

# PROGRAM BILL # 38

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\*

(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 Ranzenhofner	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 Espallat	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 Ferry	a011 Sweeney
a082 Benedetto	a008 Fitzpatrick	a125 Lifton	a086 Fichardo	a112 Tedisco
a117 Blankenbush	a124 Friend	a102 Lopez, P.	a089 Pretlow	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 Broason	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. Subdivision 3 of section 17 of the alcoholic beverage  
2 control law, as amended by chapter 355 of the laws of 2013, is amended  
3 to read as follows:

4 3. To revoke, cancel or suspend for cause any license or permit issued  
5 under this chapter and/or to impose a civil penalty for cause against  
6 any holder of a license or permit issued pursuant to this chapter. Any  
7 civil penalty so imposed shall not exceed the sum of ten thousand  
8 dollars as against the holder of any retail permit issued pursuant to  
9 sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d [and],  
10 paragraph f of subdivision one of section ninety-nine-b, ninety-nine-h,  
11 ninety-nine-i and ninety-nine-j of this chapter, and as against the  
12 holder of any retail license issued pursuant to sections fifty-two,  
13 fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-five-a,  
14 sixty-three, sixty-four, sixty-four-a, sixty-four-b, sixty-four-c,  
15 seventy-six-f, seventy-nine, eighty-one and eighty-one-a of this chap-  
16 ter, and the sum of thirty thousand dollars as against the holder of a  
17 license issued pursuant to sections fifty-three, seventy-six, seventy-  
18 six-a, and seventy-eight of this chapter, provided that the civil penal-  
19 ty against the holder of a wholesale license issued pursuant to section  
20 fifty-three of this chapter shall not exceed the sum of ten thousand  
21 dollars where that licensee violates provisions of this chapter during  
22 the course of the sale of beer at retail to a person for consumption at  
23 home, and the sum of one hundred thousand dollars as against the holder  
24 of any license issued pursuant to sections fifty-one, sixty-one and  
25 sixty-two of this chapter. Any civil penalty so imposed shall be in  
26 addition to and separate and apart from the terms and provisions of the  
27 bond required pursuant to section one hundred twelve of this chapter.  
28 Provided that no appeal is pending on the imposition of such civil

1 penalty, in the event such civil penalty imposed by the division remains  
2 unpaid, in whole or in part, more than forty-five days after written  
3 demand for payment has been sent by first class mail to the address of  
4 the licensed premises, a notice of impending default judgment shall be  
5 sent by first class mail to the licensed premises and by first class  
6 mail to the last known home address of the person who signed the most  
7 recent license application. The notice of impending default judgment  
8 shall advise the licensee: (a) that a civil penalty was imposed on the  
9 licensee; (b) the date the penalty was imposed; (c) the amount of the  
10 civil penalty; (d) the amount of the civil penalty that remains unpaid  
11 as of the date of the notice; (e) the violations for which the civil  
12 penalty was imposed; and (f) that a judgment by default will be entered  
13 in the supreme court of the county in which the licensed premises are  
14 located, or other court of civil jurisdiction or any other place  
15 provided for the entry of civil judgments within the state of New York  
16 unless the division receives full payment of all civil penalties due  
17 within twenty days of the date of the notice of impending default judg-  
18 ment. If full payment shall not have been received by the division with-  
19 in thirty days of mailing of the notice of impending default judgment,  
20 the division shall proceed to enter with such court a statement of the  
21 default judgment containing the amount of the penalty or penalties  
22 remaining due and unpaid, along with proof of mailing of the notice of  
23 impending default judgment. The filing of such judgment shall have the  
24 full force and effect of a default judgment duly docketed with such  
25 court pursuant to the civil practice law and rules and shall in all  
26 respects be governed by that chapter and may be enforced in the same  
27 manner and with the same effect as that provided by law in respect to  
28 execution issued against property upon judgments of a court of record. A

1 judgment entered pursuant to this subdivision shall remain in full force  
2 and effect for eight years notwithstanding any other provision of law.

