

# STATE OF NEW YORK

8560

## IN SENATE

May 10, 2018

Introduced by Sen. MURPHY -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the alcoholic beverage control law, in relation to the production and sale of mead and braggot; and to repeal certain provisions of such law relating thereto

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

1 Section 1. Section 3 of the alcoholic beverage control law is amended  
2 by adding a new subdivision 6-a to read as follows:

3 6-a. "Braggot" shall mean a malt alcoholic beverage made primarily  
4 from: honey; water; and malt and/or hops (i) which may also contain  
5 fruits, spices, herbs, grain or other agricultural products; and (ii)  
6 with honey representing at least fifty-one percent of the starting  
7 fermentable sugars by weight of the finished product. For the purposes  
8 of this chapter, braggot shall be designated as and sold as a beer.

9 § 2. Section 3 of the alcoholic beverage control law is amended by  
10 adding a new subdivision 12-aaaa to read as follows:

11 12-aaaa. "Farm meadery" means and includes any place or premises,  
12 located on a farm in New York state, in which New York state labelled  
13 mead or New York state labelled braggot is manufactured, stored and  
14 sold, or any other place or premises in New York state in which New York  
15 state labelled mead or New York state labelled braggot is manufactured,  
16 stored and sold.

17 § 3. Section 3 of the alcoholic beverage control law is amended by  
18 adding a new subdivision 19-a to read as follows:

19 19-a. "Mead" shall mean a wine made primarily from honey and water:  
20 (i) which may also contain hops, fruits, spices, herbs, grain or other  
21 agricultural products; and (ii) with honey representing at least fifty-  
22 one percent of the starting fermentable sugars by weight of the finished  
23 product. The brand or trade name label owner of such alcoholic beverage  
24 shall designate whether such alcoholic beverage shall be sold as and  
25 treated in the same manner as wine or mead for all purposes under this  
26 chapter. Provided, however, any mead containing more than eight and

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

LBD15810-01-8

one-half per centum alcohol by volume shall be designated, sold as and treated in the same manner as wine.

§ 4. Section 3 of the alcoholic beverage control law is amended by adding a new subdivision 20-f to read as follows:

20-f. "New York state labeled braggot" means braggot made exclusively from honey produced in New York state.

§ 5. Section 3 of the alcoholic beverage control law is amended by adding a new subdivision 20-g to read as follows:

20-g. "New York state labeled mead" means mead made exclusively from honey produced in New York state.

§ 6. The alcoholic beverage control law is amended by adding a new article 6-A to read as follows:

#### ARTICLE 6-A

##### SPECIAL PROVISIONS RELATING TO MEAD

##### Section 86. Farm meadery license.

87. Authorization for sale of mead and braggot by retail licensees.

88. Authorization for sale of mead and braggot by wholesale licensees.

§ 86. Farm meadery license. 1. Any person may apply to the authority for a farm meadery license as provided for in this section to produce mead and braggot within this state for sale. Such application shall be in writing and verified and shall contain such information as the authority shall require. Such application shall be accompanied by a check or draft for the amount required by this article for such license. If the authority grants the application, it shall issue a license in such form as shall be determined by its rules. Such license shall contain a description of the licensed premises and in form and in substance shall be a license to the person therein specifically designated to produce mead and braggot in the premises therein specifically licensed. The annual fee for such a license shall be seventy-five dollars.

2. A farm meadery license shall authorize the holder thereof to operate a meadery for the manufacture of New York state labelled mead and New York state labelled braggot. Such a license shall also authorize the licensee to:

(a) sell in bulk mead or braggot manufactured by the licensee to any person licensed to manufacture alcoholic beverages in this state or to a permittee engaged in the manufacture of products which are unfit for beverage use;

(b) sell or deliver mead or braggot manufactured by the licensee to persons outside the state pursuant to the laws of the place of such delivery;

(c) sell mead manufactured by the licensee to wholesalers and retailers licensed in this state to sell such mead, licensed farm distillers, licensed farm wineries, licensed wineries, licensed farm breweries, licensed farm cideries and any other licensed farm meadery. All such mead sold by the licensee shall be securely sealed and have attached thereto a label as shall be required by section one hundred seven-a of this chapter;

(d) sell braggot manufactured by the licensee to wholesalers and retailers licensed in this state to sell beer, licensed farm distillers, licensed farm wineries, licensed breweries, licensed farm breweries, licensed farm cideries and any other licensed farm meadery. All such braggot sold by the licensee shall be securely sealed and have attached

thereto a label as shall be required by section one hundred seven-a of this chapter;

(e) operate, or use the services of, a custom crush facility as defined in subdivision nine-a of section three of this chapter;

