

# STATE OF NEW YORK

10379

## IN ASSEMBLY

April 18, 2018

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to class A-1 distiller's licenses

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

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

4 1-a. (a) A class A-1 distiller's license shall authorize the holder  
5 thereof to operate a distillery which has a production capacity of no  
6 more than seventy-five thousand gallons per year for the manufacture of  
7 liquors by distillation or redistillation at the premises specifically  
8 designated in the license. Such a license shall also authorize the sale  
9 in bulk by such licensee from the licensed premises of the products  
10 manufactured under such license to any person holding a winery license,  
11 farm winery license, distiller's class A license, a distiller's class B  
12 license or a permittee engaged in the manufacture of products which are  
13 unfit for beverage use. It shall also authorize the sale from the  
14 licensed premises and from one other location in the state of New York  
15 of liquors manufactured by such licensee to a wholesale or retail liquor  
16 licensee or permittee in sealed containers of not more than one ~~[quart]~~  
17 and one half liters each and to sell at retail, for personal use, in  
18 such sealed containers. In addition, it shall authorize such licensee to  
19 sell from the licensed premises New York state labelled liquors to  
20 licensed farm wineries, farm breweries, farm distilleries and farm  
21 cideries in sealed containers of not more than one quart for retail sale  
22 for off-premises consumption. Such license shall also include the privilege  
23 to operate a rectifying plant under the same terms and conditions  
24 as the holder of a class B-1 distiller's license without the payment of  
25 any additional fee.

26 (b) A licensed A-1 distillery may conduct upon the licensed premises,  
27 or at approved locations as permitted in subdivision six of this  
28 section, consumer tastings of liquor manufactured by the licensee and

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

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1 from no more than three other class A, A-1, B, B-1, C or D distilleries,  
2 subject to the following limitations:

3 (i) Only liquor produced on site or manufactured primarily from farm  
4 and food products, as defined in subdivision two of section two hundred  
5 eighty-two of the agriculture and markets law, shall be used in the  
6 tastings;

7 (ii) An official agent, servant or employee of the licensee shall be  
8 physically present at all times during the conduct of the consumer tast-  
9 ing of liquor;

10 (iii) No consumer may be provided, directly or indirectly: (A) more  
11 than three samples of liquor for tasting in one calendar day; or (B)  
12 with a sample of liquor for tasting equal to more than one-quarter fluid  
13 ounce;

14 (iv) Any liability stemming from a right of action resulting from a  
15 consumer tasting of liquor authorized by this paragraph and in accord-  
16 ance with the provisions of sections 11-100 and 11-101 of the general  
17 obligations law shall accrue to the licensee.

18 § 2. This act shall take effect immediately.