so far as applicable
39 to such licensee.

40 (d) Notwithstanding any other provision of law, distillers licensed
41 under paragraph (a) of this subdivision may apply to the liquor authori-
42 ty for a license to sell liquor, wine or beer at retail for consumption
43 on the premises. All of the provisions of this chapter relative to
44 licenses to sell beer, wine, or liquor at retail for consumption on the
45 premises shall apply so far as applicable to such application.

46 § 3. This act shall take effect immediately.