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

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

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

21 4. A licensed brewery may operate a restaurant, hotel, catering  
22 establishment, or other food and drinking establishment in or adjacent  
23 to the licensed premises and sell at such place, at retail for consump-  
24 tion on the premises, beer manufactured by the licensee and any New York  
25 state labeled beer. Notwithstanding any other provision of law, the  
26 licensed brewer may apply to the liquor authority for a license to sell  
27 beer, wine or liquor at retail for consumption on the premises [in a  
28 restaurant owned by him and conducted and operated by him in or adjacent

1 to the brewery for which he is licensed] at such establishment. All of  
2 the provisions of this chapter relative to licenses to sell beer, wine  
3 or liquor at retail for consumption on the premises shall apply so far  
4 as applicable to such application.

5 § 4. Subdivision 5 of section 51 of the alcoholic beverage control  
6 law, as amended by chapter 258 of the laws of 2009, is amended to read  
7 as follows:

8 5. A licensed brewer [whose annual production is less than sixty thou-  
9 sand barrels may apply to the liquor authority for a permit to sell beer  
10 in a sealed container for off-premises consumption at the state fair, at  
11 recognized county fairs and at farmers' markets operated on a not-for-  
12 profit basis. As a condition of the permit a representative from the  
13 brewer must be present at the time of sale] may, without the need for  
14 any additional permit or fee, engage in any of the activities allowed  
15 under permits issued pursuant to sections ninety-nine-h and  
16 ninety-nine-i of this chapter.

17 § 5. Subdivision 6-a of section 51 of the alcoholic beverage control  
18 law, as added by chapter 108 of the laws of 2012 and paragraph (a) as  
19 amended by chapter 384 of the laws of 2013, is amended to read as  
20 follows:

21 6-a. A licensed brewer producing New York state labelled beer may[:

22 (a)] sell such beer to licensed farm distillers, farm wineries, farm  
23 cideries and farm breweries. All such beer sold by the licensee shall be  
24 securely sealed and have attached thereto a label as shall be required  
25 by section one hundred seven-a of this chapter[;

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

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

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

11 (e) apply for a permit to conduct tastings away from the licensed  
12 premises of such beer. Such permit shall be valid throughout the state  
13 and may be issued on an annual basis or for individual events. Each such  
14 permit and the exercise of the privilege granted thereby shall be  
15 subject to such rules and conditions of the authority as it deems neces-  
16 sary. Tastings shall be conducted subject to the following conditions:

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

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

25 (f) if it holds a tasting permit issued pursuant to paragraph (e) of  
26 this subdivision, apply to the authority for a permit to sell such beer,  
27 for consumption off the premises, during such tastings in premises  
28 licensed under sections sixty-four, sixty-four-a, eighty-one and eight-

1 y-one-a of this chapter. Each such permit and the exercise of the privi-  
2 lege granted thereby shall be subject to such rules and conditions of  
3 the authority as it deems necessary].

4 § 6. Subdivision 8 of section 51 of the alcoholic beverage control law  
5 is REPEALED.

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

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

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

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

1 § 9. Paragraph (h) of subdivision 2 of section 51-a of the alcoholic  
2 beverage control law is REPEALED.

3 § 10. Subdivision 3 of section 51-a of the alcoholic beverage control  
4 law, as added by chapter 108 of the laws of 2012, is amended to read as  
5 follows:

6 3. [(a) A farm brewery licensee may apply for a permit to conduct  
7 tastings away from the licensed premises of beer and cider produced by  
8 the licensee. Such permit shall be valid throughout the state and may be  
9 issued on an annual basis or for individual events. Each such permit and  
10 the exercise of the privilege granted thereby shall be subject to such  
11 rules and conditions of the authority as it deems necessary.

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

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

17 (ii) any liability stemming from a right of action resulting from a  
18 tasting of beer or cider as authorized herein and in accordance with the  
19 provisions of sections 11-100 and 11-101 of the general obligations law,  
20 shall accrue to the farm brewery.] A licensed farm brewery may, without  
21 the need for any additional permit or fee, engage in any of the activ-  
22 ities allowed under permits issued pursuant to sections ninety-nine-h  
23 and ninety-nine-i of this chapter.

24 § 11. Subdivision 4 of section 51-a of the alcoholic beverage control  
25 law is REPEALED.

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

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

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

5 § 13. Section 52 of the alcoholic beverage control law is REPEALED.

