

PROGRAM BILL #38 R

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 *Governor 38 R-2*
(Relates to licenses and permits
regarding the manufacture of alco-
holic beverages; repealer)

ABC. license & permit alc beverage

AN ACT

to amend the alcoholic beverage
control law, in relation to licenses
and permits regarding the manufac-
ture of alcoholic beverages; and to
repeal certain provisions of such
law relating thereto

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

s15 Addabbo	s02 Flanagan	s28 Krueger	s55 O'Brien	s51 Seward
s11 Avella	s59 Gallivan	s24 Lanza	s58 O'Mara	s09 Skelos
s40 Ball	s12 Gianaris	s39 Larkin	s21 Parker	s14 Smith
s42 Bonacic	s41 Gipson	s37 Latimer	s13 Peralta	s26 Squadron
s04 Boyle	s22 Golden	s01 LaValle	s30 Perkins	s16 Stavisky
s44 Breslin	s47 Griffo	s52 Libous	s61 Ranzenhofer	s35 Stewart- Cousins
s38 Carlucci	s60 Grisanti	s45 Little	s48 Ritchie	s46 Tkaczyk
s50 DeFrancisco	s06 Hannon	s05 Marcellino	s33 Rivera	s53 Valesky
s32 Diaz	s36 Hassell-	s43 Marchione	s56 Robach	s57 Young
s18 Dilan	Thompson	s07 Martins	s19 Sampson	s03 Zeldin
s31 Espaillet	s27 Hoylman	s62 Maziarz	s10 Sanders	s08
s49 Farley	s63 Kennedy	s25 Montgomery	s23 Savino	s20
s17 Felder	s34 Klein	s54 Nozzolio	s29 Serrano	

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	a147 DiPietro	a076 Kellner	a132 Palmesano	a099 Skoufis
a092 Abinanti	a115 Duprey	a040 Kim	a002 Palumbo	a022 Solages
a084 Arroyo	a004 Englebright	a131 Kolb	a088 Paulin	a114 Stec
a035 Aubry	a109 Fahy	a105 Lalor	a141 Peoples-	a110 Steck
a120 Barclay	a071 Farrell	a013 Lavine	Stokes	a127 Stirpe
a106 Barrett	a126 Finch	a050 Lentol	a058 Perry	a011 Sweeney
a082 Benedetto	a008 Fitzpatrick	a125 Lifton	a086 Pichardo	a112 Tedisco
a117 Blankenbush	a124 Friend	a102 Lopez, P.	a089 Pratlow	a101 Tenney
a062 Borelli	a095 Galef	a123 Lupardo	a073 Quart	a001 Thiele
a026 Braunstein	a137 Gantt	a010 Lupinacci	a019 Ra	a061 Titone
a044 Brennan	a007 Garbarino	a121 Magee	a012 Raia	a031 Titus
a119 Brindisi	a148 Giglio	a129 Magnarelli	a006 Ramos	a146 Walter
a138 Bronson	a080 Gjonaj	a064 Malliotakis	a078 Rivera	a041 Weinstein
a046 Brook-Krasny	a066 Glick	a030 Markey	a128 Roberts	a020 Weisenberg
a093 Buchwald	a023 Goldfeder	a090 Mayer	a056 Robinson	a024 Weprin
a118 Butler	a150 Goodell	a108 McDonald	a068 Rodriguez	a070 Wright
a103 Cahill	a075 Gottfried	a014 McDonough	a072 Rosa	a096 Zebrowski
a043 Camara	a005 Graf	a017 McKevitt	a067 Rosenthal	a054
a145 Ceretto	a100 Gunther	a107 McLaughlin	a025 Rozic	a055
a033 Clark	a139 Hawley	a038 Miller	a116 Russell	a059
a047 Colton	a083 Heastie	a052 Millman	a149 Ryan	a060
a032 Cook	a003 Hennessey	a015 Montesano	a009 Saladino	a077
a144 Corwin	a028 Hevesi	a136 Morelle	a111 Santabarbara	a079
a085 Crespo	a048 Hikind	a057 Mosley	a029 Scarborough	a098
a122 Crouch	a018 Hooper	a039 Moya	a016 Schimel	a113
a021 Curran	a042 Jacobs	a133 Nojay	a140 Schimminger	a134
a063 Cusick	a097 Jaffee	a037 Nolan	a087 Sepulveda	a143
a045 Cymbrowitz	a135 Johns	a130 Oaks	a065 Silver	
a053 Davila	a094 Katz	a069 O'Donnell	a027 Simanowitz	
a034 DenDekker	a074 Kavanagh	a051 Ortiz	a036 Simotas	
a081 Dinowitz	a142 Kearns	a091 Otis	a104 Skartados	

