

# PROGRAM BILL # 41

S. \_\_\_\_\_  
Senate  
\_\_\_\_\_

IN SENATE--Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

----- A.  
Assembly  
-----

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the  
Committee on

\*ALCOBELA\*  
(Creates a farm brewery license)

ABC. farm brew license

## AN ACT

to amend the alcoholic beverage control law and the agriculture and markets law, in relation to the creation of a farm brewery license and to amend the tax law, in relation to farm winery, farm distillery and farm brewery sales tax information return filing requirements

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

## IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship of this proposal

s20 Adams	s44 Farley	s58 Kennedy	s54 Nozzolio	s28 Serrano
s15 Addabbo	s02 Flanagan	s34 Klein	s53 O'Mara	s51 Seward
s55 Alesi	s08 Fuschillo	s26 Krueger	s37 Oppenheimer	s09 Skelos
s11 Avella	s59 Gallivan	s24 Lanza	s21 Parker	s14 Smith
s40 Ball	s12 Gianaris	s39 Larkin	s13 Peralta	s25 Squadron
s42 Bonacic	s22 Golden	s01 LaValle	s30 Perkins	s16 Stavisky
s46 Breslin	s47 Griffo	s52 Libous	s61 Ranzenhofer	s35 Stewart-
s38 Carlucci	s60 Grisanti	s45 Little	s48 Ritchie	Cousins
s50 DeFrancisco	s06 Hannon	s05 Marcellino	s33 Rivera	s27 Storobin
s32 Diaz	s36 Hassell-	s07 Martins	s56 Robach	s49 Valesky
s17 Dilan	Thompson	s62 Maziarz	s41 Saland	s57 Young
s29 Duane	s10 Huntley	s43 McDonald	s19 Sampson	s03 Zeldin
s31 Espailiat	s04 Johnson	s18 Montgomery	s23 Savino	

## IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the multi-sponsorship of this proposal:

a049 Abbate	a085 Crespo	a042 Jacobs	a121 Miller, D.	a067 Rosenthal
a092 Abinanti	a107 Crouch	a095 Jaffee	a102 Miller, J.	a118 Russell
a105 Amedore	a014 Curran	a057 Jeffries	a038 Miller, M.	a144 Ryan
a084 Arroyo	a063 Cusick	a135 Johns	a052 Millman	a012 Saladino
a035 Aubry	a045 Cymbrowitz	a112 Jordan	a015 Montesano	a113 Sayward
a124 Barclay	a034 DenDekker	a099 Katz	a132 Morelle	a029 Scarborough
a103 Barrett	a081 Dinowitz	a074 Kavanagh	a039 Moya	a016 Schimel
a040 Barron	a114 Duprey	a145 Kearns	a003 Murray	a140 Schimminger
a082 Benedetto	a004 Englebright	a065 Kellner	a037 Nolan	a064 Silver
a122 Blankenbush	a054 Espinal	a129 Kolb	a128 Oaks	a027 Simanowitz
a055 Boyland	a071 Farrell	a025 Lancman	a069 O'Donnell	a036 Simotas
a008 Boyle	a123 Finch	a091 Latimer	a051 Ortiz	a100 Skartados
a026 Braunstein	a007 Fitzpatrick	a013 Lavine	a136 Palmesano	a146 Smardz
a044 Brennan	a137 Friend	a050 Lentol	a088 Paulin	a079 Stevenson
a116 Brindisi	a143 Gabryszak	a125 Lifton	a141 Peoples-	a011 Sweeney
a131 Bronson	a090 Galef	a072 Linares	Stokes	a110 Tedisco
a046 Brook-Krasny	a133 Gantt	a127 Lopez, P.	a058 Perry	a115 Tenney
a147 Burling	a077 Gibson	a053 Lopez, V.	a087 Pretlow	a002 Thiele
a117 Butler	a149 Giglio	a001 Losquadro	a073 Quart	a061 Titone
a101 Cahill	a066 Glick	a126 Lupardo	a021 Ra	a031 Titus
a096 Calhoun	a023 Goldfeder	a111 Magee	a097 Rabbitt	a062 Tobacco
a043 Camara	a150 Goodell	a120 Magnarelli	a009 Raia	a148 Walter
a106 Canestrari	a075 Gottfried	a059 Maisel	a006 Ramos	a041 Weinstein
a089 Castelli	a005 Graf	a060 Malliotakis	a134 Reilich	a020 Weisenberg
a086 Castro	a098 Gunther	a030 Markey	a109 Reilly	a024 Weprin
a138 Ceretto	a130 Hanna	a093 Mayer	a178 Rivera, J.	a070 Wright
a033 Clark	a139 Hawley	a019 McDonough	a080 Rivera, N.	a094 Zebrowski
a047 Colton	a083 Heastie	a104 McEneny	a076 Rivera, P.	
a010 Conte	a028 Hevesi	a017 McKevitt	a119 Roberts	
a032 Cook	a048 Hikinid	a108 McLaughlin	a056 Robinson	
a142 Corwin	a018 Hooper	a022 Meng	a068 Rodriguez	

1) Single House Bill (introduced and printed separately in either or both houses). Uni-Bill (introduced simultaneously in both houses and printed as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed copies of bill and 4 copies of memorandum in support (single house); or 4 signed copies of bill and 8 copies of memorandum in support (uni-bill).