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

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

13 § 15. Subdivision 2 of section 58 of the alcoholic beverage control  
14 law, as added by chapter 347 of the laws of 1999, is amended to read as  
15 follows:

16 2. [(a) Any person licensed pursuant to subdivision one of this  
17 section may conduct cider tastings of New York state labelled ciders in  
18 establishments licensed pursuant to section sixty-three of this chapter  
19 to sell alcoholic beverages for off-premises consumption. Such cider  
20 producer or wholesaler may charge a fee of not more than twenty-five  
21 cents for each cider sample tasted. The liquor authority shall promul-  
22 gate rules and regulations relating to the conduct of such tastings.

23 (b) Any person licensed pursuant to subdivision one of this section  
24 may conduct cider tastings of New York state labelled ciders and apply  
25 to the liquor authority for a permit to sell cider produced by such  
26 cider producer or wholesaler, by the bottle, during such tastings in  
27 establishments licensed pursuant to section sixty-four of this chapter  
28 to sell alcoholic beverages for consumption on the premises. Such cider

1 producer or wholesaler may charge a fee of not more than twenty-five  
2 cents for each cider sample tasted. The liquor authority shall promul-  
3 gate rules and regulations relating to the conduct of tastings.

4 (c) Cider tastings shall be conducted subject to the following limita-  
5 tions:

6 (i) cider tastings shall be conducted by an official agent, represen-  
7 tative or solicitor of one or more cider producers or wholesalers. Such  
8 agent, representative or solicitor shall be physically present at all  
9 times during the conduct of the tastings; and

10 (ii) any liability stemming from a right of action resulting from a  
11 cider tasting as authorized pursuant to this subdivision and in accord-  
12 ance with the provisions of sections 11-100 and 11-101 of the general  
13 obligations law, shall accrue to the cider producer or wholesaler licen-  
14 see.] A licensed cider producer may, without the need for any additional  
15 permit or fee, engage in any of the activities allowed under permits  
16 issued pursuant to sections ninety-nine-h and ninety-nine-i of this  
17 chapter.

18 § 16. Subdivision 3 of section 58 of the alcoholic beverage control  
19 law is REPEALED.

20 § 17. Subdivision 3-a of section 58 of the alcoholic beverage control  
21 law is REPEALED.

22 § 18. Section 58 of the alcoholic beverage control law is amended by  
23 adding a new subdivision 3 to read as follows:

24 3. A cider producer shall manufacture at least fifty gallons of cider  
25 annually.

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

1 § 20. 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) conduct tast-  
12 ings of, and sell at retail for consumption on or off the licensed prem-  
13 ises, any cider manufactured by the licensee or any New York state  
14 labeled cider. Provided, however, for tastings and sales for on-premises  
15 consumption, the licensee shall regularly keep food available for sale  
16 or service to its retail customers for consumption on the premises. A  
17 licensee providing the following shall be deemed in compliance with this  
18 provision: (A) sandwiches, soups or other such foods, whether fresh,  
19 processed, pre-cooked or frozen; and/or (B) food items intended to  
20 complement the tasting of alcoholic beverages, which shall mean a diver-  
21 sified selection of food that is ordinarily consumed without the use of  
22 tableware and can be conveniently consumed while standing or walking,  
23 including but not limited to: cheeses, fruits, vegetables, chocolates,  
24 bread, mustards and crackers; and (ii) operate a restaurant, hotel,  
25 catering establishment, or other food and drinking establishment in or  
26 adjacent to the licensed premises and sell at such place, at retail for  
27 consumption on the premises, cider manufactured by the licensee and any  
28 New York state labeled cider. Notwithstanding any other provision of

1 law, the licensed farm cidery may apply to the authority for a license  
2 under this chapter to sell other alcoholic beverages at retail for  
3 consumption on the premises at such establishment;

4 § 21. Paragraph (g) of subdivision 2 of section 58-c of the alcoholic  
5 beverage control law, as added by chapter 384 of the laws of 2013, is  
6 amended to read as follows:

7 (g) [sell cider manufactured by the licensee or any other licensed  
8 farm cidery at retail for consumption off the premises, at the state  
9 fair, at recognized county fairs and at farmers markets operated on a  
10 not-for-profit basis] may, without the need for any additional permit or  
11 fee, engage in any of the activities allowed under permits issued pursu-  
12 ant to sections ninety-nine-h and ninety-nine-i of this chapter;

13 § 22. Subdivision 4 of section 58-c of the alcoholic beverage control  
14 law is REPEALED.