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 51 of the alcoholic beverage control law is
2 amended by adding a new subdivision 3-a to read as follows:

3 3-a. A licensed brewer may at the licensed premises conduct tastings
4 of, and sell at retail for consumption on or off the licensed premises,
5 any beer manufactured by the licensee or any New York state labeled
6 beer. Provided, however, that for tastings and sales for on-premises
7 consumption, the licensee shall regularly keep food available for sale
8 or service to its retail customers for consumption on the premises. A
9 licensee providing the following shall be deemed in compliance with this
10 provision: (i) sandwiches, soups or other such foods, whether fresh,
11 processed, pre-cooked or frozen; and/or (ii) food items intended to
12 complement the tasting of alcoholic beverages, which shall mean a diver-
13 sified selection of food that is ordinarily consumed without the use of
14 tableware and can be conveniently consumed while standing or walking,
15 including but not limited to: cheeses, fruits, vegetables, chocolates,
16 breads, mustards and crackers. All of the provisions of this chapter
17 relative to licenses to sell beer at retail for consumption on and off
18 the premises shall apply so far as applicable to such licensee.

19 § 2. Subdivision 4 of section 51 of the alcoholic beverage control
20 law, as amended by chapter 100 of the laws of 1940, is amended to read
21 as follows:

22 4. A licensed brewery may operate a restaurant, hotel, catering
23 establishment, or other food and drinking establishment in or adjacent
24 to the licensed premises and sell at such place, at retail for consump-
25 tion on the premises, beer manufactured by the licensee and any New York
26 state labeled beer. All of the provisions of this chapter relative to
27 licenses to sell beer at retail for consumption on the premises shall
28 apply so far as applicable to such licensee. Notwithstanding any other

1 provision of law, the licensed brewer may apply to the liquor authority
2 for a license to sell beer, wine or liquor at retail for consumption on
3 the premises [in a restaurant owned by him and conducted and operated by
4 him in or adjacent to the brewery for which he is licensed] at such
5 establishment. All of the provisions of this chapter relative to
6 licenses to sell beer, wine or liquor at retail for consumption on the
7 premises shall apply so far as applicable to such application.

8 § 3. Paragraphs (b) and (d) of subdivision 6-a of section 51 of the
9 alcoholic beverage control law are REPEALED.

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

12 9. A brewery shall manufacture at least fifty barrels of beer annual-
13 ly.

14 § 5. Paragraph (g) of subdivision 2 of section 51-a of the alcoholic
15 beverage control law, as added by chapter 108 of the laws of 2012, is
16 amended to read as follows:

17 (g) [sell and conduct tastings of beer and cider manufactured by the
18 licensee or any other licensed farm brewery at retail for consumption on
19 the premises of a restaurant, conference center, inn, bed and breakfast
20 or hotel business owned and operated by the licensee in or adjacent to
21 its farm brewery. A licensee who operates a restaurant, conference
22 center, inn, bed and breakfast or hotel pursuant to such authority shall
23 comply with all applicable provisions of this chapter which relate to
24 licenses to sell beer at retail for consumption on the premises] operate
25 a restaurant, hotel, catering establishment, or other food and drinking
26 establishment in or adjacent to the licensed premises and sell at such
27 place, at retail for consumption on the premises, beer and cider manu-
28 factured by the licensee and any New York state labeled beer or New York

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

8 § 6. Subdivision 10 of section 51-a of the alcoholic beverage control
9 law, as added by chapter 108 of the laws of 2012, is amended to read as
10 follows:

11 10. (a) No farm brewery shall manufacture in excess of [sixty] seven-
12 ty-five thousand finished barrels of beer and cider annually.