1 Section 1. Section 3 of the alcoholic beverage control law is amended  
2 by adding a new subdivision 12-aaa to read as follows:

3 12-aaa. "Farm brewery" means and includes any place or premises,  
4 located on a farm in New York state, in which New York state labelled  
5 beer is manufactured, stored and sold, or any other place or premises in  
6 New York state in which New York state labelled beer is manufactured,  
7 stored and sold.

8 § 2. Section 3 of the alcoholic beverage control law is amended by  
9 adding two new subdivisions 20-d and 20-e to read as follows:

10 20-d. "New York state labelled beer" means:

11 (a) from the effective date of this subdivision until December thir-  
12 ty-first, two thousand eighteen, beer made with no less than twenty  
13 percent, by weight, of its hops grown in New York state and no less than  
14 twenty percent, by weight, of all of its other ingredients, excluding  
15 water, grown in New York state;

16 (b) from January first, two thousand nineteen until December thirty-  
17 first, two thousand twenty-three, beer made with no less than sixty  
18 percent, by weight, of its hops grown in New York state and no less than  
19 sixty percent, by weight, of all of its other ingredients, excluding  
20 water, grown in New York state; and

21 (c) from January first, two thousand twenty-four and thereafter, beer  
22 made with no less than ninety percent, by weight, of its hops grown in  
23 New York state and no less than ninety percent, by weight, of all of its  
24 other ingredients, excluding water, grown in New York state.

25 20-e. "New York state labelled cider" means cider made exclusively  
26 from apples grown in New York state.

1 § 3. Subdivision 6 of section 51 of the alcoholic beverage control  
2 law, as amended by chapter 258 of the laws of 2009, is renumbered subdivi-  
3 sion 5-a and amended to read as follows:

4 5-a. Except as otherwise provided in subdivisions three, four [and],  
5 five and six-a of this section and except as provided in section fifty-  
6 two of this article no brewer shall sell any beer, wine or liquor at  
7 retail.

8 § 4. Section 51 of the alcoholic beverage control law is amended by  
9 adding a new subdivision 6-a to read as follows:

10 6-a. A licensed brewer producing New York state labelled beer may:

11 (a) sell such beer to licensed farm distillers, farm wineries and farm  
12 breweries. All such beer sold by the licensee shall be securely sealed  
13 and have attached thereto a label as shall be required by section one  
14 hundred seven-a of this chapter;

15 (b) conduct tastings at the licensed premises of such beer;

16 (c) sell such beer at retail for consumption off the premises at the  
17 state fair, at recognized county fairs and at farmers markets operated  
18 on a not-for-profit basis;

19 (d) sell and conduct tastings of such beer at retail for consumption  
20 on the premises of a restaurant, conference center, inn, bed and break-  
21 fast or hotel business owned and operated by the licensee in or adjacent  
22 to its farm brewery. A licensee who operates a restaurant, conference  
23 center, inn, bed and breakfast or hotel pursuant to such authority shall  
24 comply with all applicable provisions of this chapter which relate to  
25 licenses to sell beer at retail for consumption on the premises;

26 (e) apply for a permit to conduct tastings away from the licensed  
27 premises of such beer. Such permit shall be valid throughout the state  
28 and may be issued on an annual basis or for individual events. Each such

1 permit and the exercise of the privilege granted thereby shall be  
2 subject to such rules and conditions of the authority as it deems neces-  
3 sary. Tastings shall be conducted subject to the following conditions:

4 (i) tastings shall be conducted by an official agent, representative  
5 or solicitor of the licensee. Such agent, representative or solicitor  
6 shall be physically present at all times during the conduct of the tast-  
7 ings; and

8 (ii) any liability stemming from a right of action resulting from a  
9 tasting of beer or cider as authorized herein and in accordance with the  
10 provisions of sections 11-100 and 11-101 of the general obligations law,  
11 shall accrue to the licensee.

12 (f) if it holds a tasting permit issued pursuant to paragraph (e) of  
13 this subdivision, apply to the authority for a permit to sell such beer,  
14 for consumption off the premises, during such tastings in premises  
15 licensed under sections sixty-four, sixty-four-a, eighty-one and eight-  
16 y-one-a of this chapter. Each such permit and the exercise of the privi-  
17 lege granted thereby shall be subject to such rules and conditions of  
18 the authority as it deems necessary.