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

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

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

22 § 24. Subdivision 1-a of section 61 of the alcoholic beverage control  
23 law, as amended by chapter 384 of the laws of 2013, is amended to read  
24 as follows:

25 1-a. A class A-1 distiller's license shall authorize the holder ther-  
26 eof to operate a distillery which has a production capacity of no more  
27 than [thirty-five] seventy-five thousand gallons per year for the manu-  
28 facture of liquors by distillation or redistillation at the premises

1 specifically designated in the license. Such a license shall also  
2 authorize the sale in bulk by such licensee from the licensed premises  
3 of the products manufactured under such license to any person holding a  
4 winery license, farm winery license, distiller's class A license, a  
5 distiller's class B license or a permittee engaged in the manufacture of  
6 products which are unfit for beverage use. It shall also authorize the  
7 sale from the licensed premises and from one other location in the state  
8 of New York of liquors manufactured by such licensee to a wholesale or  
9 retail liquor licensee or permittee in sealed containers of not more  
10 than one quart each. In addition, it shall authorize such licensee to  
11 sell from the licensed premises New York state labelled liquors to  
12 licensed farm wineries, farm breweries, farm distilleries and farm  
13 cideries in sealed containers of not more than one quart for retail sale  
14 for off-premises consumption. Such license shall also include the priv-  
15 ilege to operate a rectifying plant under the same terms and conditions  
16 as the holder of a class B-1 distiller's license without the payment of  
17 any additional fee.

18 § 25. Subdivision 2-b of section 61 of the alcoholic beverage control  
19 law, as amended by chapter 571 of the laws of 2008, is amended to read  
20 as follows:

21 2-b. A class B-1 distiller's license shall authorize the holder there-  
22 of to operate a rectifying plant which has a production capacity of no  
23 more than [thirty-five] seventy-five thousand gallons per year for the  
24 manufacture of the products of rectification by purifying or combining  
25 alcohol, spirits, wine, or beer and the manufacture of cordials by the  
26 redistillation of alcohol or spirits over or with any materials. Such a  
27 license shall also authorize the holder thereof to blend, reduce proof  
28 and bottle on his licensed premises or in a United States customs bonded

1 warehouse for which a warehouse permit has been issued under this chap-  
2 ter for wholesale liquor licensees or for persons authorized to sell  
3 liquor at wholesale pursuant to the laws and regulation of any other  
4 state, territorial possession of the United States or foreign country  
5 liquor received in bulk by such wholesalers from other states, territo-  
6 rial possessions of the United States or a foreign country, and to  
7 rebottle or recondition for wholesale liquor or wine licensees or for  
8 persons authorized to sell liquor or wine at wholesale pursuant to the  
9 laws and regulations of any other state, territorial possession of the  
10 United States or foreign country, liquor or wine manufactured outside  
11 the state, which was purchased and received by such wholesalers in  
12 sealed containers not exceeding one quart each of liquor or fifteen  
13 gallons each of wine. Such a license shall also authorize the sale from  
14 the licensed premises of the products manufactured by such licensee to a  
15 wholesale or retail licensee in sealed containers of not more than one  
16 quart each. In addition, it shall authorize such licensee to sell from  
17 the licensed premises New York state labelled liquors to a farm winery  
18 licensee in sealed containers of not more than one quart for retail sale  
19 for off-premises consumption.

20 § 26. Subparagraph (iv) of paragraph (b) of subdivision 2-c of section  
21 61 of the alcoholic beverage control law is REPEALED.

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

25 (e) Notwithstanding any other provision of law to the contrary, the  
26 holder of a farm distillery license may [apply to the authority for a  
27 license to sell beer, wine and liquor for consumption on the premises in  
28 a restaurant operated on or adjacent to the licensed farm distillery.

