

STATE OF NEW YORK

9040

IN SENATE

June 14, 2018

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the tax law, in relation to clarifying alcoholic beverage tastings sales tax exemptions

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

1 Section 1. Paragraph 33 of subdivision (a) of section 1115 of the tax
2 law, as amended by chapter 418 of the laws of 2017, is amended to read
3 as follows:

4 (33) (i) Wine [~~or wine product~~], wine products, beer [~~or beer prod-~~
5 ~~uct~~], cider [~~or cider product~~], liquor [~~or liquor product~~], and the
6 kegs, cans, bottles, growlers, corks, caps, and labels used to package
7 such alcoholic beverage product, furnished by the holder or the official
8 agent of a farm winery, winery, brewery, micro-brewery, farm brewery,
9 cider producer, farm cidery, [~~distillery~~], farm distillery, wholesaler,
10 or importer licensee at a wine, beer, cider or liquor tasting held at
11 the premises of such licensee in accordance with the alcoholic beverage
12 control law and subparagraph (ii) of this paragraph to a customer or
13 prospective customer who consumes such wine, beer, cider or liquor at
14 such tasting.

15 (ii) (A) For a beer tasting, no more than five samples of beer, not
16 exceeding five fluid ounces each, may be provided to a person in any
17 calendar day and each such sample shall be of a different beer than any
18 of the other samples;

19 (B) For a wine tasting, no more than six samples of wine or wine
20 products, not exceeding three fluid ounces each, may be provided to a
21 person in any calendar day and each such sample shall be of a different
22 wine or wine product than any of the other samples;

23 (C) For a cider tasting, no more than five samples of cider, not
24 exceeding five fluid ounces each, may be provided to a person in any
25 calendar day and each such sample shall be of a different cider than any
26 of the other samples;

27 (D) For a liquor tasting, no more than three samples of liquor, not
28 exceeding one-quarter fluid ounce each, may be provided to a person in

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

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1 any calendar day and each such sample shall be of a different liquor
2 than any of the other samples;

3 (E) Such licensee may charge the consumer for a tasting authorized by
4 this paragraph;

5 (F) Any liability stemming from a right of action resulting from a
6 tasting authorized by this paragraph and in accordance with the
7 provisions of sections 11-100 and 11-101 of the general obligations law
8 shall accrue to the licensee;

9 (G) No person under the age of twenty-one shall be permitted to serve
10 a sample or handle an open container of beer, cider, distilled liquor or
11 wine.

12 § 2. This act shall take effect on the first day of the sales tax
13 quarterly period, as described in subdivision (b) of section 1136 of the
14 tax law, beginning at least 30 days after the date this act shall have
15 become a law, and shall apply in accordance with the applicable transi-
16 tional provisions of sections 1106 and 1217 of the tax law.