13 (b) A farm brewery shall manufacture at least fifty barrels of beer
14 and cider annually.

15 § 7. Section 52 of the alcoholic beverage control law is REPEALED.

16 § 8. Paragraph (a) of subdivision 1 of section 56 of the alcoholic
17 beverage control law, as amended by chapter 108 of the laws of 2012, is
18 amended to read as follows:

19 (a) four thousand dollars for a brewer's license, unless the annual
20 production of the brewer is less than [sixty] seventy-five thousand
21 barrels per year, in which case the annual fee shall be three hundred
22 twenty dollars;

23 § 9. Section 58 of the alcoholic beverage control law is amended by
24 adding a new subdivision 5 to read as follows:

25 5. A cider producer shall manufacture at least fifty gallons of cider
26 annually.

27 § 10. Paragraphs (d) and (e) of subdivision 2 of section 58-c of the
28 alcoholic beverage control law are REPEALED.

1 § 11. Paragraph (f) of subdivision 2 of section 58-c of the alcoholic
2 beverage control law, as added by chapter 384 of the laws of 2013, is
3 amended to read as follows:

4 (f) [sell and conduct tastings of cider manufactured by the licensee
5 or any other licensed farm cidery at retail for consumption on the prem-
6 ises of a restaurant, conference center, inn, bed and breakfast or hotel
7 business owned and operated by the licensee in or adjacent to its farm
8 cidery. A licensee who operates a restaurant, conference center, inn,
9 bed and breakfast or hotel pursuant to such authority shall comply with
10 all applicable provisions of this chapter which relate to licenses to
11 sell cider at retail for consumption on the premises] (i) at the
12 licensed premises, conduct tastings of, and sell at retail for consump-
13 tion on or off the licensed premises, any cider manufactured by the
14 licensee or any New York state labeled cider. Provided, however, for
15 tastings and sales for on-premises consumption, the licensee shall regu-
16 larly keep food available for sale or service to its retail customers
17 for consumption on the premises. A licensee providing the following
18 shall be deemed in compliance with this provision: (A) sandwiches, soups
19 or other such foods, whether fresh, processed, pre-cooked or frozen;
20 and/or (B) food items intended to complement the tasting of alcoholic
21 beverages, which shall mean a diversified selection of food that is
22 ordinarily consumed without the use of tableware and can be conveniently
23 consumed while standing or walking, including but not limited to: chees-
24 es, fruits, vegetables, chocolates, breads, mustards and crackers. All
25 of the provisions of this chapter relative to licensees selling cider at
26 retail shall apply; and (ii) operate a restaurant, hotel, catering
27 establishment, or other food and drinking establishment in or adjacent
28 to the licensed premises and sell at such place, at retail for consump-

1 tion on the premises, cider manufactured by the licensee and any New
2 York state labeled cider. All of the provisions of this chapter relative
3 to licensees to selling cider at retail shall apply. Notwithstanding any
4 other provision of law, the licensed farm cidery may apply to the
5 authority for a license under this chapter to sell other alcoholic
6 beverages at retail for consumption on the premises at such establish-
7 ment;

8 § 12. Subdivision 10 of section 58-c of the alcoholic beverage control
9 law, as added by chapter 384 of the laws of 2013, is amended to read as
10 follows:

11 10. (a) No farm cidery shall manufacture in excess of [one] two
12 hundred fifty thousand gallons of cider annually.

13 (b) A licensed farm cidery shall produce at least fifty gallons of
14 cider annually.