1 All the provisions of this chapter relative to licensees to sell beer,  
2 wine or liquor at retail for consumption on the premises shall apply so  
3 far as applicable to such application.] (i) sell at retail for consump-  
4 tion on the licensed premises, any liquor manufactured by the licensee  
5 or any New York state labeled liquor. Provided, however, the licensee  
6 shall regularly keep food available for sale or service to its retail  
7 customers for consumption on the premises. A licensee providing the  
8 following shall be deemed in compliance with this provision: sandwiches,  
9 soups or other such foods, whether fresh, processed, pre-cooked or  
10 frozen; and/or food items intended to compliment the tasting of alcohol-  
11 ic beverages, which shall mean a diversified selection of food that is  
12 ordinarily consumed without the use of tableware and can be conveniently  
13 consumed while standing or walking, including but not limited to:  
14 cheese, fruits, vegetables, chocolates, breads, mustards and crackers;  
15 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, at retail for consumption on the premises,  
19 liquor manufactured by the licensee and any New York state labeled  
20 liquor. Notwithstanding any other provision of law, the licensee may  
21 apply to the authority for a license under this chapter to sell other  
22 alcoholic beverages at retail for consumption on the premises at such  
23 establishment.

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

27 (f) No holder of a farm distillery license shall manufacture in excess  
28 of [thirty-five] seventy-five thousand gallons of liquor annually. In

1 the case of the holder of a class A, A-1, B, B-1 or C distiller's  
2 license who operates a farm distillery on the same premises, the liquor  
3 manufactured pursuant to the farm distillery license shall not be  
4 considered with respect to any limitation on the volume that may be  
5 manufactured by the class A, A-1, B, B-1 or C distillery.

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

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

19 § 30. Section 61 of the alcoholic beverage control law is amended by  
20 adding a new subdivision 7 to read as follows:

21 7. Any person licensed under this section may, without the need for  
22 any additional permit or fee, engage in any of the activities allowed  
23 under permits issued pursuant to sections ninety-nine-h and  
24 ninety-nine-i of this chapter.

25 § 31. Section 61 of the alcoholic beverage control law is amended by  
26 adding a new subdivision 8 to read as follows:

27 8. Any person licensed under this section shall manufacture at least  
28 fifty gallons of liquor per year.

1 § 32. Subdivision 3 of section 76 of the alcoholic beverage control  
2 law, as amended by chapter 221 of the laws of 2011, is amended to read  
3 as follows:

4 3. [(a) Any person having applied for and received a license as a  
5 winery under this section may conduct wine tastings of New York state  
6 labelled wines in establishments licensed under sections sixty-three and  
7 seventy-nine of this chapter to sell wine for off-premises consumption.  
8 Such winery may charge a fee for each wine sample tasted. The state  
9 liquor authority shall promulgate rules and regulations regarding such  
10 tastings as provided for in this subdivision.

11 (a-1) Any person having applied for and received a license as a winery  
12 under this section may conduct wine tastings of New York state labelled  
13 wines and apply to the liquor authority for a permit to sell wine  
14 produced by such winery by the bottle, during such tastings in estab-  
15 lishments licensed under section sixty-four, section sixty-four-a,  
16 section eighty-one or section eighty-one-a of this chapter to sell wine  
17 for consumption on the premises. Such winery may charge a fee of no more  
18 than twenty-five cents for each wine sample tasted. The state liquor  
19 authority shall promulgate rules and regulations regarding such tastings  
20 as provided for in this subdivision.

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

22 (i) wine tastings shall be conducted by an official agent, represen-  
23 tative or solicitor of one or more wineries. Such agent, representative  
24 or solicitor shall be physically present at all times during the conduct  
25 of the tastings; and

26 (ii) any liability stemming from a right of action resulting from a  
27 wine tasting as authorized herein and in accordance with the provisions

1 of sections 11-100 and 11-101 of the general obligations law, shall  
2 accrue to the winery licensee.

3 (c)(i) Any person having applied for and received a license as a  
4 winery under this section may conduct wine tastings of New York state  
5 labelled wines and sell such wine by the bottle, during such tasting,  
6 for off-premises consumption at outdoor or indoor gatherings, functions,  
7 occasions or events, within the hours fixed by or pursuant to subdivi-  
8 sion fourteen of section one hundred five of this chapter, sponsored by  
9 a bona fide charitable organization. For the purposes of this paragraph,  
10 a bona fide charitable organization shall mean and include any bona fide  
11 religious or charitable organization or bona fide educational, fraternal  
12 or service organization or bona fide organization of veterans or volun-  
13 teer firefighters, which by its charter, certificate of incorporation,  
14 constitution, or act of the legislature, shall have among its dominant  
15 purposes one or more of the lawful purposes as defined in subdivision  
16 five of section one hundred eighty-six of the general municipal law.

