STATE OF NEW YORK

7085

2023-2024 Regular Sessions

IN SENATE

May 17, 2023

Introduced by Sen. WEBB -- 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 authorizing the manufacture of beer, spirits, cider, wine and mead at the community college in Broome county and Cornell university, acting on behalf of the New York state college of agriculture and life sciences and the New York state agricultural experiment station

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

Section 1. 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 under section seventy-six-a of this chapter to Cornell university on behalf of the New York state college of agriculture and life sciences and the New York state agricultural experiment station as defined in sections fifty-seven hundred twelve and fifty-seven hundred thirteen of the education law. Issuance of such a license shall not preclude or nullify other licenses granted to Cornell university, whether now or in the future, in all its locations in New York state in accordance with the provisions of this chapter. Issuance of such a license shall not restrict the ability of Cornell university, or the New York state college of agriculture and life sciences and the New York state agricultural experiment station to conduct research, teaching, education, extension and outreach, and economic development activities related to products that are not regulated by this chapter.

(b) Cornell university, acting on behalf of the New York state college of agriculture and life sciences and the New York state agricultural experiment station may, but shall not be required to, produce wine,

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

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beer, distilled spirits, distillates, cider, mead and other fermented products as a condition of such license.

(c) No person shall be disqualified from acting as a director, advisory council member, officer, or employee of, or purveyor to, Cornell university and the New York state college of agriculture and life sciences and the New York state agricultural experiment station by reason of such person holding a license under this subdivision, or being affiliated with a licensee under this subdivision as a shareholder, partner, officer, director, or employee.

(d) No person shall be disqualified from being a donor, patron, contributor or sponsor from time to time of Cornell university and the New York state college of agriculture and life sciences and the New York state agricultural experiment station through contributions in cash or in kind, by reason of such person holding a license under this subdivision, or being affiliated with a licensee under this subdivision as a shareholder, partner, officer, director, or employee.

(e) Notwithstanding any other provision of law to the contrary, Cornell university, acting through the New York state college of agriculture and life sciences and the New York state agricultural experiment station is expressly authorized to:

(i) manufacture New York state produced wines, beers, ciders, mead, distilled spirits and other fermented products for educational, workforce development and research purposes to include industrial product or non-consumable product research;

(ii) offer organoleptic tastings, on the premises, of such products only for the purposes of education, workforce development, and research and analysis. No fees may be imposed for such tastings, other than as part of the general cost of an educational course, workshop, or other instructional event;

(iii) provide educational courses, workforce development and experiential learning opportunities within the New York state college of agriculture and life sciences and the New York state agricultural experiment station and allow separately licensed entities to utilize facilities and equipment located at such places for the production of small-scale, pilot batches of wine, distilled spirits, cider, mead, beer and other fermented products not for further retail sale and for research purposes only; and

(iv) conduct product testing and technical analysis including, but not limited to, sensory analysis, of New York state and non-New York state manufactured wine, distilled spirits, cider, mead, beer, and other fermented products in accordance with an internally established fee schedule.

(f) Notwithstanding any other provision of law to the contrary, Cornell university may: (i) offer educational courses, workshops or other instructional events on wine, distilled spirits, cider, mead, beer and other fermented products through any of its colleges, schools or units, in accordance with internally established fee schedules and under appropriate licenses; and (ii) authorize the use of its facilities for conferences and events from time to time, including by other entities and by the general public, in accordance with internally established fee schedules and may sell and serve, or authorize others to sell and serve, at such events wines, beers, ciders, meads, distilled spirits and other fermented products under appropriate licenses.

§ 2. Section 101 of the alcoholic beverage control law is amended by adding a new subdivision 10 to read as follows:

10. (a) Notwithstanding any other provision of law to the contrary, the state liquor authority shall issue a license under section seventy-six-a of this chapter to the community college in Broome county, established pursuant to article one hundred twenty-six of the education law, in the city of Binghamton, and the Broome county culinary and events center on the premises described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the city of Binghamton, County of Broome, and State of New York, being more particularly described as follows:

Beginning at a point in the east side of Exchange Street at the southwest corner of the stone front building known as "Pope Block;" thence,

1. Southerly, along the easterly line of Exchange Street, 107.41 feet (one hundred and seven feet and five inches) to a point where the easterly line of Exchange Street intersects the north line of Congdon Place; thence,

2. Easterly, along the north line of Congdon Place, making a measured interior angle of 93° 01' 02" with the east line of Exchange Street, a distance of 200.43 feet to a point, said point being 50 feet westerly from the west line of Myrtle Avenue; thence,

3. Northerly, along a line parallel with the west line Myrtle Avenue, making an interior angle of 88° 59' 55" with the north line of Congdon Place, a distance of 65.00 feet to a point; thence,

4. Westerly, along a line parallel with the north line of Congdon Place, making an interior angle of 91° 00' 05" with the last described line, a distance of 71.95 feet to a point; thence,

5. Northerly, along a line making an interior angle of 271° 03' 58" with the last described line a distance of 44.08 feet to a point; thence,

6. Westerly, along a line making an interior angle of 88° 09' 38" with the last described line, a distance of 133.93 feet to the Point of Beginning, said line forming a measured interior angle of 87° 45' 22" with the east line of Exchange street.

The above described parcel is shown on a map prepared by Passero Associates entitled "Boundary and Topographic Survey, Carnegie Library, 78 Exchange Street", Project No. 201410120.0003, Drawing No. TS-1, Dated April 20, 2016. Together with and subject to 8 foot wide right-of-way for ingress and egress along the easterly side of the above premises, which westerly 4 feet of said right-of-way is located on the above premises and easterly 4 feet is located on premises to the east, as recited in Liber 1992 of Deeds, page 243.

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(b) The community college in Broome county and Broome county culinary and events center may, but shall not be required to, produce wine, beer, distillates, cider and mead as a condition of such license.

(c) No person shall be disqualified from acting as a director, advisory council member, officer, or employee of, or purveyor to, the community college in Broome county and Broome county culinary and events center by reason of such person holding a license under this subdivision, or being affiliated with a licensee under this subdivision as a shareholder, partner, officer, director, or employee.

(d) No person shall be disqualified from being a donor, patron, contributor or sponsor from time to time of the community college in Broome county and Broome county culinary and events center through contributions in cash or in kind, by reason of such person holding a license under this subdivision, or being affiliated with a licensee

under this subdivision as a shareholder, partner, officer, director, or employee.

(e) Notwithstanding any other provision of law to the contrary, the community college in the Broome county and Broome county culinary and events center is expressly authorized to:

(i) sell New York state produced wines, beers, ciders, meads and distilled spirits for both on and off-premises consumption;

(ii) manufacture New York state produced wines, beers, ciders, meads and distilled spirits for educational, workforce development and research purposes to include industrial product or non-consumable product innovation research;

(iii) offer tastings, on the premises, of such products only for the purposes of education, workforce development, and research and analysis. For purposes of this subdivision, tastings may only be conducted on the premises of the community college in Broome county and Broome county culinary and events center described in paragraph (a) of this subdivision. No fees may be imposed for such tastings, other than as part of the general cost of an educational course, workshop, or other instructional event;

(iv) provide educational courses, workforce development and experiential learning opportunities within the community college in Broome county and Broome county culinary and events center; and

(v) provide banquet and entertainment facilities for the general public for private parties in consideration of such fees as are established by the community college in Broome county and Broome county culinary and events center from time to time, and to sell and serve at such events wines, ciders, beers, mead and distilled spirits selected by persons hiring the facilities.

§ 3. Severability. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 4. This act shall take effect immediately.