STATE OF NEW YORK

10128--A

IN ASSEMBLY

March 16, 2018

Introduced by M. of A. SCHIMMINGER -- 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 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:

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

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

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

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

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

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

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

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

(g) the licensee shall be responsible for obtaining approval of the liquor's brand label pursuant to section one hundred seven-a of this chapter and the payment of all taxes due before the custom liquor is 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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(h) any custom liquor produced under this subdivision must be a New York labelled liquor as defined in subdivision twenty-c of section three of this chapter; and

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

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