17 (ii) Upon application, the liquor authority shall issue an annual  
18 permit authorizing such winery to participate in outdoor or indoor gath-  
19 erings, functions, occasions or events sponsored by a charitable organ-  
20 ization. The winery must give the authority written or electronic  
21 notice of the date, time and specific location of each tasting at least  
22 fifteen days prior to the tasting. A winery that obtains a permit to  
23 conduct such wine tastings does not need to apply for or obtain a tempo-  
24 rary beer or wine permit pursuant to section ninety-seven of this chap-  
25 ter or any other permit to conduct such a tasting or to sell wine by the  
26 bottle for off-premises consumption at such tastings.

27 (iii) Such winery may charge a fee for each wine sample tasted. Tast-  
28 ings shall be conducted by an official agent, representative or solici-

1 tor of such winery. The state liquor authority may promulgate rules and  
2 regulations regarding such tastings as provided for in this subdivi-  
3 sion.] Any person licensed under this section may, without the need for  
4 any additional permit or fee, engage in any of the activities allowed  
5 under permits issued pursuant to sections ninety-nine-h and  
6 ninety-nine-i of this chapter.

7 § 33. Subdivision 4 of section 76 of the alcoholic beverage control  
8 law, as amended by chapter 221 of the laws of 2011, is amended to read  
9 as follows:

10 4. A licensed winery may [apply to the liquor authority for a license  
11 to sell wine at retail for consumption on the premises. All the  
12 provisions of this chapter relative to licenses to sell wine at retail  
13 for consumption on the premises shall apply so far as applicable to such  
14 application] conduct tastings of, and sell at retail for consumption on  
15 or off the licensed premises, any wine or wine product manufactured by  
16 the licensee or any New York state labeled wine or New York state  
17 labeled wine product. Provided, however, for tastings and sales for  
18 on-premises consumption, the licensee shall regularly keep food avail-  
19 able for sale or service to its retail customers for consumption on the  
20 premises. A licensee providing the following shall be deemed in compli-  
21 ance with this provision: (i) sandwiches, soups or other such foods,  
22 whether fresh, processed, pre-cooked or frozen; and/or (ii) food items  
23 intended to complement the tasting of alcoholic beverages, which shall  
24 mean a diversified selection of food that is ordinarily consumed without  
25 the use of tableware and can be conveniently consumed while standing or  
26 walking, including but not limited to: cheeses, fruits, vegetables,  
27 chocolates, breads, mustards and crackers.

1 § 34. Subdivision 4-a of section 76 of the alcoholic beverage control  
2 law, as amended by chapter 221 of the laws of 2011, is amended to read  
3 as follows:

4 4-a. [Notwithstanding any other provision of law, any winery, licensed  
5 pursuant to subdivision four of this section to sell wine at retail for  
6 consumption on the premises in a restaurant in or adjacent to the  
7 winery, may apply to the liquor authority for a license to sell beer,  
8 wine or liquor at retail for consumption on the premises of such restau-  
9 rant. All of the provisions of this chapter relative to licenses to sell  
10 beer, wine or liquor at retail for consumption on the premises shall  
11 apply so far as applicable to such application] A licensed winery may  
12 operate a restaurant, hotel, catering establishment, or other food and  
13 drinking establishment in or adjacent to the licensed premises and sell  
14 at such place, at retail for consumption on the premises, wine and wine  
15 products manufactured by the licensee and any New York state labeled  
16 wine or New York state labeled wine product. Notwithstanding any other  
17 provision of law, the licensed winery may apply to the authority for a  
18 license under article four of this chapter to sell other alcoholic  
19 beverages at retail for consumption on the premises at such establish-  
20 ment.

21 § 35. Subdivision 7 of section 76 of the alcoholic beverage control  
22 law is REPEALED.

