

STATE OF NEW YORK

8989

IN SENATE

May 3, 2022

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the alcoholic beverage control law, in relation to permitting the Culinary Institute of America to both produce and sell alcoholic beverages and permits certain donations

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

1 Section 1. Paragraph (a) of subdivision 1 of section 101 of the alco-
2 holic beverage control law is amended by adding a new subparagraph (xiv)
3 to read as follows:

4 (xiv) any such premises or business in the town of Hyde Park, County
5 of Dutchess operated by the Culinary Institute of America.

6 § 2. Subdivision 1 of section 101 of the alcoholic beverage control
7 law is amended by adding a new paragraph (f) to read as follows:

8 (f) The prohibitions and restrictions contained in paragraphs (a),
9 (b), (c) and (d) of this subdivision shall not apply to any contractual
10 arrangements between a licensed manufacturer or wholesaler and a
11 licensed retailer where such contractual arrangements take place on the
12 property described in subparagraph (xiv) of paragraph (a) of this subdi-
13 vision.

14 § 3. Section 101 of the alcoholic beverage control law is amended by
15 adding a new subdivision 9 to read as follows:

16 9. (a) Notwithstanding any other provision of law to the contrary, the
17 state liquor authority shall issue a license or licenses under sections
18 fifty-four-a, fifty-five, fifty-eight-a, fifty-eight-b, sixty-three,
19 sixty-four, seventy-eight, and seventy-nine of this chapter to a busi-
20 ness located on the property as described in subparagraph (xiv) of para-
21 graph (a) of subdivision one of this section, known as the Culinary
22 Institute of America.

23 (b) Such business may, but shall not be required to, produce wine,
24 beer, and distilled spirits as a condition of such license.

25 (c) No person shall be disqualified from acting as a director, offi-
26 cer, contractor or employee of, or purveyor to, the business by reason

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

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1 of such person holding a license under this chapter, or being affiliated
2 with a licensee under this chapter as a shareholder, partner, officer,
3 director, contractor or employee.

4 (d) No person shall be disqualified from being a lender or lessor to
5 the Culinary Institute of America, or a donor, patron, contributor or
6 sponsor of the business through contributions in cash or in kind, on
7 terms agreed with the administration of the business, by reason of such
8 person holding a license under this chapter, or being affiliated with a
9 licensee under this chapter as a shareholder, partner, officer, direc-
10 tor, contractor, or employee. Such persons shall be entitled, regardless
11 of their licensing status under this chapter, to obtain all the benefits
12 generally approved by the administration of the business and offered to
13 donors of similar amounts.

14 (e) Notwithstanding any other provision of law to the contrary the
15 Culinary Institute of America is expressly authorized to:

16 (i) enter into consulting agreements with manufacturers, suppliers, or
17 wholesalers of alcoholic beverages and other non-licensed third-party
18 entities;

19 (ii) offer tastings and educational classes where alcoholic beverages
20 are served on the premises and charge such amounts as it deems fit for
21 such tastings and classes;

22 (iii) provide restaurants, banquet facilities, and entertainment
23 facilities for public dining events and private parties in consideration
24 of such fees as are established by the business, and to sell and serve
25 at such events and locations alcoholic beverages;

26 (iv) provide off-premises events, tastings, and educational classes
27 at licensed and unlicensed locations from time to time and to sell and
28 serve at such events, tastings and educational classes alcoholic bever-
29 ages manufactured by the business or others and charge such amounts as
30 it deems fit by the administration of the business and allow for trans-
31 portation of alcoholic beverages to and from such events, tastings, and
32 educational classes;

33 (v) enter into license agreements with a manufacturer, retailer,
34 importer, supplier, or wholesaler of alcoholic beverages allowing the
35 use of the business's name and logo on alcoholic beverages to be sold by
36 such manufacturer, importer, supplier, or wholesaler for which the busi-
37 ness shall receive licensing or flat fees based upon either: (A) total
38 number; or (B) percentage of sales of such alcoholic beverages; and

39 (vi) sell at retail or wholesale wine, beer, and distilled products,
40 manufactured by the Culinary Institute of America.

41 § 4. The prohibitions and restrictions contained in section 106 of the
42 alcoholic beverage control law shall not apply to any contractual or
43 other financial arrangements between a licensed retailer and a licensed
44 manufacturer or wholesaler where such contractual or other financial
45 arrangements take place on any property owned by the Culinary Institute
46 of America and are related to the educational purposes of said insti-
47 tute.

48 § 5. This act shall take effect immediately.