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

21 § 51-a. Farm brewery license. 1. Any person may apply to the authority  
22 for a farm brewery license as provided for in this section to brew beer  
23 within this state for sale. Such application shall be in writing and  
24 verified and shall contain such information as the authority shall  
25 require. Such application shall be accompanied by a check or draft for  
26 the amount required by this article for such license. If the authority  
27 grants the application, it shall issue a license in such form as shall  
28 be determined by its rules. Such license shall contain a description of

1 the licensed premises and in form and in substance shall be a license to  
2 the person therein specifically designated to brew beer in the premises  
3 therein specifically licensed.

4 2. A farm brewery license shall authorize the holder thereof to oper-  
5 ate a brewery for the manufacture of New York state labelled beer. Such  
6 a license shall also authorize the licensee to:

7 (a) manufacture New York state labelled cider;

8 (b) sell in bulk beer and cider manufactured by the licensee to any  
9 person licensed to manufacture alcoholic beverages in this state or to a  
10 permittee engaged in the manufacture of products which are unfit for  
11 beverage use;

12 (c) sell or deliver beer and cider manufactured by the licensee to  
13 persons outside the state pursuant to the laws of the place of such  
14 delivery;

15 (d) sell beer and cider manufactured by the licensee to wholesalers  
16 and retailers licensed in this state to sell such beer and cider,  
17 licensed farm distillers, licensed farm wineries and any other licensed  
18 farm brewery. All such beer and cider sold by the licensee shall be  
19 securely sealed and have attached thereto a label as shall be required  
20 by section one hundred seven-a of this chapter;

21 (e) sell at the licensed premises beer and cider manufactured by the  
22 licensee or any other licensed farm brewery at retail for consumption on  
23 or off the licensed premises;

24 (f) conduct tastings at the licensed premises of beer and cider manu-  
25 factured by the licensee or any other licensed farm brewery;

26 (g) sell and conduct tastings of beer and cider manufactured by the  
27 licensee or any other licensed farm brewery at retail for consumption on  
28 the premises of a restaurant, conference center, inn, bed and breakfast

1 or hotel business owned and operated by the licensee in or adjacent to  
2 its farm brewery. A licensee who operates a restaurant, conference  
3 center, inn, bed and breakfast or hotel pursuant to such authority shall  
4 comply with all applicable provisions of this chapter which relate to  
5 licenses to sell beer at retail for consumption on the premises;

6 (h) sell beer and cider manufactured by the licensee or any other  
7 licensed farm brewery at retail for consumption off the premises, at the  
8 state fair, at recognized county fairs and at farmers markets operated  
9 on a not-for-profit basis;

10 (i) conduct tastings of and sell at retail for consumption off the  
11 premises New York state labelled wine manufactured by a licensed winery  
12 or licensed farm winery;

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

19 (k) engage in any other business on the licensed premises subject to  
20 such rules and regulations as the authority may prescribe. Such rules  
21 and regulations shall determine which businesses will be compatible with  
22 the policy and purposes of this chapter and shall consider the effect of  
23 particular businesses on the community and area in the vicinity of the  
24 farm brewery licensee.

25 3. (a) A farm brewery licensee may apply for a permit to conduct tast-  
26 ings away from the licensed premises of beer and cider produced by the  
27 licensee. Such permit shall be valid throughout the state and may be  
28 issued on an annual basis or for individual events. Each such permit and

1 the exercise of the privilege granted thereby shall be subject to such  
2 rules and conditions of the authority as it deems necessary.

3 (b) Tastings shall be conducted subject to the following limitations:

4 (i) tastings shall be conducted by an official agent, representative  
5 or solicitor of one or more farm breweries. Such agent, representative  
6 or solicitor shall be physically present at all times during the conduct  
7 of the tastings; and

8 (ii) any liability stemming from a right of action resulting from a  
9 tasting of beer or cider as authorized herein and in accordance with the  
10 provisions of sections 11-100 and 11-101 of the general obligations law,  
11 shall accrue to the farm brewery.

12 4. A licensed farm brewery holding a tasting permit issued pursuant to  
13 subdivision three of this section may apply to the authority for a  
14 permit to sell beer and cider produced by such farm brewery, by the  
15 bottle, during such tastings in premises licensed under sections sixty-  
16 four, sixty-four-a, eighty-one and eighty-one-a of this chapter. Each  
17 such permit and the exercise of the privilege granted thereby shall be  
18 subject to such rules and conditions of the authority as it deems neces-  
19 sary.

20 5. A licensed farm brewery may, under such rules as may be adopted by  
21 the authority, sell beer or cider manufactured by the licensee or any  
22 other licensed farm brewery at retail in bulk by the keg, cask or barrel  
23 for consumption and not for resale at a clam-bake, barbeque, picnic,  
24 outing or other similar outdoor gathering at which more than fifty  
25 persons are assembled.

