

STATE OF NEW YORK

1824

2025-2026 Regular Sessions

IN SENATE

January 14, 2025

Introduced by Sen. ASHBY -- 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 more closely align the privileges of farm distilleries with other privileges enjoyed by farmers

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

1 Section 1. Subdivision 25 of section 3 of the alcoholic beverage
2 control law is amended to read as follows:

3 25. "Retail sale" or "sale at retail" means a sale to a consumer or to
4 any person for any purpose other than for resale. Such sale may occur
5 during a tasting or during any other activities where permitted by law.

6 § 2. Subparagraphs (v) and (vii) of paragraph (a) of subdivision 2-c
7 of section 61 of the alcoholic beverage control law, subparagraph (v) as
8 amended by chapter 103 of the laws of 2017 and subparagraph (vii) as
9 amended by chapter 522 of the laws of 2018, are amended to read as
10 follows:

11 (v) To conduct tastings of and sell at retail for consumption on or
12 off the premises New York state labelled beer manufactured by [~~a~~
13 ~~licensed brewer~~] either a brewer licensed in New York state or [~~licensed~~
14 ~~farm brewery~~] a farm brewery licensed in New York state;

15 (vii) To conduct tastings of and sell at retail for consumption on or
16 off the premises New York state labelled wine manufactured by either a
17 licensed winery licensed in New York state or a licensed farm winery
18 licensed in New York state;

19 § 3. Paragraph (e) of subdivision 2-c of section 61 of the alcoholic
20 beverage control law, as amended by chapter 431 of the laws of 2014, is
21 amended to read as follows:

22 (e) Notwithstanding any other provision of law to the contrary, the
23 holder of a farm distillery license may (i) sell at retail for consump-

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

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1 tion on the licensed premises~~[7]~~: any liquor manufactured by the licen-
2 see or any New York state labeled liquor, or any alcoholic beverage for
3 consumption on the licensed premises pursuant to this subdivision.
4 Provided, however, the licensee shall regularly keep food available for
5 sale or service to its retail customers for consumption on the premises.
6 A licensee providing the following shall be deemed in compliance with
7 this provision: sandwiches, soups or other such foods, whether fresh,
8 processed, pre-cooked or frozen; and/or food items intended to [~~compli-~~
9 ~~ment~~] complement the tasting of alcoholic beverages, which shall mean a
10 diversified selection of food that is ordinarily consumed without the
11 use of tableware and can be conveniently consumed while standing or
12 walking, including but not limited to: cheese, fruits, vegetables, choc-
13 olates, breads, mustards and crackers. All of the provisions of this
14 chapter relative to licenses to sell liquor at retail for consumption on
15 the premises shall apply so far as applicable to such licensee; and

16 (ii) operate a restaurant, hotel, catering establishment, or other
17 food and drinking establishment in or adjacent to the licensed premises
18 and sell at such place, in addition to any food items or other purchased
19 items, at retail for consumption on the premises, only liquor manufac-
20 tured by the licensee and any New York state labeled liquor. All of the
21 provisions of this chapter relative to licenses to sell liquor at retail
22 for consumption on [~~the~~] such premises shall apply so far as applicable
23 to such licensee. Notwithstanding any other provision of law, the licen-
24 see may apply to the authority for a license under this chapter to sell
25 other alcoholic beverages at retail for consumption on the premises at
26 such establishment. The privileges contained in this subdivision shall
27 not extend to the premises of a restaurant, hotel or catering establish-
28 ment.

29 § 4. Paragraphs (e) and (f) of subdivision 2 of section 76-a of the
30 alcoholic beverage control law, as amended by chapter 522 of the laws of
31 2018, are amended to read as follows:

32 (e) conduct tastings of and sell at the licensed premises~~[7]~~ at retail
33 for consumption on or off the licensed premises: alcoholic beverages
34 manufactured by the licensee or any other licensed farm winery; New York
35 state labeled wine manufactured by any licensed winery; New York state
36 labeled beer manufactured by [~~any~~] either a brewer licensed [~~brewer~~] in
37 New York state or a farm brewery licensed in New York state; New York
38 state labeled cider manufactured by any [~~licensed~~] of the following so
39 long as it is licensed in New York state by a brewer, farm brewer,
40 winery, cider producer, or a farm cidery [~~or farm brewery~~]; New York
41 state labeled mead manufactured by any licensed farm meadery, winery or
42 farm winery; New York state labeled braggot manufactured by any licensed
43 meadery, brewery or farm brewery and New York state labeled liquor manu-
44 factured by [~~any~~] either a distillery licensed [~~distiller~~] in New York
45 state or a farm distillery licensed in New York state;