15 § 13. Subdivision 1-a of section 61 of the alcoholic beverage control
16 law, as amended by chapter 384 of the laws of 2013, is amended to read
17 as follows:

18 1-a. A class A-1 distiller's license shall authorize the holder ther-
19 eof to operate a distillery which has a production capacity of no more
20 than [thirty-five] seventy-five thousand gallons per year for the manu-
21 facture of liquors by distillation or redistillation at the premises
22 specifically designated in the license. Such a license shall also
23 authorize the sale in bulk by such licensee from the licensed premises
24 of the products manufactured under such license to any person holding a
25 winery license, farm winery license, distiller's class A license, a
26 distiller's class B license or a permittee engaged in the manufacture of
27 products which are unfit for beverage use. It shall also authorize the
28 sale from the licensed premises and from one other location in the state

1 of New York of liquors manufactured by such licensee to a wholesale or
2 retail liquor licensee or permittee in sealed containers of not more
3 than one quart each. In addition, it shall authorize such licensee to
4 sell from the licensed premises New York state labelled liquors to
5 licensed farm wineries, farm breweries, farm distilleries and farm
6 cideries in sealed containers of not more than one quart for retail sale
7 for off-premises consumption. Such license shall also include the priv-
8 ilege to operate a rectifying plant under the same terms and conditions
9 as the holder of a class B-1 distiller's license without the payment of
10 any additional fee.

11 § 14. Subdivision 2-b of section 61 of the alcoholic beverage control
12 law, as amended by chapter 571 of the laws of 2008, is amended to read
13 as follows:

14 2-b. A class B-1 distiller's license shall authorize the holder there-
15 of to operate a rectifying plant which has a production capacity of no
16 more than [thirty-five] seventy-five thousand gallons per year for the
17 manufacture of the products of rectification by purifying or combining
18 alcohol, spirits, wine, or beer and the manufacture of cordials by the
19 redistillation of alcohol or spirits over or with any materials. Such a
20 license shall also authorize the holder thereof to blend, reduce proof
21 and bottle on his licensed premises or in a United States customs bonded
22 warehouse for which a warehouse permit has been issued under this chap-
23 ter for wholesale liquor licensees or for persons authorized to sell
24 liquor at wholesale pursuant to the laws and regulation of any other
25 state, territorial possession of the United States or foreign country
26 liquor received in bulk by such wholesalers from other states, territo-
27 rial possessions of the United States or a foreign country, and to
28 rebottle or recondition for wholesale liquor or wine licensees or for

1 persons authorized to sell liquor or wine at wholesale pursuant to the
2 laws and regulations of any other state, territorial possession of the
3 United States or foreign country, liquor or wine manufactured outside
4 the state, which was purchased and received by such wholesalers in
5 sealed containers not exceeding one quart each of liquor or fifteen
6 gallons each of wine. Such a license shall also authorize the sale from
7 the licensed premises of the products manufactured by such licensee to a
8 wholesale or retail licensee in sealed containers of not more than one
9 quart each. In addition, it shall authorize such licensee to sell from
10 the licensed premises New York state labelled liquors to a farm winery
11 licensee in sealed containers of not more than one quart for retail sale
12 for off-premises consumption.

13 § 15. Paragraph (e) of subdivision 2-c of section 61 of the alcoholic
14 beverage control law, as amended by chapter 454 of the laws of 2008, is
15 amended to read as follows:

16 (e) Notwithstanding any other provision of law to the contrary, the
17 holder of a farm distillery license may [apply to the authority for a
18 license to sell beer, wine and liquor for consumption on the premises in
19 a restaurant operated on or adjacent to the licensed farm distillery.
20 All the provisions of this chapter relative to licensees to sell beer,
21 wine or liquor at retail for consumption on the premises shall apply so
22 far as applicable to such application.] (i) sell at retail for consump-
23 tion on the licensed premises, any liquor manufactured by the licensee
24 or any New York state labeled liquor. Provided, however, the licensee
25 shall regularly keep food available for sale or service to its retail
26 customers for consumption on the premises. A licensee providing the
27 following shall be deemed in compliance with this provision: sandwiches,
28 soups or other such foods, whether fresh, processed, pre-cooked or