26 6. A licensed farm brewery may apply to the authority for a license to  
27 sell liquor and/or wine at retail for consumption on the premises in a  
28 restaurant owned by him and conducted and operated by the licensee in or

1 adjacent to its farm brewery. All of the provisions of this chapter  
2 relative to licenses to sell liquor or wine at retail or consumption on  
3 the premises shall apply so far as applicable.

4 7. A farm brewery license shall authorize the holder thereof to manu-  
5 facture, bottle and sell food condiments and products such as mustards,  
6 sauces, hop seasonings, beer nuts, and other hops and beer related foods  
7 in addition to beer and hop soaps, hop pillows, hop wreaths and other  
8 such food and crafts on and from the licensed premises. Such license  
9 shall authorize the holder thereof to store and sell gift items in a  
10 tax-paid room upon the licensed premises incidental to the sale of beer.  
11 These gift items shall be limited to the following categories:

12 (a) non-alcoholic beverages for consumption on or off premises,  
13 including but not limited to bottled water, juice and soda beverages;

14 (b) food items for the purpose of complementing beer and cider tast-  
15 ings, which shall mean a diversified selection of food that is ordinar-  
16 ily consumed without the use of tableware and can be conveniently  
17 consumed while standing or walking. Such food items shall include but  
18 not be limited to: cheeses, fruits, vegetables, chocolates, breads,  
19 mustards and crackers;

20 (c) food items, which shall include locally produced farm products and  
21 any food or food product not specifically prepared for immediate  
22 consumption upon the premises. Such food items may be combined into a  
23 package containing cider, beer and/or hop related products;

24 (d) beer supplies and accessories, which shall include any item  
25 utilized for the storage, serving or consumption of beer or for decora-  
26 tive purposes. These supplies may be sold as single items or may be  
27 combined into a package containing beer;

1 (e) beer-making equipment and supplies including, but not limited to,  
2 home beer-making or homebrewing kits, filters, bottling equipment, hops,  
3 barley, yeasts, chemicals and other beer additives, and books or other  
4 written material to assist beer-makers and home beer-makers or homebrew-  
5 ers to produce and bottle beer;

6 (f) souvenir items, which shall include, but not be limited to  
7 artwork, crafts, clothing, agricultural products and any other articles  
8 which can be construed to propagate tourism within the region.

9 8. Notwithstanding any provision of this chapter to the contrary, any  
10 farm brewery licensee may charge for tours of its premises.

11 9. The holder of a license issued under this section may operate up to  
12 five branch offices located away from the licensed farm brewery. Such  
13 locations shall be considered part of the licensed premises and all  
14 activities allowed at and limited to the farm brewery may be conducted  
15 at the branch offices. Such branch offices shall not be located within,  
16 share a common entrance and exit with, or have any interior access to  
17 any other business, including premises licensed to sell alcoholic bever-  
18 ages at retail. Prior to commencing operation of any such branch office,  
19 the licensee shall notify the authority of the location of such branch  
20 office and the authority may issue a permit for the operation of same.

21 10. No farm brewery shall manufacture in excess of sixty thousand  
22 finished barrels of beer annually.

23 11. (a) Except as provided in paragraph (b) of this subdivision, no  
24 licensed farm brewery shall manufacture or sell any beer other than New  
25 York state labelled beer.

26 (b) In the event that the commissioner of agriculture and markets,  
27 after investigating and compiling information pursuant to subdivision  
28 forty-two of section sixteen of the agriculture and markets law, deter-

1 mines that a natural disaster, act of God, or continued adverse weather  
2 condition has destroyed much of the necessary ingredients for brewing  
3 beer, such commissioner, in consultation with the chairman of the  
4 authority, may give authorization to a duly licensed farm brewery to  
5 manufacture or sell beer produced from ingredients grown or produced  
6 outside this state. No such authorization shall be granted to a farm  
7 brewery licensee unless such licensee certifies to such commissioner the  
8 quantity of New York grown ingredients unavailable to such licensee due  
9 to such natural disaster, act of God or continuing adverse weather  
10 condition and satisfies such commissioner that reasonable efforts were  
11 made to obtain brewing ingredients from a New York state source for such  
12 beer making purpose. No farm brewery shall utilize an amount of out-of-  
13 state grown or produced ingredients exceeding the amount of New York  
14 grown ingredients that such brewery is unable to obtain due to the  
15 destruction of New York grown or produced ingredients by a natural  
16 disaster, act of God or continuing adverse weather condition as deter-  
17 mined by the commissioner of agriculture and markets pursuant to this  
18 subdivision. For purposes of this subdivision, the department of agri-  
19 culture and markets and the authority are authorized to adopt rules and  
20 regulations as they may deem necessary to carry out the provisions of  
21 this subdivision which shall include ensuring that in manufacturing beer  
22 farm breweries utilize ingredients grown or produced in New York state  
23 to the extent they are reasonably available, prior to utilizing ingredi-  
24 ents from an out-of-state source for such purpose.