(f) at the licensed premises, conduct tastings of, and sell at retail for consumption on or off the licensed premises, any New York state labeled mead, New York state labeled braggot, New York state labeled beer, New York state labeled cider, New York state labeled liquor or New York state labeled wine. Provided, however, for tastings and sales for on-premises consumption, the licensee shall regularly keep food available for sale or service to its retail customers for consumption on the premises. A licensee providing the following shall be deemed in compliance with this provision: (i) sandwiches, soups or other such foods, whether fresh, processed, pre-cooked or frozen; and/or (ii) food items intended to complement the tasting of alcoholic beverages, which shall mean a diversified selection of food that is ordinarily consumed without the use of tableware and can be conveniently consumed while standing or walking, including but not limited to: cheeses, fruits, vegetables, chocolates, breads, mustards and crackers. All of the provisions of this chapter relative to licensees selling alcoholic beverages at retail shall apply;

(g) operate a restaurant, hotel, catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, any New York state labeled mead, New York state labeled braggot, New York state labeled beer, New York state labeled cider, New York state labeled liquor or New York state labeled wine. All of the provisions of this chapter relative to licensees selling alcoholic beverages at retail shall apply. Notwithstanding any other provision of law, the licensed farm meadery may apply to the authority for a license under this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment; and

(h) store and sell gift items in a tax-paid room upon the licensed premises incidental to the sale of mead and braggot. These gift items shall be limited to the following categories: (i) non-alcoholic beverages for consumption on or off premises, including but not limited to bottled water, juice and soda beverages; (ii) food items for the purpose of complementing mead tastings, shall mean a diversified selection of food which is ordinarily consumed without the use of tableware and can conveniently be consumed while standing or walking; (iii) food items, which shall include locally produced farm products and any food or food product not specifically prepared for immediate consumption upon the premises; (iv) mead and braggot supplies and accessories, which shall include any item utilized for the storage, serving or consumption of mead and braggot or for decorative purposes; (v) souvenir items, which shall include, but not be limited to artwork, crafts, clothing, agricultural products and any other articles which can be construed to propagate tourism within the region; and (vi) mead-making and braggot-making equipment.

3. A licensed farm meadery may engage in any other business on the licensed premises subject to such rules and regulations as the liquor authority may prescribe. In prescribing such rules and regulations, the liquor authority shall promote the expansion and profitability of mead and braggot production and of tourism in New York, thereby promoting the conservation, production and enhancement of New York state agricultural lands. Further, such rules and regulations shall determine which busi-

nesses will be compatible with the policy and purposes of this chapter and shall consider the effect of particular businesses on the community and area in the vicinity of the farm meadery licensee.

4. Notwithstanding any provision of this chapter to the contrary, any farm meadery licensee may charge for tours of its premises.

5. The holder of a license issued under this section may operate up to five branch offices located away from the licensed farm meadery. Such locations shall be considered part of the licensed premises and all activities allowed at and limited to the farm meadery may be conducted at the branch offices. Such branch offices shall not be located within, share a common entrance and exit with, or have any interior access to any other business, including premises licensed to sell alcoholic beverages at retail. Prior to commencing operation of any such branch office, the licensee shall notify the authority of the location of such branch office and the authority may issue a permit for the operation of same.

6. (a) No farm meadery shall manufacture in excess of two hundred fifty thousand gallons of mead and/or braggot annually.

(b) A licensed farm meadery shall produce at least fifty gallons of mead and/or braggot annually.

7. No licensed farm meadery shall manufacture or sell any mead other than New York state labelled mead.

8. No licensed farm meadery shall manufacture or sell any braggot other than New York state labelled braggot.

9. The authority is hereby authorized to promulgate rules and regulations to effectuate the purposes of this section. In prescribing such rules and regulations, the authority shall promote the expansion and profitability of mead production and of tourism in New York, thereby promoting the conservation, production and enhancement of New York state agricultural lands.

§ 87. Authorization for sale of mead and braggot by retail licensees.

1. Each retail licensee under this chapter shall have the right, by virtue of his license and without being required to pay any additional fee for the privilege, to sell at retail for consumption on or off the premises, as the case may be, mead which has not been designated as a wine pursuant to subdivision nineteen-a of section three of this chapter and which has been purchased from a person licensed to produce or sell mead at wholesale under this chapter.

2. Each retail licensee authorized to sell wine under this chapter shall have the right, by virtue of his license and without being required to pay any additional fee for the privilege, to sell at retail for consumption on or off the premises, as the case may be, mead which has been designated as a wine pursuant to subdivision nineteen-a of section three of this chapter and which has been purchased from a person licensed to produce or sell mead at wholesale under this chapter.

3. Each retail licensee authorized to sell beer under this chapter shall have the right, by virtue of his license and without being required to pay any additional fee for the privilege, to sell at retail for consumption on or off the premises, as the case may be, braggot which has been purchased from a person licensed to produce or sell braggot at wholesale under this chapter.

