

STATE OF NEW YORK

130

2019-2020 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. CAHILL, PALMESANO, FITZPATRICK -- Multi-Sponsored
by -- M. of A. RYAN -- read once and referred to the Committee on
Economic Development

AN ACT to amend the economic development law, in relation to establish-
ing the New York craft beverage council

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

1 Section 1. The economic development law is amended by adding a new
2 article 5-G to read as follows:

ARTICLE 5-G

NEW YORK CRAFT BEVERAGE COUNCIL PROGRAM

5 Section 181-m. Short title.

6 181-n. Definitions.

7 181-o. General powers and duties of the commissioner.

8 181-p. New York craft beverage council.

9 § 181-m. Short title. This article shall be known and may be cited as
10 the "New York craft beverage council program".

11 § 181-n. Definitions. The following terms shall have the following
12 meanings for the purposes of this section:

13 1. "Winery" shall mean a business that produces wine.

14 2. "Distillery" shall mean a business that produces spirits.

15 3. "Microbrewery" shall mean a business that produces craft brews.

16 4. "Cidery" shall mean a business that produces cider.

17 5. "Beer distributor" shall mean a business that sells craft brews to
18 the public and delivers craft brews to retailers.

19 6. "Brew pub" shall mean a pub or restaurant that brews beer on the
20 premises.

21 7. "Cider" shall mean the partially or fully fermented juice of fresh,
22 whole apples or other pome fruits, containing more than three and two-

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

LBD01937-01-9

1 tenths per centum but not more than eight and one-half per centum alco-
2 hol by volume.

3 8. "Farm distillery" shall mean a distillery with a Class D license.

4 § 181-o. General powers and duties of the commissioner. The commis-
5 sioner shall develop and implement a New York craft beverage program.
6 The New York craft beverage council shall develop a marketing strategy
7 pursuant to this program that shall promote New York as a premiere
8 producer of high quality wines, spirits, ciders and craft brews.

9 § 181-p. New York craft beverage council. 1. (a) The commissioner, in
10 accordance with this program, shall cause to be developed a New York
11 craft beverage council to be tasked with branding, marketing and promot-
12 ing fine New York state wines, spirits, ciders and craft beverages. The
13 New York craft beverage council shall be managed by and its powers,
14 functions and duties shall be exercised through a board of directors.

15 (b) The initial board of directors shall consist of ten members: six
16 of which shall be appointed by the governor; two of which shall be
17 appointed by the temporary president of the senate; and two of which
18 shall be appointed by the speaker of the assembly. Of the ten members,
19 one shall be an officer or owner of a winery, one shall be an officer or
20 owner of a distillery, one shall be an officer or owner of a microbrew-
21 ery, one shall be an officer or owner of a liquor store, one shall be an
22 officer or owner of a beer distributor, one shall be an officer or owner
23 of a cidery, one shall be an officer or owner of a farm distillery, one
24 shall be an officer or owner of a brew pub, one shall be the owner or
25 officer of a restaurant licensed to sell fine New York wines, spirits,
26 ciders and craft brews, and one shall be a person familiar with the
27 advertising, promotion and marketing of commercial products. The direc-
28 tors so appointed shall serve a term of three years, except that, of the
29 directors so appointed by the governor, temporary president of the
30 senate and speaker of the assembly, the owner or officer of a distil-
31 lery, the owner or officer of a beer distributor and the owner or offi-
32 cer of a restaurant shall serve for one year, the owner or officer of a
33 brewery, the owner or officer of a liquor store and the owner or officer
34 of a brew pub shall serve for two years, and the owner or officer of a
35 winery, the owner or officer of a cidery, the owner or officer of a farm
36 distillery and the person familiar with advertising, promotion and
37 marketing of commercial products shall serve for three years.

38 (c) The chair of the urban development corporation shall serve as
39 chair of the council.

40 (d) Membership will be defined as members in good standing per the
41 bylaws of the New York craft beverage council. Each member will contrib-
42 ute annual dues to the council to be determined by the board of direc-
43 tors.