1 frozen; and/or food items intended to compliment the tasting of alcohol-
2 ic beverages, which shall mean a diversified selection of food that is
3 ordinarily consumed without the use of tableware and can be conveniently
4 consumed while standing or walking, including but not limited to:
5 cheese, fruits, vegetables, chocolates, breads, mustards and crackers.
6 All of the provisions of this chapter relative to licenses to sell
7 liquor at retail for consumption on the premises shall apply so far as
8 applicable to such licensee; and

9 (ii) operate a restaurant, hotel, catering establishment, or other
10 food and drinking establishment in or adjacent to the licensed premises
11 and sell at such place, at retail for consumption on the premises,
12 liquor manufactured by the licensee and any New York state labeled
13 liquor. All of the provisions of this chapter relative to licenses to
14 sell liquor at retail for consumption on the premises shall apply so far
15 as applicable to such licensee. Notwithstanding any other provision of
16 law, the licensee may apply to the authority for a license under this
17 chapter to sell other alcoholic beverages at retail for consumption on
18 the premises at such establishment.

19 § 16. Paragraph (f) of subdivision 2-c of section 61 of the alcoholic
20 beverage control law, as amended by chapter 454 of the laws of 2008, is
21 amended to read as follows:

22 (f) No holder of a farm distillery license shall manufacture in excess
23 of [thirty-five] seventy-five thousand gallons of liquor annually. In
24 the case of the holder of a class A, A-1, B, B-1 or C distiller's
25 license who operates a farm distillery on the same premises, the liquor
26 manufactured pursuant to the farm distillery license shall not be
27 considered with respect to any limitation on the volume that may be
28 manufactured by the class A, A-1, B, B-1 or C distillery.

1 § 17. Subdivision 2-c of section 61 of the alcoholic beverage control
2 law is amended by adding a new paragraph (g) to read as follows:

3 (g) The holder of a license issued under this subdivision may operate
4 up to one branch office located away from the licensed farm distillery.
5 Such location shall be considered part of the licensed premises and all
6 activities allowed at and limited to the farm distillery may be
7 conducted at the branch office. Such branch office shall not be located
8 within, share a common entrance and exit with, or have any interior
9 access to any other business, including premises licensed to sell alco-
10 holic beverages at retail. Prior to commencing operation of any such
11 branch office, the licensee shall notify the authority of the location
12 of such branch office and the authority may issue a permit for the oper-
13 ation of same.

14 § 18. Section 61 of the alcoholic beverage control law is amended by
15 adding a new subdivision 7 to read as follows:

16 7. Any person licensed under this section shall manufacture at least
17 fifty gallons of liquor per year.

18 § 19. Subdivision 4 of section 76 of the alcoholic beverage control
19 law, as amended by chapter 221 of the laws of 2011, is amended to read
20 as follows:

21 4. A licensed winery may [apply to the liquor authority for a license
22 to sell wine at retail for consumption on the premises. All the
23 provisions of this chapter relative to licenses to sell wine at retail
24 for consumption on the premises shall apply so far as applicable to such
25 application] at the licensed premises, conduct tastings of, and sell at
26 retail for consumption on or off the licensed premises, any wine or wine
27 product manufactured by the licensee or any New York state labeled wine
28 or New York state labeled wine product. Provided, however, for tastings

1 and sales for on-premises consumption, the licensee shall regularly keep
2 food available for sale or service to its retail customers for consump-
3 tion on the premises. A licensee providing the following shall be deemed
4 in compliance with this provision: (i) sandwiches, soups or other such
5 foods, whether fresh, processed, pre-cooked or frozen; and/or (ii) food
6 items intended to complement the tasting of alcoholic beverages, which
7 shall mean a diversified selection of food that is ordinarily consumed
8 without the use of tableware and can be conveniently consumed while
9 standing or walking, including but not limited to: cheeses, fruits,
10 vegetables, chocolates, breads, mustards and crackers. All of the
11 provisions of this chapter relative to licenses to sell wine at retail
12 for consumption on or off the premises shall apply so far as applicable
13 to such licensee.