46 (f) operate a restaurant, hotel, catering establishment, or other food
47 and drinking establishment in or adjacent to the licensed premises and
48 sell at such place, in addition to any food items or other permitted
49 items, at retail for consumption on the premises, wine, cider, and mead
50 manufactured by the licensee and any New York state labeled wine, New
51 York state labeled cider, New York state labeled mead or New York state
52 labeled wine product. All of the provisions of this chapter relative to
53 licenses to sell wine at retail for consumption on the premises shall
54 apply so far as applicable to such licensee. Notwithstanding any other
55 provision of law, the licensed farm winery may apply to the authority
56 for a license under this chapter to sell other alcoholic beverages at

1 retail for consumption on the premises at such establishment. The privi-
2 leges contained in paragraphs (e), (f), (g) and (h) of subdivision six
3 of this section shall not extend to the premises of a restaurant, hotel
4 or catering establishment.

5 § 5. Paragraph (e) of subdivision 7 of section 76-a of the alcoholic
6 beverage control law, as amended by chapter 571 of the laws of 2008 and
7 such section as renumbered by chapter 231 of the laws of 2024, is
8 amended and three new paragraphs (f), (g) and (h) are added to read as
9 follows:

10 (e) Sell for consumption on or off the licensed premises New York
11 state labelled liquors manufactured by the holder of a class A-1, B-1,
12 or C distiller's license.

13 (f) Conduct tastings on the licensed premises of New York state
14 labelled liquors manufactured by the holder of a class A-1, B-1, or C
15 distiller's license or by a farm distillery licensed in New York state.
16 All liquor tastings conducted pursuant to this paragraph shall be
17 conducted in the same manner as tastings of brandy pursuant to section
18 seventy-six-e of this article.

19 (g) Conduct tastings of and sell at retail for consumption on or off
20 the licensed premises New York state labelled beer manufactured by
21 either a brewer licensed in New York state or a farm brewery licensed
22 in New York state.

23 (h) Conduct tastings of and sell at retail for consumption on or off
24 the licensed premises New York state labelled cider manufactured by any
25 of the following so long as it is licensed in New York state: a brewer
26 licensed in New York state, a farm brewery licensed in New York state, a
27 winery, farm winery, cider producer or farm cidery.

28 § 6. Paragraphs (f), (h), (i) and (j) of subdivision 2 of section 58-c
29 of the alcoholic beverage control law, paragraph (f) as amended by chap-
30 ter 431 of the laws of 2014, paragraphs (h) and (i) as amended by chap-
31 ter 327 of the laws of 2016 and paragraph (j) as amended by chapter 522
32 of the laws of 2018, are amended to read as follows:

33 (f) (i) if at the licensed premises, [~~conduct~~] the licensee conducts
34 tastings of, [~~and-sell~~] or sells at retail for consumption on or off the
35 licensed premises, any cider manufactured by the licensee or any New
36 York state labeled cider, or any alcoholic beverage for consumption on
37 the licensed premises pursuant to paragraph (g), (h), (i), or (j) of
38 this subdivision the licensee shall regularly keep food available for
39 sale or service to its retail customers for consumption on the premises.

40 Provided, [~~however,~~] further that for tastings and sales for on-premises
41 consumption, the licensee shall regularly keep food available for sale
42 or service to its retail customers for consumption on the premises. A
43 licensee providing the following shall be deemed in compliance with this
44 provision: (A) sandwiches, soups or other such foods, whether fresh,
45 processed, pre-cooked or frozen; and/or (B) food items intended to
46 complement the tasting of alcoholic beverages, which shall mean a diver-
47 sified selection of food that is ordinarily consumed without the use of
48 tableware and can be conveniently consumed while standing or walking,
49 including but not limited to: cheeses, fruits, vegetables, chocolates,
50 breads, mustards and crackers. All of the provisions of this chapter
51 relative to licensees selling cider at retail shall apply; and

