

# STATE OF NEW YORK

7793--A

## IN SENATE

February 26, 2018

Introduced by Sen. VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business -- 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 authorizing custom liquor production for a non-licensed individual by farm distilleries

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

1 Section 1. Section 61 of the alcoholic beverage control law is  
2 amended by adding a new subdivision 8 to read as follows:

3 8. Notwithstanding any other provision of law to the contrary, a farm  
4 distillery licensed under subdivision two-c of this section may engage  
5 in custom liquor production for a non-licensed individual under the  
6 following conditions:

7 (a) the licensee may allow such non-licensed individual to assist in  
8 the production of such custom liquors;

9 (b) the licensee shall only sell such custom liquor to such non-li-  
10 censed individual for that individual's personal or family use, and not  
11 for resale;

12 (c) the brand label of such custom liquor shall clearly state that the  
13 product is not for resale;

14 (d) such custom liquor shall not be offered for sale pursuant to  
15 section ninety-nine-g of this chapter;

16 (e) any tastings conducted pursuant to this subdivision shall be  
17 subject to the provisions of paragraph (c) of subdivision two-c of this  
18 section;

19 (f) the licensee or an employee or agent of the licensee shall be  
20 present at all times when the non-licensed individual is assisting in  
21 the production of the custom liquor;

22 (g) the licensee shall be responsible for obtaining approval of the  
23 liquor's brand label pursuant to section one hundred seven-a of this  
24 chapter and the payment of all taxes due before the custom liquor is  
25 delivered to the non-licensed individual;

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

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1     (h) any custom liquor produced under this subdivision must be a New  
2     York labelled liquor as defined in subdivision twenty-c of section three  
3     of this chapter; and

4     (i) any custom liquor produced under this subdivision shall be counted  
5     toward the maximum production limit set forth in paragraph (f) of subdi-  
6     vision two-c of this section.

7     § 2. This act shall take effect on the sixtieth day after it shall  
8     have become a law. Effective immediately, the addition, amendment and/or  
9     repeal of any rule or regulation necessary for the implementation of  
10    this act on its effective date are authorized to be made and completed  
11    on or before such effective date.