STATE OF NEW YORK

5381

2017-2018 Regular Sessions

IN SENATE

March 23, 2017

Introduced by Sens. BOYLE, VALESKY -- (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 allowing tastings and expanding the craft beverage types sold at roadside farm markets

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

Section 1. Section 76-f of the alcoholic beverage control law, as added by chapter 355 of the laws of 2013, is amended to read as follows:

§ 76-f. Roadside farm market license. 1. Any person owning or operating a roadside farm market may apply to the liquor authority for a roadside farm market license to sell **New York state labelled liquor, New York state labelled** wine**, New York state labelled beer and New York state labelled cider** pursuant to this section. Such application shall be in writing and verified, and shall contain such information as the liquor authority shall require and shall be accompanied by a check or draft for the amount required by this article for such license. If the liquor authority shall grant the application, it shall issue a license in such form as shall be determined by its rules, and the license shall remain in effect for one year.

2. For the purposes of this section, the term "roadside farm market" means a building or structure located on a farm operation **or within one mile of a farm operation owned or operated by the permit holder**, as defined in subdivision eleven of section three hundred one of the agriculture and markets law, except for a commercial horse boarding operation, in which New York agricultural products are primarily sold by producers, growers or farmers of such agricultural products to the general public, and the term "New York agricultural product" means any agricultural or aquacultural product of the soil or water that has been

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

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grown, harvested or produced within the state, including but not limited to fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, preserves, maple sap products, apple cider, fruit juice, and Christmas trees.

3. A roadside farm market license shall authorize the holder thereof to sell**: liquor manufactured or produced by up to two duly licensed farm distilleries, micro-distilleries or micro-rectifiers;** wine manufactured or produced by up to two duly licensed farm or special wineries or micro-wineries**; beer produced by up to two duly licensed farm or micro-breweries; and cider produced by up to two duly licensed farm cideries or cider producers,** that are located within twenty miles of the roadside farm market by the bottle for off-premises consumption; provided that such market's owner, operator or representative shall be present at all times during which [~~wine is~~] **alcoholic beverages are** being offered for sale. Such market shall be deemed to possess a warehouse permit and be permitted to warehouse up to [~~twenty~~] **forty** cases of [~~wine~~] **alcoholic beverages**; provided that such market shall abide by all rules and regulations promulgated pursuant to section ninety-six of this chapter and any other rules and regulations promulgated by the liquor authority to implement the provisions of this section to ensure that [~~wine~~] **alcoholic beverages** stored or kept by such market is segregated and kept in a safe and secure location when such market is closed for business.

4. The sale of [~~wine~~] **alcoholic beverages** pursuant to this section shall occur only within the hours fixed by or pursuant to subdivision fourteen of section one hundred five of this chapter. [~~Notwithstanding the provisions of section eighty of this article or any other provision of law, no wine tastings shall be conducted at a roadside farm market that sells wine for off-premises consumption pursuant to the provisions of this section.~~]

5. The liquor authority, in consultation with the department of agriculture and markets, shall promulgate any rules and regulations necessary to implement the provisions of this section.

§ 2. Subdivision 27-a of section 3 of the alcoholic beverage control law, as added by chapter 355 of the laws of 2013, is amended to read as follows:

27-a. "Roadside farm market" means any retailer authorized to sell New York state labelled **liquor, New York state labelled** wine**, New York state labelled beer, and New York state labelled cider,** pursuant to section seventy-six-f of this chapter.

§ 3. This act shall take effect immediately.