

STATE OF NEW YORK

6415

2025-2026 Regular Sessions

IN SENATE

March 13, 2025

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the alcoholic beverage control law, in relation to creating licenses for roadside farm markets to sell beer, cider, and liquor

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

1 Section 1. Subdivisions 5 and 6 of section 50 of the alcoholic beverage control law, as amended by chapter 519 of the laws of 1937, are
2 amended and a new subdivision 7 is added to read as follows:

3 5. Licenses to sell beer at retail for consumption off the premises;
4 [~~and~~]

5 6. Licenses to sell beer at retail for consumption on the premises[~~+~~];
6 and

7 7. Roadside farm market license.

8 § 2. The alcoholic beverage control law is amended by adding a new
9 section 51-b to read as follows:

10 § 51-b. Roadside farm market license. 1. Any person owning or operating a roadside farm market may apply to the liquor authority for a roadside farm market license to sell beer pursuant to this section. Such application shall be in writing and verified, and shall contain such information as the liquor authority shall require and shall be accompanied by a check or draft for the amount required by this article for such license. If the liquor authority shall grant the application, it shall issue a license in such form as shall be determined by its rules, and the license shall remain in effect for one year.

11 2. For the purposes of this section, the term "roadside farm market" means a building or structure located on a farm operation, as defined in subdivision eleven of section three hundred one of the agriculture and markets law, except for a commercial horse boarding operation, in which

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

LBD10620-01-5

1 New York agricultural products are primarily sold by producers, growers
2 or farmers of such agricultural products to the general public, and the
3 term "New York agricultural product" means any agricultural or aquacul-
4 tural product of the soil or water that has been grown, harvested or
5 produced within the state, including but not limited to fruits, vegeta-
6 bles, eggs, dairy products, meat and meat products, poultry and poultry
7 products, fish and fish products, grain and grain products, honey, nuts,
8 preserves, maple sap products, apple cider, fruit juice, and Christmas
9 trees.

10 3. A roadside farm market license shall authorize the holder thereof
11 to sell beer manufactured or produced by up to two duly licensed farms
12 or special breweries or micro-breweries that are located within twenty
13 miles of the roadside farm market by the bottle or can for off-premises
14 consumption; provided that such market's owner, operator or represen-
15 tative shall be present at all times during which beer is being offered
16 for sale; provided that such market shall abide by all rules and regu-
17 lations promulgated pursuant to section ninety-six of this chapter and
18 any other rules and regulations promulgated by the liquor authority to
19 implement the provisions of this section to ensure that beer stored or
20 kept by such market is segregated and kept in a safe and secure location
21 when such market is closed for business.

22 4. The sale of beer pursuant to this section shall occur only within
23 the hours fixed by or pursuant to subdivision fourteen of section one
24 hundred five of this chapter. Notwithstanding the provisions of section
25 fifty-four-b of this article or any other provision of law, no beer
26 tastings shall be conducted at a roadside farm market that sells beer
27 for off-premises consumption pursuant to the provisions of this section.

28 5. The liquor authority, in consultation with the department of agri-
29 culture and markets, shall promulgate any rules and regulations neces-
30 sary to implement the provisions of this section.

31 § 3. Section 56 of the alcoholic beverage control law is amended by
32 adding a new subdivision 12 to read as follows:

33 12. The annual fee for a roadside farm market license shall be one
34 hundred dollars.

35 § 4. The alcoholic beverage control law is amended by adding a new
36 section 58-e to read as follows:

37 § 58-e. Roadside farm market license. 1. Any person owning or operat-
38 ing a roadside farm market may apply to the liquor authority for a road-
39 side farm market license to sell cider pursuant to this section. Such
40 application shall be in writing and verified, and shall contain such
41 information as the liquor authority shall require and shall be accompa-
42 nyed by a check or draft for the amount required by this article for
43 such license. If the liquor authority shall grant the application, it
44 shall issue a license in such form as shall be determined by its rules,
45 and the license shall remain in effect for one year. The annual fee for
46 such a license shall be one hundred dollars.

47 2. For the purposes of this section, the term "roadside farm market"
48 means a building or structure located on a farm operation, as defined in
49 subdivision eleven of section three hundred one of the agriculture and
50 markets law, except for a commercial horse boarding operation, in which
51 New York agricultural products are primarily sold by producers, growers
52 or farmers of such agricultural products to the general public, and the
53 term "New York agricultural product" means any agricultural or aquacul-
54 tural product of the soil or water that has been grown, harvested or
55 produced within the state, including but not limited to fruits, vegeta-
56 bles, eggs, dairy products, meat and meat products, poultry and poultry

1 products, fish and fish products, grain and grain products, honey, nuts,
2 preserves, maple sap products, apple cider, fruit juice, and Christmas
3 trees.