44 (e) The executive director of the New York craft beverage council
45 shall have previous experience in marketing craft beverages, event plan-
46 ning and brand management and will be appointed by the board of direc-
47 tors, decided by a majority vote. The executive director will serve as
48 an "at will" employee at the discretion of the board of directors.

49 (f) If any vacancy other than by expiration of term occurs on the
50 board amongst those first appointed such vacancy shall be filled by
51 appointment for the unexpired term by the appointing authority initially
52 appointing such member. Upon expiration of the initial terms, successors
53 shall be elected by the remaining members of the board for a three year
54 term; such directors shall have the qualifications required of the
55 original directors.

1 Members shall continue as such until their successors have been duly
2 elected.

3 (g) Members of the board of directors shall serve without compen-
4 sation, but shall be reimbursed for actual expenses reasonably incurred
5 in the performance of their duties.

6 (h) The board shall meet four times annually at the call of the chair-
7 man or in his or her absence the vice chairman or on petition of any
8 three members. A majority of the members of the board then in office
9 shall constitute a quorum for the transaction of any business. The board
10 is encouraged to conduct its meetings in a manner which will ensure the
11 active participation of any person having an interest in the craft
12 beverage industry.

13 (i) The New York craft beverage council is charged with creating brand
14 recognition for fine New York wines, spirits, ciders and craft brews. In
15 doing so they shall work to market New York state labeled craft beverag-
16 es both within and outside of New York state with the goal of promoting
17 New York craft beverages.

18 (j) The New York craft beverage council shall, by one year following
19 the effective date of this article, submit a preliminary report to the
20 governor and the legislature with an assessment of marketing and
21 promotion strategies to implement this article.

22 2. (a) (i) Regional advisory boards shall be established, whose
23 members shall work with the New York craft beverage council. There shall
24 be five regional members of the advisory board for each region estab-
25 lished pursuant to this section. For each region, one regional member
26 shall be appointed by the governor, two regional members shall be
27 appointed by the temporary president of the senate, and two regional
28 members shall be appointed by the speaker of the assembly. Regional
29 advisory board members shall have the qualifications required of the
30 board of directors.

31 (ii) Regional members shall not be considered to be members of the
32 council for purposes of participation in council meetings, except where
33 items relating specifically to that member's region are on the agenda of
34 a council meeting.

35 (b) For the purposes of this article, there shall be ten regions:

36 (i) Western New York, consisting of Allegany, Cattaraugus, Chautauqua,
37 Erie and Niagara counties;

38 (ii) Finger Lakes, consisting of Genesee, Livingston, Monroe, Ontario,
39 Orleans, Seneca, Wayne, Wyoming and Yates counties;

40 (iii) Southern Tier, consisting of Broome, Chemung, Chenango, Dela-
41 ware, Schuyler, Steuben, Tioga and Tompkins counties;

42 (iv) Central New York, consisting of Cayuga, Cortland, Madison, Onon-
43 daga and Oswego counties;

44 (v) Mohawk Valley, consisting of Fulton, Herkimer, Montgomery, Oneida,
45 Otsego and Schoharie counties;

46 (vi) North Country, consisting of Clinton, Essex, Franklin, Hamilton,
47 Jefferson, Lewis and St. Lawrence counties;

48 (vii) Capital Region, consisting of Albany, Columbia, Greene, Sarato-
49 ga, Schenectady, Rensselaer, Warren and Washington counties;

50 (viii) Mid-Hudson, consisting of Dutchess, Orange, Putnam, Rockland,
51 Sullivan, Ulster and Westchester counties;

52 (ix) New York City, consisting of Bronx, Kings, New York, Richmond and
53 Queens counties;

54 (x) Long Island, consisting of Nassau and Suffolk counties.

55 (c) Regional advisory board members shall serve without compensation,
56 and shall have their principal residence within the region for which

1 they are appointed. Such regional advisory board members may solicit
2 input from stakeholder interests within their region, including but not
3 limited to local governments, community organizations, chambers of
4 commerce, beverage distributors, wineries, distilleries, cideries,
5 microbreweries, restaurants, and consumers and shall transmit to the
6 council a report containing any recommendations specific to their region
7 one hundred eighty days following the effective date of this section.

8 § 2. This act shall take effect immediately.