52 (ii) operate a restaurant, hotel, catering establishment, or other
53 food and drinking establishment in or adjacent to the licensed premises
54 and sell at such place, in addition to any food items or other permitted
55 items, at retail for consumption on the premises, only cider manufac-
56 tured by the licensee and any New York state labeled cider. All of the

1 provisions of this chapter relative to licensees to selling cider at
2 retail shall apply. Notwithstanding any other provision of law, the
3 licensed farm cidery may apply to the authority for a license under this
4 chapter to sell other alcoholic beverages at retail for consumption on
5 the premises at such establishment, but the privileges contained in
6 paragraph (g), (h), (i), or (j) of this subdivision shall not extend to
7 the premises of the restaurant, hotel, or catering establishment;

8 (h) conduct tastings of and sell at retail for consumption on or off
9 the premises New York state labeled beer manufactured by [~~a licensed~~]
10 either a brewery licensed in New York state or [~~licensed~~] a farm brewery
11 licensed in New York state;

12 (i) conduct tastings of and sell at retail for consumption on or off
13 the licensed premises New York state labelled wine manufactured by
14 either a [~~licensed~~] winery licensed in New York state or [~~licensed~~] a
15 farm winery licensed in New York state;

16 (j) conduct tastings of and sell at retail for consumption on or off
17 the premises New York state labelled liquor manufactured by [~~a licensed~~]
18 either a distiller licensed in New York state or [~~licensed~~] a farm
19 distiller licensed in New York state; provided, however, that no consum-
20 er may be provided, directly or indirectly: (i) with more than three
21 samples of liquor for tasting in one calendar day; or (ii) with a sample
22 of liquor for tasting equal to more than one-quarter fluid ounce;

23 § 7. Paragraphs (e), (f), (g), (h), (i), (j), (k), (l) and (m) of
24 subdivision 2 of section 51-a of the alcoholic beverage control law,
25 paragraphs (e), (g), (h), (i), (l) and (m) as amended by chapter 522 of
26 the laws of 2018, paragraph (f) as amended by chapter 7 of the laws of
27 2020, paragraph (k) as added by chapter 108 of the laws of 2012, para-
28 graph (j) as added and paragraph (k) as relettered by chapter 384 of the
29 laws of 2013, are amended to read as follows:

30 (e) [~~sell at the licensed premises beer, cider, and braggot manufac-~~
31 ~~tured by the licensee or any other licensed farm brewery, and wine and~~
32 ~~spirits manufactured by any licensed farm winery or farm distillery, at~~
33 ~~retail for consumption on or off the licensed premises] (i) sell at
34 retail for consumption on or off the licensed premises beer manufactured
35 by the licensee, or New York state labelled beer manufactured by either
36 a brewer licensed in New York state or a farm brewery licensed in New
37 York state; (ii) to conduct tastings of, and sell at retail for consump-
38 tion on or off the licensed premises cider manufactured by the licensee,
39 or New York state labelled cider manufactured by either a cidery
40 licensed in New York state or a farm cidery licensed in New York state;
41 (iii) to conduct tastings of, and sell at retail for consumption on or
42 off the licensed premises New York state labelled wine manufactured by
43 either a winery licensed in New York state or a farm winery licensed in
44 New York state; and (iv) to conduct tastings of, and sell at retail for
45 consumption on or off the licensed premises New York state labelled
46 spirits manufactured by either a distillery licensed in New York state
47 or a farm distillery licensed in New York; provided, however, that no
48 consumer may be provided, directly or indirectly: (A) with more than
49 three samples of liquor for tasting in one calendar day; or (B) with a
50 sample of liquor for tasting equal to more than one-quarter fluid ounce;~~

51 (f) [~~conduct tastings at the licensed premises of beer, cider, and~~
52 ~~braggot manufactured by the licensee or any other licensed farm brewery;~~

53 (g) ~~operate a restaurant, hotel, catering establishment, or other food~~
54 ~~and drinking establishment in or adjacent to the licensed premises and~~
55 ~~sell at such place, at retail for consumption on the premises, beer,~~
56 ~~cider, and braggot manufactured by the licensee and any New York state~~