4 3. A roadside farm market license shall authorize the holder thereof
5 to sell cider manufactured or produced by up to two duly licensed farms
6 or farm cideries that are located within twenty miles of the roadside
7 farm market by the bottle or can for off-premises consumption; provided
8 that such market's owner, operator or representative shall be present at
9 all times during which cider is being offered for sale; provided that
10 such market shall abide by all rules and regulations promulgated pursu-
11 ant to section ninety-six of this chapter and any other rules and regu-
12 lations promulgated by the liquor authority to implement the provisions
13 of this section to ensure that cider stored or kept by such market is
14 segregated and kept in a safe and secure location when such market is
15 closed for business.

16 4. The sale of cider pursuant to this section shall occur only within
17 the hours fixed by or pursuant to subdivision fourteen of section one
18 hundred five of this chapter. Notwithstanding the provisions of section
19 fifty-nine-a of this article or any other provision of law, no cider
20 tastings shall be conducted at a roadside farm market that sells cider
21 for off-premises consumption pursuant to the provisions of this section.

22 5. The liquor authority, in consultation with the department of agri-
23 culture and markets, shall promulgate any rules and regulations neces-
24 sary to implement the provisions of this section.

25 § 5. Subdivision 6 of section 60 of the alcoholic beverage control
26 law, as added by chapter 531 of the laws of 1964, is amended and a new
27 subdivision 7 is added to read as follows:

28 6. Special license to sell liquor at retail for consumption on the
29 premises.

30 7. Roadside farm market license.

31 § 6. The alcoholic beverage control law is amended by adding a new
32 section 61-c to read as follows:

33 § 61-c. Roadside farm market license. 1. Any person owning or operat-
34 ing a roadside farm market may apply to the liquor authority for a road-
35 side farm market license to sell liquor pursuant to this section. Such
36 application shall be in writing and verified, and shall contain such
37 information as the liquor authority shall require and shall be accompa-
38 nied by a check or draft for the amount required by this article for
39 such license. If the liquor authority shall grant the application, it
40 shall issue a license in such form as shall be determined by its rules,
41 and the license shall remain in effect for one year.

42 2. For the purposes of this section, the term "roadside farm market"
43 means a building or structure located on a farm operation, as defined in
44 subdivision eleven of section three hundred one of the agriculture and
45 markets law, except for a commercial horse boarding operation, in which
46 New York agricultural products are primarily sold by producers, growers
47 or farmers of such agricultural products to the general public, and the
48 term "New York agricultural product" means any agricultural or aquacul-
49 tural product of the soil or water that has been grown, harvested or
50 produced within the state, including but not limited to fruits, vegeta-
51 bles, eggs, dairy products, meat and meat products, poultry and poultry
52 products, fish and fish products, grain and grain products, honey, nuts,
53 preserves, maple sap products, apple cider, fruit juice, and Christmas
54 trees.

55 3. A roadside farm market license shall authorize the holder thereof
56 to sell liquor manufactured or produced by up to two duly licensed farms

1 or farm distilleries that are located within twenty miles of the road-
2 side farm market by the bottle for off-premises consumption; provided
3 that such market's owner, operator or representative shall be present at
4 all times during which liquor is being offered for sale; provided that
5 such market shall abide by all rules and regulations promulgated pursu-
6 ant to section ninety-six of this chapter and any other rules and regu-
7 lations promulgated by the liquor authority to implement the provisions
8 of this section to ensure that liquor stored or kept by such market is
9 segregated and kept in a safe and secure location when such market is
10 closed for business.

11 4. The sale of liquor pursuant to this section shall occur only within
12 the hours fixed by or pursuant to subdivision fourteen of section one
13 hundred five of this chapter. Notwithstanding the provisions of section
14 sixty-three-a of this article or any other provision of law, no liquor
15 tastings shall be conducted at a roadside farm market that sells liquor
16 for off-premises consumption pursuant to the provisions of this section.

17 5. The liquor authority, in consultation with the department of agri-
18 culture and markets, shall promulgate any rules and regulations neces-
19 sary to implement the provisions of this section.

20 § 7. Section 66 of the alcoholic beverage control law is amended by
21 adding a new subdivision 11 to read as follows:

22 11. The annual fee for a roadside farm market license shall be one
23 hundred dollars.

24 § 8. This act shall take effect on the first of January next succeed-
25 ing the date on which it shall have become a law. Effective immediately,
26 the addition, amendment and/or repeal of any rule or regulation neces-
27 sary for the implementation of this act on its effective date are
28 authorized to be made and completed on or before such effective date.