25 (c) The commissioner of agriculture and markets shall make available  
26 to farm breweries and to the public each specific ingredient loss deter-  
27 mination issued pursuant to paragraph (b) of this subdivision on or  
28 before August twentieth of each year.

1 (d) In the event that the continuing effects of a natural disaster,  
2 act of God, or adverse weather condition which occurred prior to August  
3 twentieth of each year or the effects of a natural disaster, act of God,  
4 or adverse weather condition which occurs subsequent to August twentieth  
5 each year results in any ingredient loss which meets the standards  
6 provided in paragraph (b) of this subdivision, the commissioner of agri-  
7 culture and markets, in consultation with the chairman of the authority,  
8 may issue additional ingredient loss determinations and shall expe-  
9 ditiously make available to farm breweries and to the public each  
10 specific ingredient loss determination issued pursuant to this paragraph  
11 prior to October tenth of each year.

12 12. (a) Except as provided in paragraph (b) of this subdivision, no  
13 licensed farm brewery shall manufacture or sell any cider other than New  
14 York state labelled cider.

15 (b) In the event that the commissioner of agriculture and markets,  
16 after investigating and compiling information pursuant to subdivision  
17 forty-two of section sixteen of the agriculture and markets law, deter-  
18 mines that a natural disaster, act of God, or continued adverse weather  
19 condition has destroyed much of the apple crop necessary for producing  
20 cider, such commissioner, in consultation with the chairman of the  
21 authority, may give authorization to a duly licensed farm brewery to  
22 manufacture or sell cider produced from apples grown outside this state.  
23 No such authorization shall be granted to a farm brewery licensee unless  
24 such licensee certifies to such commissioner the quantity of New York  
25 grown apples unavailable to such licensee due to such natural disaster,  
26 act of God or continuing adverse weather condition and satisfies such  
27 commissioner that reasonable efforts were made to obtain apples from a  
28 New York state source for such cider making purpose. No farm brewery

1 shall utilize an amount of out-of-state grown apples exceeding the  
2 amount of New York grown apples that such brewery is unable to obtain  
3 due to the destruction of New York grown apples by a natural disaster,  
4 act of God or continuing adverse weather condition as determined by the  
5 commissioner of agriculture and markets pursuant to this subdivision.  
6 For purposes of this subdivision, the department of agriculture and  
7 markets and the authority are authorized to adopt rules and regulations  
8 as they may deem necessary to carry out the provisions of this subdivi-  
9 sion which shall include ensuring that in manufacturing cider farm brew-  
10 eries utilize apples grown in New York state to the extent they are  
11 reasonably available, prior to utilizing apples from an out-of-state  
12 source for such purpose.

13 (c) The commissioner of agriculture and markets shall make available  
14 to farm breweries and to the public each specific apple loss determi-  
15 nation issued pursuant to paragraph (b) of this subdivision on or after  
16 August twentieth of each year.

17 (d) In the event that the continuing effects of a natural disaster,  
18 act of God, or adverse weather condition which occurred prior to August  
19 twentieth of each year or the effects of a natural disaster, act of God,  
20 or adverse weather condition which occurs subsequent to August twentieth  
21 of each year results in any apple crop loss which meets the standards  
22 provided in paragraph (b) of this subdivision, the commissioner of agri-  
23 culture and markets, in consultation with the chairman of the authority,  
24 may issue additional apple crop loss determinations and shall expe-  
25 ditiously make available to farm breweries and to the public the loss  
26 determination issued pursuant to this paragraph prior to October tenth  
27 of each year.

1 13. Notwithstanding any contrary provision of law or of any rule or  
2 regulation promulgated pursuant thereto, and in addition to the activ-  
3 ities which may otherwise be carried out by any person licensed under  
4 this section, such person may, on the premises designated in such  
5 license:

6 (a) produce, package, bottle, sell and deliver soft drinks and other  
7 non-alcoholic beverages, vitamins, malt, malt syrup, and other by-pro-  
8 ducts;

9 (b) dry spent grain from the brewery;

10 (c) recover carbon dioxide and yeast;

11 (d) store bottles, packages and supplies necessary or incidental to  
12 all such operations;

13 (e) package, bottle, sell and deliver wine products;

14 (f) allow for the premises including space and equipment to be rented  
15 by a licensed tenant brewer for the purposes of alternation.

16 14. Notwithstanding any other provision of this chapter, the authority  
17 may issue a farm brewery license to the holder of a farm winery or farm  
18 distiller's license for use at such licensee's existing licensed prem-  
19 ises. The holder of a farm winery or farm distiller's license that  
20 simultaneously holds a farm brewery license on an adjacent premises may  
21 share and use the same tasting room facilities to conduct any tastings  
22 that such licensee is otherwise authorized to conduct.