~~1 labeled beer, New York state labeled braggot or New York state labeled~~
~~2 eider. All of the provisions of this chapter relative to licenses to~~
~~3 sell beer, cider, and braggot at retail for consumption on and off the~~
~~4 premises shall apply so far as applicable to such licensee. Notwith-~~
~~5 standing any other provision of law, the licensed farm brewery may apply~~
~~6 to the authority for a license under this chapter to sell other alcohol-~~
~~7 ic beverages at retail for consumption on the premises at such estab-~~
~~8 lishment]~~ at the licensed premises, conduct tastings of any beer manu-
9 factured by the licensee or any New York state labeled beer, or any
10 alcoholic beverage for consumption licensed pursuant to paragraph (e) of
11 this subdivision. Provided however, the licensee shall regularly keep
12 food available for sale or service to its retail customers for consump-
13 tion on the premises. Provided, however, for tastings and sales for
14 on-premises consumption, the licensee shall regularly keep food avail-
15 able for sale or service to its retail customers for consumption on the
16 premises. A licensee providing the following shall be deemed in compli-
17 ance with this provision: (i) sandwiches, soups, or other such foods,
18 whether fresh, processed, pre-cooked or frozen; and/or (ii) food items
19 to complement the tasting of alcoholic beverages, which shall mean a
20 diversified selection of food that is ordinarily consumed without the
21 use of tableware and can be conveniently consumed while standing or
22 walking, including but not limited to: cheeses, fruits, vegetables,
23 chocolates, breads, mustards and crackers. All of the provisions of this
24 chapter relative to licensees selling cider at retail shall apply; and
25 (iii) operate a restaurant, hotel, catering establishment, or other food
26 and drinking establishment in or adjacent to the licensed premises and
27 sell at such place, in addition to any food items or other permitted
28 items, at retail for consumption on the premises, only cider manufac-
29 tured by the licensee and any New York state labeled cider. All of the
30 provisions of this chapter relative to licensees to selling cider at
31 retail shall apply. Notwithstanding any other provision of law, the
32 licensed farm brewery may apply to the authority for a license under
33 this chapter to sell other alcoholic beverages at retail for consumption
34 on the premises at such establishment, but the privileges contained in
35 paragraph (e) of this subdivision shall not extend to the premises of
36 the restaurant, hotel, or catering establishment;

~~37 [(h)]~~ (g) sell beer, cider, and braggot manufactured by the licensee
38 or any other ~~licensed~~ farm brewery licensed in New York state at
39 retail for consumption off the premises, at the state fair, at recog-
40 nized county fairs and at farmers markets operated on a not-for-profit
41 basis;

~~42 [(i) conduct tastings of and sell at retail for consumption off the~~
~~43 premises New York state labelled wine and mead manufactured by a person~~
~~44 licensed to produce wine or mead under this chapter;~~

~~45 (j) conduct tastings of and sell at retail for consumption off the~~
~~46 premises New York state labelled cider manufactured by a licensed cider~~
~~47 producer or licensed farm cidery;~~

~~48 (k) conduct tastings of and sell at retail for consumption off the~~
~~49 premises New York state labelled liquor manufactured by a licensed~~
~~50 distiller or licensed farm distiller; provided, however, that no consum-~~
~~51 er may be provided, directly or indirectly: (i) with more than three~~
~~52 samples of liquor for tasting in one calendar day; or (ii) with a sample~~
~~53 of liquor for tasting equal to more than one quarter fluid ounce; and~~

~~54 (l) conduct tastings of and sell at retail for consumption off the~~
~~55 premises New York state labelled braggot manufactured by a person~~
~~56 licensed to produce braggot under this chapter;~~] and

1 [~~(m)~~] (h) engage in any other business on the licensed premises
2 subject to such rules and regulations as the authority may prescribe.
3 Such rules and regulations shall determine which businesses will be
4 compatible with the policy and purposes of this chapter and shall
5 consider the effect of particular businesses on the community and area
6 in the vicinity of the farm brewery licensee.

7 § 8. This act shall take effect on the ninetieth day after it shall
8 have become a law. Effective immediately, the addition, amendment and/or
9 repeal of any rule or regulation necessary for the implementation of
10 this act on its effective date are authorized to be made and completed
11 on or before such effective date.