STATE OF NEW YORK

7355

2025-2026 Regular Sessions

IN ASSEMBLY

March 25, 2025

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

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:

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 amended and a new subdivision 7 is added to read as follows:

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

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

7. Roadside farm market license.

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

§ 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.

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 New York agricultural products are primarily sold by producers, growers

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

LBD10620-01-5

or farmers of such agricultural products to the general public, and the term "New York agricultural product" means any agricultural or aquacultural product of the soil or water that has been grown, harvested or produced within the state, including but not limited to fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, preserves, maple sap products, apple cider, fruit juice, and Christmas trees.

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

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

5. The liquor authority, in consultation with the department of agriculture and markets, shall promulgate any rules and regulations necessary to implement the provisions of this section.

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

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

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

§ 58-e. 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 cider 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. The annual fee for such a license shall be one hundred dollars.

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 New York agricultural products are primarily sold by producers, growers or farmers of such agricultural products to the general public, and the term "New York agricultural product" means any agricultural or aquacultural product of the soil or water that has been grown, harvested or produced within the state, including but not limited to fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts,

preserves, maple sap products, apple cider, fruit juice, and Christmas trees.

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

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

5. The liquor authority, in consultation with the department of agriculture and markets, shall promulgate any rules and regulations necessary to implement the provisions of this section.

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

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

7. Roadside farm market license.

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

§ 61-c. 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 liquor 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.

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 New York agricultural products are primarily sold by producers, growers or farmers of such agricultural products to the general public, and the term "New York agricultural product" means any agricultural or aquacultural product of the soil or water that has been grown, harvested or produced within the state, including but not limited to fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, preserves, maple sap products, apple cider, fruit juice, and Christmas trees.

3. A roadside farm market license shall authorize the holder thereof to sell liquor manufactured or produced by up to two duly licensed farms or farm distilleries that are located within twenty miles of the road-

side farm market by the bottle for off-premises consumption; provided that such market's owner, operator or representative shall be present at all times during which liquor is being offered for sale; provided that such market shall abide by all rules and regulations promulgated pursuant to section ninety-six of this chapter and any other rules and regulations promulgated by the liquor authority to implement the provisions of this section to ensure that liquor stored or kept by such market is segregated and kept in a safe and secure location when such market is closed for business.

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

5. The liquor authority, in consultation with the department of agriculture and markets, shall promulgate any rules and regulations necessary to implement the provisions of this section.

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

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

§ 8. This act shall take effect on the first of January next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.