STATE OF NEW YORK

4441

2019-2020 Regular Sessions

IN ASSEMBLY

February 4, 2019

Introduced by M. of A. KOLB, DiPIETRO -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to temporary beer and wine permits

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

Section 1. Section 97 of the alcoholic beverage control law, as amended by chapter 204 of the laws of 1963, the section heading as amended by chapter 363 of the laws of 1977, subdivisions 1 and 2 as amended by section 19 of part Z of chapter 85 of the laws of 2002, subdivision 3 as added by chapter 408 of the laws of 2010, subdivision 4 as added by chapter 120 of the laws of 2012, is amended to read as follows:

§ 97. Temporary beer and wine permit. 1. [~~The liquor authority is hereby authorized to issue temporary permits effective for a period not to exceed twenty-four consecutive hours to authorize the sale of beer and wine manufactured in New York state at outdoor or indoor gatherings, functions, occasions or events, within the hours fixed by or pursuant to subdivision five of section one hundred six of this chapter, during which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages at retail for on-premises consumption in the community in which is located the premises in which such gathering, function, occasion or event is held. The fee for such permit shall be twenty-six dollars. Such permit and the exercise of the privilege granted thereby shall be subject to such rules of the liquor authority as it deems necessary.~~

~~2.~~] The liquor authority is hereby authorized to issue an annual permit to brewers and beer wholesalers authorizing such licensees to sell beer for consumption at outdoor or indoor gatherings, functions, occasions or events, provided that such gatherings are not open to admission to the general public nor is admission thereto made contingent

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

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upon the payment of an admission fee, donation or contribution, and further provided that such beer is not resold at such gatherings. Every brewer or beer wholesaler to whom a permit shall be issued hereunder shall require every person to whom beer shall be sold for use at such gatherings to make, execute and file with such brewer or beer wholesaler, upon a form to be prescribed by the liquor authority, a statement, that the beer purchased by such person will not be sold or offered for sale by such person. Such statement shall be accepted for all purposes as the equivalent of an affidavit, and if false, shall subject the person making and executing the same to the same penalties as if he had been duly sworn. Such permit shall be issued in the form prescribed by the liquor authority and shall run concurrently with the annual term of the brewer's license or of the wholesale beer license, and the fee for such permit shall be sixty-four dollars. Such a permit and the exercise of the privileges granted thereunder shall be subject to such rules by the liquor authority as it deems necessary. The provisions hereof shall not apply to the sale of beer for consumption in the home.

[~~3.~~] 2. The liquor authority is hereby authorized to issue a permit under [~~subdivision one of~~] this section to the holder of a concessionaire's license issued by the division of the New York state fair in the department of agriculture and markets. Such permit shall allow for the sale and consumption of wine manufactured in New York state, and beer upon the premises known as the New York state fairgrounds during the annual New York state fair for the calendar year such permit is issued, provided that such wine is sold and dispensed in amounts of ten ounces or less. The fee for such permit shall be determined by the liquor authority.

[~~4.~~] 3. The liquor authority is hereby authorized to issue a temporary permit effective for a period not to exceed twenty-four consecutive hours to any holder of a license to manufacture wine in this or any other state, to sell wine at outdoor or indoor gatherings, functions, occasions, or events, provided that such manufacturer produces not more than one hundred fifty thousand gallons of wine annually. The fee for such permit shall be twenty-six dollars.

4. Notwithstanding the provisions of this section, any holder of a license to manufacture wine or beer in the state, including farm wineries and farm breweries, shall be authorized to sell beer and wine manufactured in New York state at outdoor or indoor gatherings, functions, occasions or events, within the hours fixed by or pursuant to subdivision five of section one hundred six of this chapter, during which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages at retail for on-premises consumption in the community in which is located the premises in which such gathering, function, occasion or event is held, for a period not to exceed twenty-four consecutive hours. The exercise of the privilege granted thereby shall be subject to any local laws, regulations or ordinances and such rules of the liquor authority as it deems necessary; except that no permit or fees shall be required.

§ 2. This act shall take effect immediately.