STATE OF NEW YORK

7186

IN SENATE

January 10, 2020

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

AN ACT to amend the alcoholic beverage control law, in relation to allowing restaurant-brewers to sell limited quantities of their product without the use of a wholesaler

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

Section 1. Subdivision 5 of section 64-c of the alcoholic beverage control law, as amended by a chapter of the laws of 2019, amending the alcoholic beverage control law relating to expanding the amount of barrels that a restaurant brewer may sell at retail, as proposed in legislative bills numbers S. 5427 and A. 1971, is amended to read as follows:

5. Such restaurant-brewer license shall in form and in substance be a license to the person specifically licensed to operate a restaurant and sell liquor at retail to be consumed on the premises specifically licensed. Such license shall also be deemed to include a license to:

(a) sell wine and beer at retail to be consumed under the same terms and conditions, without the payment of any additional fee; [~~and~~]

(b) sell beer brewed on the premises to other retail licensees, where such **other retail** license is held by the same person holding the restaurant-brewer license, or [~~to~~] **such other retail license is a** commonly owned affiliate [~~licenses~~] **license**, provided that such beer is sold through a New York state licensed beer wholesaler[~~.~~]**;**

(c) sell[~~, in the aggregate,~~] no more than two thousand barrels of beer brewed on the premises to other retail licensees, where such other retail [~~licensees are~~] **license is** not held by the same person holding the restaurant-brewer [~~licenses or are~~] **license, and such other retail license is** not **a** commonly owned affiliate [~~licenses~~] **license**, provided that such beer is sold through a New York state licensed beer wholesaler; **provided however such licensee may sell at wholesale without the use of a licensed beer wholesaler up to two hundred fifty barrels of those two thousand barrels to other retail licensees, where such other retail license is not held by the same person holding the restaurant-**

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

LBD01446-02-0

brewer license, and such other retail license is not a commonly owned affiliate license; and

(d) sell[~~, in the aggregate,~~] no more than two thousand barrels of beer brewed on the licensed premises at retail to a person for consumption in their home and at retail in bulk by the keg, cask or barrel for consumption and not for resale.

§ 2. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2019, amending the alcoholic beverage control law relating to expanding the amount of barrels that a restaurant brewer may sell at retail, as proposed in legislative bills numbers S. 5427 and A. 1971, takes effect.