

# STATE OF NEW YORK

4381

2023-2024 Regular Sessions

## IN ASSEMBLY

February 14, 2023

Introduced by M. of A. ZEBROWSKI -- read once and referred to the  
Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to  
allowing bed and breakfasts to sell cider, liquor, beer and wine

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

1 Section 1. Subdivision 4 of section 51 of the alcoholic beverage  
2 control law, as amended by chapter 431 of the laws of 2014, is amended  
3 to read as follows:

4 4. A licensed brewery may operate a restaurant, a hotel, an establish-  
5 ment designated and commonly known and operated as a bed and breakfast,  
6 a catering establishment, or other food and drinking establishment in or  
7 adjacent to the licensed premises and sell at such place, at retail for  
8 consumption on the premises, beer manufactured by the licensee and any  
9 New York state labeled beer. All of the provisions of this chapter rela-  
10 tive to licenses to sell beer at retail for consumption on the premises  
11 shall apply so far as applicable to such licensee. Notwithstanding any  
12 other provision of law, the licensed brewer may apply to the liquor  
13 authority for a license to sell beer, wine or liquor at retail for  
14 consumption on the premises at such establishment. All of the provisions  
15 of this chapter relative to licenses to sell beer, wine or liquor at  
16 retail for consumption on the premises shall apply so far as applicable  
17 to such application.

18 § 2. Paragraph (g) of subdivision 2 of section 51-a of the alcoholic  
19 beverage control law, as amended by chapter 522 of the laws of 2018, is  
20 amended to read as follows:

21 (g) operate a restaurant, a hotel, an establishment designated and  
22 commonly known and operated as a bed and breakfast, a catering estab-  
23 lishment, or other food and drinking establishment in or adjacent to the  
24 licensed premises and sell at such place, at retail for consumption on  
25 the premises, beer, cider, and braggot manufactured by the licensee and

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

LBD07006-01-3

1 any New York state labeled beer, New York state labeled braggot or New  
2 York state labeled cider. All of the provisions of this chapter relative  
3 to licenses to sell beer, cider, and braggot at retail for consumption  
4 on and off the premises shall apply so far as applicable to such licen-  
5 see. Notwithstanding any other provision of law, the licensed farm  
6 brewery may apply to the authority for a license under this chapter to  
7 sell other alcoholic beverages at retail for consumption on the premises  
8 at such establishment;

9 § 3. Subparagraph (ii) of paragraph (f) of subdivision 2 of section  
10 58-c of the alcoholic beverage control law, as amended by chapter 431 of  
11 the laws of 2014, is amended to read as follows:

12 (ii) operate a restaurant, a hotel, an establishment designated and  
13 commonly known and operated as a bed and breakfast, a catering estab-  
14 lishment, or other food and drinking establishment in or adjacent to the  
15 licensed premises and sell at such place, at retail for consumption on  
16 the premises, cider manufactured by the licensee and any New York state  
17 labeled cider. All of the provisions of this chapter relative to licen-  
18 sees to selling cider at retail shall apply. Notwithstanding any other  
19 provision of law, the licensed farm cidery may apply to the authority  
20 for a license under this chapter to sell other alcoholic beverages at  
21 retail for consumption on the premises at such establishment;

22 § 4. Subparagraph (ii) of paragraph (e) of subdivision 2-c of section  
23 61 of the alcoholic beverage control law, as amended by chapter 431 of  
24 the laws of 2014, is amended to read as follows:

25 (ii) operate a restaurant, a hotel, an establishment designated and  
26 commonly known and operated as a bed and breakfast, a catering estab-  
27 lishment, or other food and drinking establishment in or adjacent to the  
28 licensed premises and sell at such place, at retail for consumption on  
29 the premises, liquor manufactured by the licensee and any New York state  
30 labeled liquor. All of the provisions of this chapter relative to  
31 licenses to sell liquor at retail for consumption on the premises shall  
32 apply so far as applicable to such licensee. Notwithstanding any other  
33 provision of law, the licensee may apply to the authority for a license  
34 under this chapter to sell other alcoholic beverages at retail for  
35 consumption on the premises at such establishment.

36 § 5. Subdivision 5-a of section 64 of the alcoholic beverage control  
37 law, as added by chapter 480 of the laws of 2003, is amended to read as  
38 follows:

39 5-a. Notwithstanding the provisions of subdivision five of this  
40 section, a liquor license may be issued under this section to an estab-  
41 lishment designated and commonly known and operated as a "bed and break-  
42 fast" regardless of whether or not a restaurant is operated in such  
43 establishment[~~, provided that such license shall only permit the sale of~~  
44 ~~alcoholic beverages to overnight guests of such establishment~~].

45 § 6. Subdivision 4-a of section 76 of the alcoholic beverage control  
46 law, as amended by chapter 522 of the laws of 2018, is amended to read  
47 as follows:

48 4-a. A licensed winery may operate a restaurant, a hotel, an estab-  
49 lishment designated and commonly known and operated as a bed and break-  
50 fast, a catering establishment, or other food and drinking establishment  
51 in or adjacent to the licensed premises and sell at such place, at  
52 retail for consumption on the premises, wine, mead and wine products  
53 manufactured by the licensee and any New York state labeled wine, mead  
54 or New York state labeled wine product. All of the provisions of this  
55 chapter relative to licenses to sell wine at retail for consumption on  
56 the premises shall apply so far as applicable to such licensee.

1 Notwithstanding any other provision of law, the licensed winery may  
2 apply to the authority for a license under article four of this chapter  
3 to sell other alcoholic beverages at retail for consumption on the prem-  
4 ises at such establishment.

5 § 7. Paragraph (f) of subdivision 2 of section 76-a of the alcoholic  
6 beverage control law, as amended by chapter 522 of the laws of 2018, is  
7 amended to read as follows:

8 (f) operate a restaurant, a hotel, an establishment designated and  
9 commonly known and operated as a bed and breakfast, a catering estab-  
10 lishment, or other food and drinking establishment in or adjacent to the  
11 licensed premises and sell at such place, at retail for consumption on  
12 the premises, wine, cider, and mead manufactured by the licensee and any  
13 New York state labeled wine, New York state labeled cider, New York  
14 state labeled mead or New York state labeled wine product. All of the  
15 provisions of this chapter relative to licenses to sell wine at retail  
16 for consumption on the premises shall apply so far as applicable to such  
17 licensee. Notwithstanding any other provision of law, the licensed farm  
18 winery may apply to the authority for a license under this chapter to  
19 sell other alcoholic beverages at retail for consumption on the premises  
20 at such establishment.

21 § 8. This act shall take effect immediately.