STATE OF NEW YORK

3821

2023-2024 Regular Sessions

IN ASSEMBLY

February 8, 2023

Introduced by 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 breweries and licensed farm breweries and the operation of another business on a licensed premises

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

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

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

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

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

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

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

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

(v) Beer produced or manufactured by any other New York state brewery or farm brewery licensee. Such beer may be purchased outright by the

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

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licensee from a New York state brewery or farm brewery licensee or obtained on a consignment basis pursuant to a written agreement between the selling and purchasing licensee.

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

(i) for tours of its premises; and

(ii) for any beer tastings.

(d) The authority is hereby authorized to promulgate rules and regulations to effectuate the purposes of this subdivision.

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

§ 2. Section 51-a of the alcoholic beverage control law is amended by adding two new subdivisions 17 and 18 to read as follows:

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

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

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

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

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

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

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

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

(i) For tours of its premises; and

(ii) For any beer tastings.

(d) The authority is hereby authorized to promulgate rules and regulations to effectuate the purposes of this subdivision.

18. Notwithstanding any provision of law to the contrary, another business or other businesses may operate on the licensed premises of a farm brewery subject to such rules and regulations as the liquor authority may prescribe. Such rules and regulations shall determine which businesses will be compatible with the policy and purposes of this chapter and shall consider the effect of particular businesses on the commu-

nity and area in the vicinity of the farm brewery premises, provided however that a retailer business licensed under this chapter shall not be permitted to operate at a licensed manufacturing premises.

§ 3. This act shall take effect immediately.