

# STATE OF NEW YORK

1905

2019-2020 Regular Sessions

## IN SENATE

January 17, 2019

Introduced by Sen. FUNKE -- 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 bed and breakfasts to sell cider, liquor, beer and wine

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

1 Section 1. Subdivision 4 of section 51 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 4. A licensed brewery may operate a restaurant, hotel, an establish-  
5 ment designated and commonly known and operated as a bed and breakfast,  
6 catering establishment, or other food and drinking establishment in or  
7 adjacent to the licensed premises and sell at such place, at retail for  
8 consumption on the premises, beer manufactured by the licensee and any  
9 New York state labeled beer. All of the provisions of this chapter rela-  
10 tive to licenses to sell beer at retail for consumption on the premises  
11 shall apply so far as applicable to such licensee. Notwithstanding any  
12 other provision of law, the licensed brewer may apply to the liquor  
13 authority for a license to sell beer, wine or liquor at retail for  
14 consumption on the premises at such establishment. All of the provisions  
15 of this chapter relative to licenses to sell beer, wine or liquor at  
16 retail for consumption on the premises shall apply so far as applicable  
17 to such application.

18 § 2. Paragraph (g) of subdivision 2 of section 51-a of the alcoholic  
19 beverage control law, as amended by chapter 522 of the laws of 2018, is  
20 amended to read as follows:

21 (g) operate a restaurant, hotel, an establishment designated and  
22 commonly known and operated as a bed and breakfast, catering establish-  
23 ment, or other food and drinking establishment in or adjacent to the  
24 licensed premises and sell at such place, at retail for consumption on

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

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1 the premises, beer, cider, and braggot manufactured by the licensee and  
2 any New York state labeled beer, New York state labeled braggot or New  
3 York state labeled cider. All of the provisions of this chapter relative  
4 to licenses to sell beer, cider, and braggot at retail for consumption  
5 on and off the premises shall apply so far as applicable to such licen-  
6 see. Notwithstanding any other provision of law, the licensed farm  
7 brewery may apply to the authority for a license under this chapter to  
8 sell other alcoholic beverages at retail for consumption on the premises  
9 at such establishment;

10 § 3. Subparagraph (ii) of paragraph (f) of subdivision 2 of section  
11 58-c of the alcoholic beverage control law, as amended by chapter 431 of  
12 the laws of 2014, is amended to read as follows:

13 (ii) operate a restaurant, hotel, an establishment designated and  
14 commonly known and operated as a bed and breakfast, catering establish-  
15 ment, or other food and drinking establishment in or adjacent to the  
16 licensed premises and sell at such place, at retail for consumption on  
17 the premises, cider manufactured by the licensee and any New York state  
18 labeled cider. All of the provisions of this chapter relative to licen-  
19 sees to selling cider at retail shall apply. Notwithstanding any other  
20 provision of law, the licensed farm cidery may apply to the authority  
21 for a license under this chapter to sell other alcoholic beverages at  
22 retail for consumption on the premises at such establishment;

23 § 4. Subparagraph (ii) of paragraph (e) of subdivision 2-c of section  
24 61 of the alcoholic beverage control law, as amended by chapter 431 of  
25 the laws of 2014, is amended to read as follows:

26 (ii) operate a restaurant, hotel, an establishment designated and  
27 commonly known and operated as a bed and breakfast, catering establish-  
28 ment, or other food and drinking establishment in or adjacent to the  
29 licensed premises and sell at such place, at retail for consumption on  
30 the premises, liquor manufactured by the licensee and any New York state  
31 labeled liquor. All of the provisions of this chapter relative to  
32 licenses to sell liquor at retail for consumption on the premises shall  
33 apply so far as applicable to such licensee. Notwithstanding any other  
34 provision of law, the licensee may apply to the authority for a license  
35 under this chapter to sell other alcoholic beverages at retail for  
36 consumption on the premises at such establishment.

37 § 5. Subdivision 5-a of section 64 of the alcoholic beverage control  
38 law, as added by chapter 480 of the laws of 2003, is amended to read as  
39 follows:

40 5-a. Notwithstanding the provisions of subdivision five of this  
41 section, a liquor license may be issued under this section to an estab-  
42 lishment designated and commonly known and operated as a "bed and break-  
43 fast" regardless of whether or not a restaurant is operated in such  
44 establishment[~~, provided that such license shall only permit the sale of~~  
45 ~~alcoholic beverages to overnight guests of such establishment~~].

46 § 6. Subdivision 4-a of section 76 of the alcoholic beverage control  
47 law, as amended by chapter 522 of the laws of 2018, is amended to read  
48 as follows:

49 4-a. A licensed winery may operate a restaurant, hotel, an establish-  
50 ment designated and commonly known as a bed and breakfast, catering  
51 establishment, or other food and drinking establishment in or adjacent  
52 to the licensed premises and sell at such place, at retail for consump-  
53 tion on the premises, wine, mead and wine products manufactured by the  
54 licensee and any New York state labeled wine, mead or New York state  
55 labeled wine product. All of the provisions of this chapter relative to  
56 licenses to sell wine at retail for consumption on the premises shall

1 apply so far as applicable to such licensee. Notwithstanding any other  
2 provision of law, the licensed winery may apply to the authority for a  
3 license under article four of this chapter to sell other alcoholic  
4 beverages at retail for consumption on the premises at such establish-  
5 ment.

6 § 7. Paragraph (f) of subdivision 2 of section 76-a of the alcoholic  
7 beverage control law, as amended by chapter 522 of the laws of 2018, is  
8 amended to read as follows:

9 (f) operate a restaurant, hotel, an establishment designated and  
10 commonly known and operated as a bed and breakfast, catering establish-  
11 ment, or other food and drinking establishment in or adjacent to the  
12 licensed premises and sell at such place, at retail for consumption on  
13 the premises, wine, cider, and mead manufactured by the licensee and any  
14 New York state labeled wine, New York state labeled cider, New York  
15 state labeled mead or New York state labeled wine product. All of the  
16 provisions of this chapter relative to licenses to sell wine at retail  
17 for consumption on the premises shall apply so far as applicable to such  
18 licensee. Notwithstanding any other provision of law, the licensed farm  
19 winery may apply to the authority for a license under this chapter to  
20 sell other alcoholic beverages at retail for consumption on the premises  
21 at such establishment.

22 § 8. This act shall take effect immediately; provided, however, that  
23 if chapter 522 of the laws of 2018 shall not have taken effect on or  
24 before such date, sections two, six and seven of this act shall take  
25 effect on the same date as such chapter takes effect.