§ 88. Authorization for sale of mead and braggot by wholesale licensees. 1. Each wholesale licensee authorized to sell beer under this chapter shall have the right, by virtue of its license and without being required to pay any additional fee for the privilege, to sell at wholesale: (a) braggot purchased from a person licensed to produce braggot under this chapter. Such braggot shall be subject to the provisions of

this chapter regarding the tasting and sale of beer at wholesale and retail; or

(b) mead purchased from a person licensed to produce mead and which has not been designated as wine pursuant to subdivision nineteen-a of section three of this chapter. Such mead shall be subject to the provisions of this chapter regarding the tasting and sale of beer at wholesale and retail.

2. Each wholesale licensee authorized to sell wine under this chapter shall have the right, by virtue of its license and without being required to pay any additional fee for the privilege, to sell at wholesale mead purchased from a person licensed to produce mead and which has been designated as wine pursuant to subdivision nineteen-a of section three of this chapter. Such mead shall be subject to the provisions of this chapter regarding the tasting and sale of wine at wholesale and retail.

§ 7. Subdivision 3 of section 17 of the alcoholic beverage control law, as amended by section 3 of chapter 297 of the laws of 2016, is amended to read as follows:

3. To revoke, cancel or suspend for cause any license or permit issued under this chapter and/or to impose a civil penalty for cause against any holder of a license or permit issued pursuant to this chapter. Any civil penalty so imposed shall not exceed the sum of ten thousand dollars as against the holder of any retail permit issued pursuant to sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and paragraph f of subdivision one of section ninety-nine-b of this chapter, and as against the holder of any retail license issued pursuant to sections fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, seventy-six-f, seventy-nine, eighty-one and eighty-one-a of this chapter, and the sum of thirty thousand dollars as against the holder of a license issued pursuant to sections fifty-three, sixty-one-a, sixty-one-b, seventy-six, seventy-six-a, ~~and~~ seventy-eight and eighty-six of this chapter, provided that the civil penalty against the holder of a wholesale license issued pursuant to section fifty-three of this chapter shall not exceed the sum of ten thousand dollars where that licensee violates provisions of this chapter during the course of the sale of beer at retail to a person for consumption at home, and the sum of one hundred thousand dollars as against the holder of any license issued pursuant to sections fifty-one, sixty-one, and sixty-two of this chapter. Any civil penalty so imposed shall be in addition to and separate and apart from the terms and provisions of the bond required pursuant to section one hundred twelve of this chapter. Provided that no appeal is pending on the imposition of such civil penalty, in the event such civil penalty imposed by the division remains unpaid, in whole or in part, more than forty-five days after written demand for payment has been sent by first class mail to the address of the licensed premises, a notice of impending default judgment shall be sent by first class mail to the licensed premises and by first class mail to the last known home address of the person who signed the most recent license application. The notice of impending default judgment shall advise the licensee: (a) that a civil penalty was imposed on the licensee; (b) the date the penalty was imposed; (c) the amount of the civil penalty; (d) the amount of the civil penalty that remains unpaid as of the date of the notice; (e) the violations for which the civil penalty was imposed; and (f) that a judgment by default will be entered in the supreme court of the county in which the licensed premises are



1 located, or other court of civil jurisdiction or any other place  
2 provided for the entry of civil judgments within the state of New York  
3 unless the division receives full payment of all civil penalties due  
4 within twenty days of the date of the notice of impending default judgment. If full payment shall not have been received by the division within thirty days of mailing of the notice of impending default judgment,  
5 the division shall proceed to enter with such court a statement of the  
6 default judgment containing the amount of the penalty or penalties  
7 remaining due and unpaid, along with proof of mailing of the notice of  
8 impending default judgment. The filing of such judgment shall have the  
9 full force and effect of a default judgment duly docketed with such  
10 court pursuant to the civil practice law and rules and shall in all  
11 respects be governed by that chapter and may be enforced in the same  
12 manner and with the same effect as that provided by law in respect to  
13 execution issued against property upon judgments of a court of record. A  
14 judgment entered pursuant to this subdivision shall remain in full force  
15 and effect for eight years notwithstanding any other provision of law.