14 § 20. Subdivision 4-a of section 76 of the alcoholic beverage control
15 law, as amended by chapter 221 of the laws of 2011, is amended to read
16 as follows:

17 4-a. [Notwithstanding any other provision of law, any winery, licensed
18 pursuant to subdivision four of this section to sell wine at retail for
19 consumption on the premises in a restaurant in or adjacent to the
20 winery, may apply to the liquor authority for a license to sell beer,
21 wine or liquor at retail for consumption on the premises of such restau-
22 rant. All of the provisions of this chapter relative to licenses to sell
23 beer, wine or liquor at retail for consumption on the premises shall
24 apply so far as applicable to such application] A licensed winery may
25 operate a restaurant, hotel, catering establishment, or other food and
26 drinking establishment in or adjacent to the licensed premises and sell
27 at such place, at retail for consumption on the premises, wine and wine
28 products manufactured by the licensee and any New York state labeled

1 wine or New York state labeled wine product. All of the provisions of
2 this chapter relative to licenses to sell wine at retail for consumption
3 on the premises shall apply so far as applicable to such licensee.
4 Notwithstanding any other provision of law, the licensed winery may
5 apply to the authority for a license under article four of this chapter
6 to sell other alcoholic beverages at retail for consumption on the prem-
7 ises at such establishment.

8 § 21. Subdivision 10 of section 76 of the alcoholic beverage control
9 law, as added by chapter 221 of the laws of 2011, is amended to read as
10 follows:

11 10. Notwithstanding any provision of this chapter to the contrary, and
12 upon payment to the liquor authority of an additional annual fee of one
13 hundred twenty-five dollars, the liquor authority may in its discretion
14 and upon such terms and conditions as it may prescribe, issue to a
15 licensed winery upon application therefor a certificate authorizing such
16 winery to sell wine at retail in sealed containers to a regularly organ-
17 ized church, synagogue or religious organization for sacramental
18 purposes[, and to a householder for consumption in his home].

19 § 22. Section 76 of the alcoholic beverage control law is amended by
20 adding a new subdivision 14 to read as follows:

21 14. Any person licensed under this section shall manufacture at least
22 fifty gallons of wine per year.

23 § 23. Paragraph (f) of subdivision 2 of section 76-a of the alcoholic
24 beverage control law, as added by chapter 221 of the laws of 2011, is
25 amended to read as follows:

26 (f) [sell wine at retail for consumption on the premises of a restau-
27 rant, conference center, inn, bed and breakfast or hotel business owned
28 and operated by the licensee in or adjacent to the farm winery for which

1 the licensee is licensed. A licensee who operates a restaurant, confer-
2 ence center, inn, bed and breakfast or hotel pursuant to such authority
3 shall comply with all applicable provisions of this chapter which relate
4 to licenses to sell wine at retail for consumption on the premises]
5 operate a restaurant, hotel, catering establishment, or other food and
6 drinking establishment in or adjacent to the licensed premises and sell
7 at such place, at retail for consumption on the premises, wine, cider
8 and wine products manufactured by the licensee and any New York state
9 labeled wine, New York state labeled cider or New York state labeled
10 wine product. All of the provisions of this chapter relative to
11 licenses to sell wine at retail for consumption on the premises shall
12 apply so far as applicable to such licensee. Notwithstanding any other
13 provision of law, the licensed winery may apply to the authority for a
14 license under article four of this chapter to sell other alcoholic
15 beverages at retail for consumption on the premises at such establish-
16 ment.

17 § 24. Subdivision 3-a of section 76-a of the alcoholic beverage
18 control law is REPEALED.

19 § 25. Subdivision 8 of section 76-a of the alcoholic beverage control
20 law, as amended by chapter 147 of the laws of 1988 and as renumbered by
21 chapter 221 of the laws of 2011, is amended to read as follows:

22 8. (a) No licensed farm winery shall manufacture in excess of [one]
23 two hundred fifty thousand finished gallons of wine annually.

24 (b) Any person licensed under this section shall manufacture at least
25 fifty gallons of wine per year.

26 § 26. This act shall take effect on the thirtieth day after it shall
27 have become a law.

