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:

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

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

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

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

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

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

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

(c) No person shall be disqualified from acting as a director, officer, 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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of such person holding a license under this chapter, or being affiliated with a licensee under this chapter as a shareholder, partner, officer, director, contractor or employee.

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

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

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

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

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

(iv) provide off-premises events, tastings, and educational classes at licensed and unlicensed locations from time to time and to sell and serve at such events, tastings and educational classes alcoholic beverages manufactured by the business or others and charge such amounts as it deems fit by the administration of the business and allow for transportation of alcoholic beverages to and from such events, tastings, and educational classes;

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

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

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

§ 5. This act shall take effect immediately.