16 § 8. Subdivision 3 of section 17 of the alcoholic beverage control  
17 law, as amended by section 4 of chapter 297 of the laws of 2016, is  
18 amended to read as follows:

19 3. To revoke, cancel or suspend for cause any license or permit issued  
20 under this chapter and/or to impose a civil penalty for cause against  
21 any holder of a license or permit issued pursuant to this chapter. Any  
22 civil penalty so imposed shall not exceed the sum of ten thousand  
23 dollars as against the holder of any retail permit issued pursuant to  
24 sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and  
25 paragraph f of subdivision one of section ninety-nine-b of this chapter,  
26 and as against the holder of any retail license issued pursuant to  
27 sections fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-  
28 five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b,  
29 sixty-four-c, seventy-six-f, seventy-nine, eighty-one, and eighty-one-a  
30 of this chapter, and the sum of thirty thousand dollars as against the  
31 holder of a license issued pursuant to sections fifty-three,  
32 sixty-one-a, sixty-one-b, seventy-six, seventy-six-a ~~and~~, seventy-  
33 eight and eighty-six of this chapter, provided that the civil penalty  
34 against the holder of a wholesale license issued pursuant to section  
35 fifty-three of this chapter shall not exceed the sum of ten thousand  
36 dollars where that licensee violates provisions of this chapter during  
37 the course of the sale of beer at retail to a person for consumption at  
38 home, and the sum of one hundred thousand dollars as against the holder  
39 of any license issued pursuant to sections fifty-one, sixty-one and  
40 sixty-two of this chapter. Any civil penalty so imposed shall be in  
41 addition to and separate and apart from the terms and provisions of the  
42 bond required pursuant to section one hundred twelve of this chapter.  
43 Provided that no appeal is pending on the imposition of such civil  
44 penalty, in the event such civil penalty imposed by the division remains  
45 unpaid, in whole or in part, more than forty-five days after written  
46 demand for payment has been sent by first class mail to the address of  
47 the licensed premises, a notice of impending default judgment shall be  
48 sent by first class mail to the licensed premises and by first class  
49 mail to the last known home address of the person who signed the most  
50 recent license application. The notice of impending default judgment  
51 shall advise the licensee: (a) that a civil penalty was imposed on the  
52 licensee; (b) the date the penalty was imposed; (c) the amount of the  
53 civil penalty; (d) the amount of the civil penalty that remains unpaid  
54 as of the date of the notice; (e) the violations for which the civil

1 penalty was imposed; and (f) that a judgment by default will be entered  
2 in the supreme court of the county in which the licensed premises are  
3 located, or other court of civil jurisdiction, or any other place  
4 provided for the entry of civil judgments within the state of New York  
5 unless the division receives full payment of all civil penalties due  
6 within twenty days of the date of the notice of impending default judgment. If full payment shall not have been received by the division within  
7 in thirty days of mailing of the notice of impending default judgment,  
8 the division shall proceed to enter with such court a statement of the  
9 default judgment containing the amount of the penalty or penalties  
10 remaining due and unpaid, along with proof of mailing of the notice of  
11 impending default judgment. The filing of such judgment shall have the  
12 full force and effect of a default judgment duly docketed with such  
13 court pursuant to the civil practice law and rules and shall in all  
14 respects be governed by that chapter and may be enforced in the same  
15 manner and with the same effect as that provided by law in respect to  
16 execution issued against property upon judgments of a court of record. A  
17 judgment entered pursuant to this subdivision shall remain in full force  
18 and effect for eight years notwithstanding any other provision of law.

19 § 9. Paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i) and (l) of  
20 subdivision 2 of section 51-a of the alcoholic beverage control law,  
21 paragraphs (a), (b), (c), (f), (h), (i) and (l) as added by chapter 108  
22 of the laws of 2012, paragraph (d) as amended and paragraph (l) as  
23 relettered by chapter 384 of the laws of 2013, paragraph (e) as amended  
24 by chapter 328 of the laws of 2016, paragraph (g) as amended by chapter  
25 431 of the laws of 2014, are amended to read as follows:

26 (a) manufacture New York state labelled cider and New York state  
27 labeled braggot;

28 (b) sell in bulk beer [~~and~~], cider, and braggot manufactured by the  
29 licensee to any person licensed to manufacture alcoholic beverages in  
30 this state or to a permittee engaged in the manufacture of products  
31 which are unfit for beverage use;

32 (c) sell or deliver beer [~~and~~], cider, and braggot manufactured by the  
33 licensee to persons outside the state pursuant to the laws of the place  
34 of such delivery;

35 (d) sell beer [~~and~~], cider, and braggot manufactured by the licensee  
36 to wholesalers and retailers licensed in this state to sell such beer  
37 [~~and~~], cider, and braggot, licensed farm distillers, licensed farm  
38 wineries, licensed farm cideries, licensed farm meaderies and any other  
39 licensed farm brewery. All such beer [~~and~~], cider, and braggot sold by  
40 the licensee shall be securely sealed and have attached thereto a label  
41 as shall be required by section one hundred seven-a of this chapter;

42 (e) sell at the licensed premises beer [~~and~~], cider, and braggot manu-  
43 factured by the licensee or any other licensed farm brewery, and wine  
44 and spirits manufactured by any licensed farm winery or farm distillery,  
45 at retail for consumption on or off the licensed premises;