23 15. The authority is hereby authorized to promulgate rules and regu-  
24 lations to effectuate the purposes of this section. In prescribing such  
25 rules and regulations, the authority shall promote the expansion and  
26 profitability of beer and cider production and of tourism in New York,  
27 thereby promoting the conservation, production and enhancement of New  
28 York state agricultural lands.

1 § 6. Subdivision 1 of section 56 of the alcoholic beverage control  
2 law, as amended by section 1 of part Z of chapter 85 of the laws of  
3 2002, is amended to read as follows:

4 1. The annual fee for a [brewer's] license to manufacture beer shall  
5 be:

6 (a) four thousand dollars for a brewer's license, unless the annual  
7 production of the brewer is less than sixty thousand barrels per year,  
8 in which case the annual fee shall be three hundred twenty dollars;

9 (b) three hundred twenty dollars for a farm brewery license.

10 § 7. Subdivision 1 of section 56-a of the alcoholic beverage control  
11 law, as amended by section 1 of part B of chapter 56 of the laws of  
12 2004, is amended to read as follows:

13 1. In addition to the annual fees provided for in this chapter, there  
14 shall be paid to the [division] authority with each initial application  
15 for a license filed pursuant to section fifty-one, fifty-one-a, fifty-  
16 three, fifty-eight, sixty-one, sixty-two, seventy-six or seventy-eight  
17 of this chapter, a filing fee of four hundred dollars; with each initial  
18 application for a license filed pursuant to section sixty-three, sixty-  
19 four, sixty-four-a or sixty-four-b of this chapter, a filing fee of two  
20 hundred dollars; with each initial application for a license filed  
21 pursuant to section fifty-three-a, fifty-four, fifty-five, fifty-five-a,  
22 seventy-nine, eighty-one or eighty-one-a of this chapter, a filing fee  
23 of one hundred dollars; with each initial application for a permit filed  
24 pursuant to section [seventy-seven,] ninety-one, ninety-one-a, ninety-  
25 two, ninety-two-a, ninety-three, ninety-three-a, if such permit is to be  
26 issued on a calendar year basis, ninety-four, ninety-five, ninety-six or  
27 ninety-six-a, or pursuant to paragraph b, c, e or j of subdivision one  
28 of section ninety-nine-b of this chapter if such permit is to be issued

1 on a calendar year basis, or for an additional bar pursuant to subdivi-  
2 sion four of section one hundred of this chapter, a filing fee of twenty  
3 dollars; and with each application for a permit under section ninety-  
4 three-a of this chapter, other than a permit to be issued on a calendar  
5 year basis, section ninety-seven, ninety-eight, ninety-nine, or ninety-  
6 nine-b of this chapter, other than a permit to be issued pursuant to  
7 paragraph b, c, e or j of subdivision one of section ninety-nine-b of  
8 this chapter on a calendar year basis, a filing fee of ten dollars.

9 § 8. Subdivision 2 of section 56-a of the alcoholic beverage control  
10 law, as amended by chapter 55 of the laws of 1992, is amended to read as  
11 follows:

12 2. In addition to the annual fees provided for in this chapter, there  
13 shall be paid to the authority with each renewal application for a  
14 license filed pursuant to section fifty-one, fifty-one-a, fifty-three,  
15 fifty-eight, sixty-one, sixty-two, seventy-six or seventy-eight of this  
16 chapter, a filing fee of one hundred dollars; with each renewal applica-  
17 tion for a license filed pursuant to section sixty-three, sixty-four,  
18 sixty-four-a or sixty-four-b of this chapter, a filing fee of ninety  
19 dollars; with each renewal application for a license filed pursuant to  
20 section seventy-nine, eighty-one or eighty-one-a of this chapter, a  
21 filing fee of twenty-five dollars; and with each renewal application for  
22 a license or permit filed pursuant to section fifty-three-a, fifty-four,  
23 fifty-five, fifty-five-a, [seventy-seven,] ninety-one, ninety-one-a,  
24 ninety-two, ninety-two-a, ninety-three, ninety-three-a, if such permit  
25 is issued on a calendar year basis, ninety-four, ninety-five, ninety-six  
26 or ninety-six-a of this chapter or pursuant to subdivisions b, c, e or j  
27 of section ninety-nine-b, if such permit is issued on a calendar year  
28 basis, or with each renewal application for an additional bar pursuant

1 to subdivision four of section one hundred of this chapter, a filing fee  
2 of thirty dollars.