23 § 36. Subdivision 10 of section 76 of the alcoholic beverage control  
24 law, as added by chapter 221 of the laws of 2011, is amended to read as  
25 follows:

26 10. Notwithstanding any provision of this chapter to the contrary, and  
27 upon payment to the liquor authority of an additional annual fee of one  
28 hundred twenty-five dollars, the liquor authority may in its discretion

1 and upon such terms and conditions as it may prescribe, issue to a  
2 licensed winery upon application therefor a certificate authorizing such  
3 winery to sell wine at retail in sealed containers to a regularly organ-  
4 ized church, synagogue or religious organization for sacramental  
5 purposes[, and to a householder for consumption in his home].

6 § 37. Section 76 of the alcoholic beverage control law is amended by  
7 adding a new subdivision 7 to read as follows:

8 7. Any person licensed under this section shall manufacture at least  
9 fifty gallons of wine per year.

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

13 (f) [sell wine at retail for consumption on the premises of a restau-  
14 rant, conference center, inn, bed and breakfast or hotel business owned  
15 and operated by the licensee in or adjacent to the farm winery for which  
16 the licensee is licensed. A licensee who operates a restaurant, confer-  
17 ence center, inn, bed and breakfast or hotel pursuant to such authority  
18 shall comply with all applicable provisions of this chapter which relate  
19 to licenses to sell wine at retail for consumption on the premises]  
20 operate a restaurant, hotel, catering establishment, or other food and  
21 drinking establishment in or adjacent to the licensed premises and sell  
22 at such place, at retail for consumption on the premises, wine, cider  
23 and wine products manufactured by the licensee and any New York state  
24 labeled wine, New York state labeled cider or New York state labeled  
25 wine product. Notwithstanding any other provision of law, the licensed  
26 winery may apply to the authority for a license under article four of  
27 this chapter to sell other alcoholic beverages at retail for consumption  
28 on the premises at such establishment.

1 § 39. Subdivision 3 of section 76-a of the alcoholic beverage control  
2 law, as added by chapter 221 of the laws of 2011, is amended to read as  
3 follows:

4 3. [(a) Any person having applied for and received a license as a farm  
5 winery under this section may conduct wine tastings of New York state  
6 labelled wines in establishments licensed under section sixty-three of  
7 this chapter and section seventy-nine of this article to sell wine for  
8 off-premises consumption. Such farm winery may charge a fee for each  
9 wine sample tasted. The state liquor authority shall promulgate rules  
10 and regulations regarding such tastings as provided for in this subdivi-  
11 sion.

12 (b) Any person having applied for and received a license as a farm  
13 winery under this section may conduct wine tastings of New York state  
14 labelled wines and apply to the liquor authority for a permit to sell  
15 wine produced by such farm winery, by the bottle, during such tastings  
16 in establishments licensed under sections sixty-four and sixty-four-a of  
17 this chapter and section eighty-one or section eighty-one-a of this  
18 article to sell wine for consumption on the premises. Such farm winery  
19 may charge a fee of no more than twenty-five cents for each wine sample  
20 tasted. The state liquor authority shall promulgate rules and regu-  
21 lations regarding such tastings as provided for in this subdivision.

22 (c) Tastings shall be conducted subject to the following limitations:

23 (i) wine tastings shall be conducted by an official agent, represen-  
24 tative or solicitor of one or more farm wineries. Such agent, represen-  
25 tative or solicitor shall be physically present at all times during the  
26 conduct of the tastings; and

27 (ii) any liability stemming from a right of action resulting from a  
28 wine tasting as authorized herein and in accordance with the provisions

1 of sections 11-100 and 11-101 of the general obligations law, shall  
2 accrue to the farm winery.

3 (d) (i) Any person having applied for and received a license as a farm  
4 winery under this section may conduct wine tastings of New York state  
5 labelled wines and sell such wine by the bottle, during such tasting,  
6 for off-premises consumption at outdoor or indoor gatherings, functions,  
7 occasions or events, within the hours fixed by or pursuant to subdivi-  
8 sion fourteen of section one hundred five of this chapter, sponsored by  
9 a bona fide charitable organization. For the purposes of this paragraph,  
10 a bona fide charitable organization shall mean and include any bona fide  
11 religious or charitable organization or bona fide educational, fraternal  
12 or service organization or bona fide organization of veterans or volun-  
13 teer firefighters, which by its charter, certificate of incorporation,  
14 constitution, or act of the legislature, shall have among its dominant  
15 purposes one or more of the lawful purposes as defined in subdivision  
16 five of section one hundred eighty-six of the general municipal law.