46 (f) conduct tastings at the licensed premises of beer [~~and~~], cider,  
47 and braggot manufactured by the licensee or any other licensed farm  
48 brewery;

49 (g) operate a restaurant, hotel, catering establishment, or other food  
50 and drinking establishment in or adjacent to the licensed premises and  
51 sell at such place, at retail for consumption on the premises, beer  
52 [~~and~~], cider, and braggot manufactured by the licensee and any New York  
53 state labeled beer, New York state labeled braggot or New York state  
54 labeled cider. All of the provisions of this chapter relative to  
55 licenses to sell beer, cider, and braggot at retail for consumption on

1 and off the premises shall apply so far as applicable to such licensee.  
2 Notwithstanding any other provision of law, the licensed farm brewery  
3 may apply to the authority for a license under this chapter to sell  
4 other alcoholic beverages at retail for consumption on the premises at  
5 such establishment;

6 (h) sell beer [~~and~~], cider, and braggot manufactured by the licensee  
7 or any other licensed farm brewery at retail for consumption off the  
8 premises, at the state fair, at recognized county fairs and at farmers  
9 markets operated on a not-for-profit basis;

10 (i) conduct tastings of and sell at retail for consumption off the  
11 premises New York state labelled wine and mead manufactured by a  
12 [~~licensed winery or licensed farm winery~~] person licensed to produce  
13 wine or mead under this chapter;

14 (l) conduct tastings of and sell at retail for consumption off the  
15 premises New York state labelled braggot manufactured by a person  
16 licensed to produce braggot under this chapter; and

17 (m) engage in any other business on the licensed premises subject to  
18 such rules and regulations as the authority may prescribe. Such rules  
19 and regulations shall determine which businesses will be compatible with  
20 the policy and purposes of this chapter and shall consider the effect of  
21 particular businesses on the community and area in the vicinity of the  
22 farm brewery licensee.

23 § 10. Paragraph (a) and subparagraph (ii) of paragraph (b) of subdivi-  
24 sion 3 of section 51-a of the alcoholic beverage control law, as added  
25 by chapter 108 of the laws of 2012, are amended to read as follows:

26 (a) A farm brewery licensee may apply for a permit to conduct tastings  
27 away from the licensed premises of beer [~~and~~], cider, and braggot  
28 produced by the licensee. Such permit shall be valid throughout the  
29 state and may be issued on an annual basis or for individual events.  
30 Each such permit and the exercise of the privilege granted thereby shall  
31 be subject to such rules and conditions of the authority as it deems  
32 necessary.

33 (ii) any liability stemming from a right of action resulting from a  
34 tasting of beer [~~or~~], cider, or braggot as authorized herein and in  
35 accordance with the provisions of sections 11-100 and 11-101 of the  
36 general obligations law, shall accrue to the farm brewery.

37 § 11. Subdivision 4 of section 51-a of the alcoholic beverage control  
38 law, as added by chapter 108 of the laws of 2012, is amended to read as  
39 follows:

40 4. A licensed farm brewery holding a tasting permit issued pursuant to  
41 subdivision three of this section may apply to the authority for a  
42 permit to sell beer [~~and~~], cider, and braggot produced by such farm  
43 brewery, by the bottle, during such tastings in premises licensed under  
44 sections sixty-four, sixty-four-a, eighty-one and eighty-one-a of this  
45 chapter. Each such permit and the exercise of the privilege granted  
46 thereby shall be subject to such rules and conditions of the authority  
47 as it deems necessary.

48 § 12. Subdivision 10 of section 51-a of the alcoholic beverage control  
49 law, as amended by chapter 431 of the laws of 2014, is amended to read  
50 as follows:

51 10. (a) No farm brewery shall manufacture in excess of seventy-five  
52 thousand finished barrels of beer [~~and~~], cider, and braggot annually.

53 (b) A farm brewery shall manufacture at least fifty barrels of beer  
54 [~~and~~], cider, and braggot annually.



§ 13. Subdivisions 1 and 2 of section 56-a of the alcoholic beverage control law, as amended by chapter 422 of the laws of 2016, are amended to read as follows:

1. In addition to the annual fees provided for in this chapter, there shall be paid to the authority with each initial application for a license filed pursuant to section fifty-one, fifty-one-a, fifty-two, fifty-three, fifty-eight, fifty-eight-c, fifty-eight-d, sixty-one, sixty-two, seventy-six, seventy-seven ~~[e]~~, seventy-eight or eighty-six of this chapter, a filing fee of four hundred dollars; with each initial application for a license filed pursuant to section sixty-three, sixty-four, sixty-four-a or sixty-four-b of this chapter, a filing fee of two hundred dollars; with each initial application for a license filed pursuant to section fifty-three-a, fifty-four, fifty-five, fifty-five-a, seventy-nine, eighty-one or eighty-one-a of this chapter, a filing fee of one hundred dollars; with each initial application for a permit filed pursuant to section ninety-one, ninety-one-a, ninety-two, ninety-two-a, ninety-three, ninety-three-a, if such permit is to be issued on a calendar year basis, ninety-four, ninety-five, ninety-six or ninety-six-a, or pursuant to paragraph b, c, e or j of subdivision one of section ninety-nine-b of this chapter if such permit is to be issued on a calendar year basis, or for an additional bar pursuant to subdivision four of section one hundred of this chapter, a filing fee of twenty dollars; and with each application for a permit under section ninety-three-a of this chapter, other than a permit to be issued on a calendar year basis, section ninety-seven, ninety-eight, ninety-nine, or ninety-nine-b of this chapter, other than a permit to be issued pursuant to paragraph b, c, e or j of subdivision one of section ninety-nine-b of this chapter on a calendar year basis, a filing fee of ten dollars.

2. In addition to the annual fees provided for in this chapter, there shall be paid to the authority with each renewal application for a license filed pursuant to section fifty-one, fifty-one-a, fifty-two, fifty-three, fifty-eight, fifty-eight-c, fifty-eight-d, sixty-one, sixty-two, seventy-six, seventy-seven ~~[e]~~, seventy-eight or eighty-six of this chapter, a filing fee of one hundred dollars; with each renewal application for a license filed pursuant to section sixty-three, sixty-four, sixty-four-a or sixty-four-b of this chapter, a filing fee of ninety dollars; with each renewal application for a license filed pursuant to section seventy-nine, eighty-one or eighty-one-a of this chapter, a filing fee of twenty-five dollars; and with each renewal application for a license or permit filed pursuant to section fifty-three-a, fifty-four, fifty-five, fifty-five-a, ninety-one, ninety-one-a, ninety-two, ninety-two-a, ninety-three, ninety-three-a, if such permit is issued on a calendar year basis, ninety-four, ninety-five, ninety-six or ninety-six-a of this chapter or pursuant to paragraph b, c, e or j of subdivision one of section ninety-nine-b, if such permit is issued on a calendar year basis, or with each renewal application for an additional bar pursuant to subdivision four of section one hundred of this chapter, a filing fee of thirty dollars.

§ 14. Paragraph (j) of subdivision 2 of section 58-c of the alcoholic beverage control law, as amended by chapter 327 of the laws of 2016, is amended and two new paragraphs (j-1) and (j-2) are added to read as follows:

(j) conduct tastings of and sell at retail for consumption on or off the premises New York state labelled liquor manufactured by a licensed distiller or licensed farm distiller; provided, however, that no consumer may be provided, directly or indirectly: (i) with more than three

1 samples of liquor for tasting in one calendar day; or (ii) with a sample  
2 of liquor for tasting equal to more than one-quarter fluid ounce; ~~[and]~~

3 (j-1) conduct tastings of and sell at retail for consumption on or off  
4 the premises New York state labelled mead manufactured by a person  
5 licensed to produce mead under this chapter;

6 (j-2) conduct tastings of and sell at retail for consumption on or off  
7 the premises New York state labelled braggot manufactured by a person  
8 licensed to produce braggot under this chapter; and

9 § 15. Subparagraphs (vi) and (vii) of paragraph (a) of subdivision 2-c  
10 of section 61 of the alcoholic beverage control law, as amended by chap-  
11 ter 103 of the laws of 2017, are amended and two new subparagraphs  
12 (viii) and (ix) are added to read as follows:

13 (vi) To conduct tastings of and sell at retail for consumption on or  
14 off the premises New York state labelled cider manufactured by a  
15 licensed brewer, licensed farm brewery, licensed farm winery, licensed  
16 cider producer or licensed farm cidery; ~~[and]~~

17 (vii) To conduct tastings of and sell at retail for consumption on or  
18 off the premises New York state labelled wine manufactured by a licensed  
19 winery or licensed farm winery~~[-];~~

20 (viii) To conduct tastings of and sell at retail for consumption on or  
21 off the premises New York state labelled mead manufactured by a person  
22 licensed to produce mead under this chapter; and

23 (ix) To conduct tastings of and sell at retail for consumption on or  
24 off the premises New York state labelled braggot manufactured by a  
25 person licensed to produce braggot under this chapter.

