

# STATE OF NEW YORK

10549

## IN ASSEMBLY

July 6, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Fahy) --  
read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to  
authorizing the sale of merchandise other than beer by licensed brew-  
eries and licensed farm breweries and the operation of another busi-  
ness on a licensed premises

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

1 Section 1. Section 51 of the alcoholic beverage control law is amended  
2 by adding two new subdivisions 10 and 11 to read as follows:

3 10. (a) A licensed brewery may manufacture, bottle and sell juice,  
4 jellies and preserves, tonics, salad dressings and beer sauces on and  
5 from licensed premises.

6 (b) Such license shall authorize the holder thereof to store and sell  
7 gift items in a tax-paid room upon the licensed premises. These gift  
8 items shall be limited to the following categories:

9 (i) Non-alcoholic beverages for consumption on or off premises,  
10 including but not limited to bottled water, juice and soda beverages.

11 (ii) Food items, which may include locally produced farm products and  
12 any food or food product not specifically prepared for immediate  
13 consumption upon the premises. These items may be sold as single items  
14 or may be combined into a package containing beer or a beer product.

15 (iii) Beer supplies and accessories, which shall include any item  
16 utilized for the storage, serving or consumption of beer or for decora-  
17 tive purposes. These supplies may be sold as single items or may be  
18 combined into a package containing beer or a beer product.

19 (iv) Souvenir items, which shall include, but not be limited to  
20 artwork, crafts, clothing, agricultural products and any other articles  
21 which can be construed to propagate tourism.

22 (v) Beer produced or manufactured by any other New York state brewery  
23 or farm brewery licensee. Such beer may be purchased outright by the  
24 licensee from a New York state brewery or farm brewery licensee or  
25 obtained on a consignment basis pursuant to a written agreement between  
26 the selling and purchasing licensee.

27 (c) Notwithstanding any provision of law to the contrary, any brewery  
28 licensee may charge:

29 (i) for tours of its premises; and

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

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1 (ii) for any beer tastings.

2 (d) The authority is hereby authorized to promulgate rules and regu-  
3 lations to effectuate the purposes of this subdivision.

4 11. Notwithstanding any provision of law to the contrary, another  
5 business or other businesses may operate on the licensed premises of a  
6 brewery subject to such rules and regulations as the liquor authority  
7 may prescribe. Such rules and regulations shall determine which busi-  
8 nesses will be compatible with the policy and purposes of this chapter  
9 and shall consider the effect of particular businesses on the community  
10 and area in the vicinity of the brewery premises, provided however that  
11 a retailer business licensed under this chapter shall not be permitted  
12 to operate at a licensed manufacturing premises.

13 § 2. Section 51-a of the alcoholic beverage control law is amended by  
14 adding two new subdivisions 16 and 17 to read as follows:

15 16. (a) A licensed farm brewery may manufacture, bottle and sell  
16 juice, jellies and preserves, tonics, salad dressings and beer sauces on  
17 and from licensed premises.

18 (b) Such license shall authorize the holder thereof to store and sell  
19 gift items in a tax-paid room upon the licensed premises. These gift  
20 items shall be limited to the following categories:

21 (i) Non-alcoholic beverages for consumption on or off premises,  
22 including but not limited to bottled water, juice and soda beverages.

23 (ii) Food items, which may include locally produced farm products and  
24 any food or food product not specifically prepared for immediate  
25 consumption upon the premises. These items may be sold as single items  
26 or may be combined into a package containing beer or a beer product.

27 (iii) Beer supplies and accessories, which shall include any item  
28 utilized for the storage, serving or consumption of beer or for decora-  
29 tive purposes. These supplies may be sold as single items or may be  
30 combined into a package containing beer or a beer product.

31 (iv) Souvenir items, which shall include, but not be limited to  
32 artwork, crafts, clothing, agricultural products and any other articles  
33 which can be construed to propagate tourism.

34 (v) Beer produced or manufactured by any other New York state brewery  
35 or farm brewery licensee. Such beer may be purchased outright by the  
36 licensee from a New York state brewery or farm brewery licensee or  
37 obtained on a consignment basis pursuant to a written agreement between  
38 the selling and purchasing licensee.

39 (c) Notwithstanding any provision of law to the contrary, any farm  
40 brewery licensee may charge:

41 (i) For tours of its premises; and

42 (ii) For any beer tastings.

43 (d) The authority is hereby authorized to promulgate rules and regu-  
44 lations to effectuate the purposes of this subdivision.

45 17. Notwithstanding any provision of law to the contrary, another  
46 business or other businesses may operate on the licensed premises of a  
47 farm brewery subject to such rules and regulations as the liquor author-  
48 ity may prescribe. Such rules and regulations shall determine which  
49 businesses will be compatible with the policy and purposes of this chap-  
50 ter and shall consider the effect of particular businesses on the commu-  
51 nity and area in the vicinity of the farm brewery premises, provided  
52 however that a retailer business licensed under this chapter shall not  
53 be permitted to operate at a licensed manufacturing premises.

54 § 3. This act shall take effect immediately.