3 § 9. Subdivision 1 of section 61 of the alcoholic beverage control  
4 law, as amended by chapter 581 of the laws of 1951, is amended to read  
5 as follows:

6 1. A class A distiller's license shall authorize the holder thereof to  
7 operate a distillery for the manufacture of liquors by distillation or  
8 redistillation at the premises specifically designated in the license.  
9 Such a license shall also authorize the sale in bulk by such licensee  
10 from the licensed premises of the products manufactured under such  
11 license to any person holding a distiller's class A license, a  
12 distiller's class B license or a permittee engaged in the manufacture of  
13 products which are unfit for beverage use. It shall also authorize the  
14 sale from the licensed premises and from one other location in the state  
15 of New York of any liquor whether or not manufactured by such licensee  
16 to a wholesale or retail liquor licensee or permittee in sealed contain-  
17 ers of not more than one quart each. Such license shall also authorize  
18 the sale of New York state labelled liquor to licensed farm wineries and  
19 farm breweries in sealed containers of not more than one quart each.  
20 Such license shall also include the privilege to operate a rectifying  
21 plant under the same terms and conditions as the holder of a class B  
22 distiller's license without the payment of any additional fee.

23 § 10. Paragraph (a) of subdivision 2-c of section 61 of the alcoholic  
24 beverage control law, as amended by chapter 454 of the laws of 2008, is  
25 amended to read as follows:

26 (a) A class D distiller's license, otherwise known as a farm distil-  
27 lery license, shall authorize the holder of such a license to operate a  
28 farm distillery at the premises specifically designated in the license:

1 (i) To manufacture liquor primarily from farm and food products, as  
2 defined in subdivision two of section two hundred eighty-two of the  
3 agriculture and markets law;

4 (ii) To put such liquor into containers of not more than one quart  
5 each, which containers shall then be sealed and to sell such liquor at  
6 wholesale, for resale, and to licensed farm wineries and farm breweries,  
7 wholesale and retail licensees, and permittees;

8 (iii) To sell at retail, for personal use, in such sealed containers;  
9 [and]

10 (iv) To sell in bulk, liquor manufactured by the licensee to a winery  
11 or farm winery licensee, or to the holder of a class A, A-1, B, B-1 or C  
12 distiller's license, or to the holder of a permit issued pursuant to  
13 paragraph c of subdivision one of section ninety-nine-b of this chap-  
14 ter[.];

15 (v) To conduct tastings of and sell at retail for consumption off the  
16 premises New York state labelled beer manufactured by a licensed brewer  
17 or licensed farm brewery;

18 (vi) To conduct tastings of and sell at retail for consumption off the  
19 premises New York state labelled cider manufactured by a licensed brew-  
20 er, licensed farm brewery, licensed farm winery or licensed cider  
21 producer; and

22 (vii) To conduct tastings of and sell at retail for consumption off  
23 the premises New York state labelled wine manufactured by a licensed  
24 winery or licensed farm winery.

25 § 11. Subdivision 2 of section 76 of the alcoholic beverage control  
26 law, as amended by chapter 221 of the laws of 2011, is amended to read  
27 as follows:

28 2. A winery license shall authorize the holder thereof:

1 (a) to operate a winery for the manufacture of wine at the premises  
2 specifically designated in the license;

3 (b) to receive and possess wine from other states consigned to a  
4 United States government bonded winery, warehouse or storeroom located  
5 within the state;

6 (c) to sell in bulk from the licensed premises the products manufac-  
7 tured under such license and wine received by such licensee from any  
8 other state to any winery licensee, any distiller licensee or to a  
9 permittee engaged in the manufacture of products which are unfit for  
10 beverage use and to sell or deliver such wine to persons outside the  
11 state pursuant to the laws of the place of such sale or delivery;

12 (d) to sell from the licensed premises to a licensed wholesaler or  
13 retailer, or to a corporation operating railroad cars or aircraft for  
14 consumption on such carriers, wine manufactured or received by the  
15 licensee as above set forth in the original sealed containers of not  
16 more than fifteen gallons each and to sell or deliver such wine to  
17 persons outside the state pursuant to the laws of the place of such sale  
18 or delivery. All wine sold by such licensee shall be securely sealed and  
19 have attached thereto a label setting forth such information as shall be  
20 required by this chapter; [and]

21 (e) to sell from the licensed premises to licensed farm wineries and  
22 farm breweries New York state labelled wine manufactured by the licensee  
23 in the original sealed containers of not more than fifteen gallons each;  
24 and

25 (f) to operate, or use the services of, a custom crush facility as  
26 defined in subdivision nine-a of section three of this chapter.