26 § 16. Paragraphs (a), (b), (c) and (d) of subdivision 2 of section 76  
27 of the alcoholic beverage control law, as amended by chapter 108 of the  
28 laws of 2012, are amended to read as follows:

29 (a) to operate a winery for the manufacture of wine and mead at the  
30 premises specifically designated in the license;

31 (b) to receive and possess wine and mead from other states consigned  
32 to a United States government bonded winery, warehouse or storeroom  
33 located within the state;

34 (c) to sell in bulk from the licensed premises the products manufac-  
35 tured under such license and wine and mead received by such licensee  
36 from any other state to any winery licensee, or meadery license any  
37 distiller licensee or to a permittee engaged in the manufacture of  
38 products which are unfit for beverage use and to sell or deliver such  
39 wine or mead to persons outside the state pursuant to the laws of the  
40 place of such sale or delivery;

41 (d) to sell from the licensed premises to a licensed wholesaler or  
42 retailer, or to a corporation operating railroad cars or aircraft for  
43 consumption on such carriers, wine and mead manufactured or received by  
44 the licensee as above set forth in the original sealed containers of not  
45 more than fifteen gallons each and to sell or deliver such wine and mead  
46 to persons outside the state pursuant to the laws of the place of such  
47 sale or delivery. All wine and mead sold by such licensee shall be  
48 securely sealed and have attached thereto a label setting forth such  
49 information as shall be required by this chapter;

50 § 17. Subdivision 4-a of section 76 of the alcoholic beverage control  
51 law, as amended by chapter 431 of the laws of 2014, is amended to read  
52 as follows:

53 4-a. A licensed winery may operate a restaurant, hotel, catering  
54 establishment, or other food and drinking establishment in or adjacent  
55 to the licensed premises and sell at such place, at retail for consump-  
56 tion on the premises, wine, mead and wine products manufactured by the

licensee and any New York state labeled wine, mead or New York state labeled wine product. All of the provisions of this chapter relative to licenses to sell wine at retail for consumption on the premises shall apply so far as applicable to such licensee. Notwithstanding any other provision of law, the licensed winery may apply to the authority for a license under article four of this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment.

§ 17-a. Subdivision 13 of section 76 of the alcoholic beverage control law, as added by chapter 221 of the laws of 2011, is amended to read as follows:

13. Notwithstanding any other provision of law to the contrary, a winery licensed pursuant to this section may engage in custom wine production allowing individuals to assist in the production of wine or mead for sale for personal or family use, provided, however, that (a) the wine or mead must be purchased by the individual assisting in the production of such wine or mead; and (b) the owner, employee or agent of such winery shall be present at all times during such production.

§ 18. Subdivision 14 of section 76 of the alcoholic beverage control law, as added by chapter 431 of the laws of 2014, is amended to read as follows:

14. Any person licensed under this section shall manufacture at least fifty gallons of wine and/or mead per year.

§ 19. Paragraphs (a), (c), (e) and (f) of subdivision 2 of section 76-a of the alcoholic beverage control law, paragraph (a) as added by chapter 221 of the laws of 2011, paragraph (c) as amended by chapter 384 of the laws of 2013, paragraph (e) as amended by chapter 328 of the laws of 2016 and paragraph (f) as amended by chapter 431 of the laws of 2014, are amended to read as follows:

(a) operate a farm winery for the manufacture of wine, New York state labeled mead or New York state labeled cider at the premises specifically designated in the license;

(c) sell from the licensed premises to a licensed winery, farm distiller, farm brewery, farm cidery, farm meadery, wholesaler or retailer, or to a corporation operating railroad cars or aircraft for consumption on such carriers, or at retail for consumption off the premises, wine ~~[or]~~, cider, or mead manufactured by the licensee as above set forth and to sell or deliver such wine or cider to persons outside the state pursuant to the laws of the place of such sale or delivery. All wine ~~[or]~~, cider, or mead sold by such licensee for consumption off the premises shall be securely sealed and have attached thereto a label setting forth such information as shall be required by this chapter;

(e) conduct tastings of and sell at the licensed premises ~~[cider and wine]~~, at retail for consumption on or off the licensed premises alcoholic beverages manufactured by the licensee or any other licensed farm winery~~[, and]~~; New York state labeled wine manufactured by any licensed winery; New York state labeled beer manufactured by any licensed brewer or farm brewery; New York state labeled cider manufactured by any licensed cider producer, farm cidery or farm brewery; New York state labeled mead manufactured by any licensed farm meadery, winery or farm winery; New York state labeled braggot manufactured by any licensed meadery, brewery or farm brewery and ~~[spirits]~~ New York state labeled liquor manufactured by any licensed ~~[farm brewery or]~~ distiller or farm distillery~~[, at retail for consumption on or off the licensed premises]~~;

(f) operate a restaurant, hotel, catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and

1 sell at such place, at retail for consumption on the premises, wine,  
2 cider [~~and wine products~~], and mead manufactured by the licensee and any  
3 New York state labeled wine, New York state labeled cider, New York  
4 state labeled mead or New York state labeled wine product. All of the  
5 provisions of this chapter relative to licenses to sell wine at retail  
6 for consumption on the premises shall apply so far as applicable to such  
7 licensee. Notwithstanding any other provision of law, the licensed farm  
8 winery may apply to the authority for a license under [~~article four of~~]  
9 this chapter to sell other alcoholic beverages at retail for consumption  
10 on the premises at such establishment.