1 § 12. Paragraph (c) of subdivision 2 of section 76-a of the alcoholic  
2 beverage control law, as added by chapter 221 of the laws of 2011, is  
3 amended to read as follows:

4 (c) sell from the licensed premises to a licensed winery, farm distil-  
5 ler, farm brewery, wholesaler or retailer, or to a corporation operating  
6 railroad cars or aircraft for consumption on such carriers, or at retail  
7 for consumption off the premises, wine or cider manufactured by the  
8 licensee as above set forth and to sell or deliver such wine or cider to  
9 persons outside the state pursuant to the laws of the place of such sale  
10 or delivery. All wine or cider sold by such licensee for consumption off  
11 the premises shall be securely sealed and have attached thereto a label  
12 setting forth such information as shall be required by this chapter;

13 § 13. Subparagraph 6 of paragraph (b) of subdivision 4 of section 76-a  
14 of the alcoholic beverage control law, as amended by chapter 571 of the  
15 laws of 2008, is amended to read as follows:

16 (6) New York state labelled wine or liquors produced or manufactured  
17 by any other New York state winery or farm winery licensee or by the  
18 holder of [a class A-1, B-1, or C] any distiller's license. Such wine or  
19 liquors may be purchased outright by the licensee from a New York winery  
20 or farm winery licensee or the holder of [a class A-1, B-1, or C] any  
21 distiller's license or obtained on a consignment basis pursuant to a  
22 written agreement between the selling and purchasing licensee.

23 § 14. Subdivision 6 of section 76-a of the alcoholic beverage control  
24 law is amended by adding two new paragraphs (g) and (h) to read as  
25 follows:

26 (g) Conduct tastings of and sell at retail for consumption off the  
27 premises New York state labelled beer manufactured by a licensed brewer  
28 or farm brewery.

1 (h) Conduct tastings of and sell at retail for consumption off the  
2 premises New York state labelled cider manufactured by a licensed brew-  
3 er, licensed farm brewery, licensed farm winery or licensed cider  
4 producer.

5 § 15. Subdivision 42 of section 16 of the agriculture and markets law,  
6 as amended by chapter 227 of the laws of 2006, is amended to read as  
7 follows:

8 42. (a) For purposes of making timely determinations and consulting  
9 with the chairman of the state liquor authority pursuant to subdivision  
10 five of section seventy-six-a of the alcoholic beverage control law,  
11 investigate and compile information relative to natural disasters, acts  
12 of God, or continued adverse weather conditions which shall affect the  
13 crop of grapes or other fruit products used in the production of wine.

14 (b) For purposes of making timely determinations and consulting with  
15 the chairman of the state liquor authority pursuant to subdivision elev-  
16 en of section fifty-one-a of the alcoholic beverage control law, inves-  
17 tigate and compile information relative to natural disasters, acts of  
18 God, or continued adverse weather conditions which shall affect the  
19 necessary ingredients for brewing beer.

20 (c) For purposes of making timely determinations and consulting with  
21 the chairman of the state liquor authority pursuant to subdivision  
22 twelve of section fifty-one-a of the alcoholic beverage control law,  
23 investigate and compile information relative to natural disasters, acts  
24 of God, or continued adverse weather conditions which shall affect the  
25 crop of apples used in the production of cider.

26 § 16. Subparagraph (C) of paragraph 1 of subdivision (i) of section  
27 1136 of the tax law, as amended by a chapter of the laws of 2012 amend-  
28 ing the tax law relating to farm winery and farm distillery sales tax

1 information return filing requirements, as proposed in legislative bills  
2 numbers S. 7019 and A. 9523, is amended to read as follows:

3 (C) Every wholesaler, as defined by section three of the alcoholic  
4 beverage control law, if it has made a sale of an alcoholic beverage, as  
5 defined by section four hundred twenty of this chapter, without collect-  
6 ing sales or use tax during the period covered by the return, except (i)  
7 a sale to a person that has furnished an exempt organization certificate  
8 to the wholesaler for that sale; or (ii) a sale to another wholesaler  
9 whose license under the alcoholic beverage control law does not allow it  
10 to make retail sales of the alcoholic beverage. For each vendor, opera-  
11 tor, or recipient to whom the wholesaler has made a sale without  
12 collecting sales or compensating use tax, the return must include the  
13 total value of those sales made during the period covered by the return  
14 (excepting the sales described in clauses (i) and (ii) of this subpara-  
15 graph) and the vendor's, operator's or recipient's state liquor authori-  
16 ty license number, along with the information required by paragraph two  
17 of this subdivision. A person operating pursuant to a farm winery  
18 license as provided in section seventy-six-a of the alcoholic beverage  
19 control law, or a person operating pursuant to a farm distillery license  
20 as provided in subdivision two-c of section sixty-one of such law, or a  
21 person operating pursuant to a farm brewery license as provided in  
22 section fifty-one-a of the alcoholic beverage control law, or a person  
23 operating pursuant to [both] any combination of such licenses, shall not  
24 be subject to any of the requirements of this subdivision.

25 § 17. This act shall take effect on the one hundred eightieth day  
26 after it shall have become a law; provided that the amendment to subpar-  
27 agraph (C) of paragraph 1 of subdivision (i) of section 1136 of the tax  
28 law, as amended by section sixteen of this act shall take effect on the

1 same date and in the same manner as a chapter of the laws of 2012 amend-  
2 ing the tax law relating to farm winery and farm distillery sales tax  
3 information return filing requirements, as proposed in legislative bills  
4 numbers S. 7019 and A. 9523, takes effect.