11 § 20. Paragraphs (f), (g) and (h) of subdivision 6 of section 76-a of  
12 the alcoholic beverage control law are REPEALED.

13 § 21. Subdivision 8 of section 76-a of the alcoholic beverage control  
14 law, as amended by chapter 431 of the laws of 2014, is amended to read  
15 as follows:

16 8. (a) No licensed farm winery shall manufacture in excess of two  
17 hundred fifty thousand finished gallons of wine, cider, and mead annual-  
18 ly.

19 (b) Any person licensed under this section shall manufacture at least  
20 fifty gallons of wine, cider, and mead per year.

21 § 22. Subdivision 9 of section 76-a of the alcoholic beverage control  
22 law, as added by chapter 221 of the laws of 2011, is amended to read as  
23 follows:

24 9. Notwithstanding any other provision of law to the contrary, a farm  
25 winery licensed pursuant to this section may engage in custom [~~wine~~]  
26 production allowing individuals to assist in the production of New York  
27 state labeled wine, cider and mead for sale for personal or family use,  
28 provided, however, that (a) the wine, cider and mead must be purchased  
29 by the individual assisting in the production of such wine, cider or  
30 mead; and (b) the owner, employee or agent of such winery shall be pres-  
31 ent at all times during such production.

32 § 23. Subdivision 2 of section 101-aaa of the alcoholic beverage  
33 control law, as amended by chapter 242 of the laws of 2012, is amended  
34 to read as follows:

35 2. No manufacturer or wholesaler licensed under this chapter shall  
36 sell or deliver any beer, mead, cider or wine products to any retail  
37 licensee except as provided for in this section:

38 (a) for cash to be paid at the time of delivery; or

39 (b) on terms requiring payment by such retail licensee for such beer,  
40 mead, cider, or wine products on or before the final payment date of any  
41 credit period within which delivery is made. Provided, however, that the  
42 sale of wine products mead, or cider to a retail licensee by a whole-  
43 saler licensed under section fifty-eight, sixty-two, or seventy-eight of  
44 this chapter, or a licensed manufacturer of liquor, mead or wine or a  
45 cider producer's license, shall be governed by the provisions of section  
46 one hundred-one-aa of this article.

47 § 24. Paragraphs (b), (d) and (e) of subdivision 4 of section 107-a of  
48 the alcoholic beverage control law, paragraph (b) as amended by chapter  
49 369 of the laws of 2017, paragraphs (d) and (e) as amended by chapter  
50 354 of the laws of 2013, are amended to read as follows:

51 (b) The annual fee for registration of any brand or trade name label  
52 for liquor shall be two hundred fifty dollars; the annual fee for regis-  
53 tration of any brand or trade name label for beer, mead or cider shall  
54 be one hundred fifty dollars; the annual fee for registration of any  
55 brand or trade name label for wine or wine products shall be fifty  
56 dollars. Such fee shall be in the form of a check or draft. No annual

1 fee for registration of any brand or trade name label for wine shall be  
2 required if it has been approved by the Alcohol and Tobacco Tax and  
3 Trade Bureau of the United States Department of Treasury pursuant to  
4 this section.

5 Each brand or trade name label registration approved pursuant to this  
6 section shall be valid for a term of three years as set forth by the  
7 authority and which shall be pro-rated for partial years as applicable.

8 Each brand or trade name label registration approved pursuant to this  
9 section shall be valid only for the licensee to whom issued and shall  
10 not be transferable.

11 (d) The authority may at any time exempt any discontinued brand from  
12 such fee provisions where a manufacturer or wholesaler has an inventory  
13 of one hundred cases or less of liquor or wine and five hundred cases or  
14 less of beer, and certifies to the authority in writing that such brand  
15 is being discontinued. The authority may also at any time exempt any  
16 discontinued brand from such fee provisions where a retailer discontinu-  
17 ing a brand owned by him has a balance of an order yet to be delivered  
18 of fifty cases or less of liquor or wine, or two hundred fifty cases or  
19 less of beer, mead, wine products or cider.

20 (e) The authority shall exempt from such fee provisions the registra-  
21 tion of each brand or trade name label used for beer, mead or cider that  
22 is produced in small size batches totaling fifteen hundred barrels or  
23 less of beer, mead or cider annually.

24 § 25. This act shall take effect on the ninetieth day after it shall  
25 have become a law, provided that the amendments to section 17 of the  
26 alcoholic beverage control law made by section seven of this act shall  
27 be subject to the expiration and reversion of such section pursuant to  
28 section 4 of chapter 118 of the laws of 2012, as amended, when upon such  
29 date the provisions of section eight of this act shall take effect.