17 (ii) Upon application, the liquor authority shall issue an annual  
18 permit authorizing such farm winery to participate in such outdoor or  
19 indoor gatherings, functions, occasions or events sponsored by a chari-  
20 table organization. The farm winery must give the authority written or  
21 electronic notice of the date, time and specific location of each tast-  
22 ing at least fifteen days prior to the tasting. A farm winery that  
23 obtains a permit to conduct such wine tastings does not need to apply  
24 for or obtain a temporary beer or wine permit pursuant to section nine-  
25 ty-seven of this chapter or any other permit to conduct such a tasting  
26 or to sell wine by the bottle for off-premises consumption at such tast-  
27 ings.

1 (iii) Such farm winery may charge a fee for each wine sample tasted.  
2 Tastings shall be conducted by an official agent, representative or  
3 solicitor of such farm winery. The state liquor authority may adopt  
4 rules and regulations regarding such tastings as provided in this subdi-  
5 vision.] Any person licensed under this section may, without the need  
6 for any additional permit or fee, engage in any of the activities  
7 allowed under permits issued pursuant to sections ninety-nine-h and  
8 ninety-nine-i of this chapter.

9 § 40. Subdivision 3-a of section 76-a of the alcoholic beverage  
10 control law is REPEALED.

11 § 41. Subdivision 8 of section 76-a of the alcoholic beverage control  
12 law, as amended by chapter 147 of the laws of 1988 and as renumbered by  
13 chapter 221 of the laws of 2011, is amended to read as follows:

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

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

18 § 42. Subdivision 2 of section 97 of the alcoholic beverage control  
19 law, as amended by section 19 of part Z of chapter 85 of the laws of  
20 2002, is amended to read as follows:

21 2. The liquor authority is hereby authorized to issue an annual permit  
22 to [brewers and] beer wholesalers authorizing such licensees to sell  
23 beer for consumption at outdoor or indoor gatherings, functions, occa-  
24 sions or events, provided that such gatherings are not open to admission  
25 to the general public nor is admission thereto made contingent upon the  
26 payment of an admission fee, donation or contribution, and further  
27 provided that such beer is not resold at such gatherings. Every [brewer  
28 or] beer wholesaler to whom a permit shall be issued hereunder shall

1 require every person to whom beer shall be sold for use at such gath-  
2 erings to make, execute and file with such [brewer or] beer wholesaler,  
3 upon a form to be prescribed by the liquor authority, a statement, that  
4 the beer purchased by such person will not be sold or offered for sale  
5 by such person. Such statement shall be accepted for all purposes as the  
6 equivalent of an affidavit, and if false, shall subject the person  
7 making and executing the same to the same penalties as if he had been  
8 duly sworn. Such permit shall be issued in the form prescribed by the  
9 liquor authority and shall run concurrently with the annual term of [the  
10 [brewer's license or of] the wholesale beer license, and the fee for  
11 such permit shall be sixty-four dollars. Such a permit and the exercise  
12 of the privileges granted thereunder shall be subject to such rules by  
13 the liquor authority as it deems necessary. The provisions hereof shall  
14 not apply to the sale of beer for consumption in the home.

15 § 43. Subdivision 4 of section 97 of the alcoholic beverage control  
16 law is REPEALED.

17 § 44. The alcoholic beverage control law is amended by adding a new  
18 section 99-h to read as follows:

19 § 99-h. Supplier's marketing permit. 1. A supplier's marketing permit  
20 shall authorize a supplier to conduct tastings and provide samples of  
21 alcoholic beverages manufactured by the supplier to consumers. For  
22 purposes of this section, a "supplier" shall mean: a brand owner of an  
23 alcoholic beverage; or an entity that holds a valid license issued by  
24 another state to manufacture alcoholic beverages.

25 2. Tastings conducted pursuant to such permits shall be subject to the  
26 provisions of section one hundred two-a of this chapter.

27 3. Such events may take place at:

1 (a) An establishment licensed under this chapter to sell at retail the  
2 alcoholic beverage that will be tasted.

3 (b) The state fair, recognized county fairs and farmers markets oper-  
4 ated on a not-for-profit basis.

5 (c) Outdoor or indoor gatherings, functions, occasions or events spon-  
6 sored by a bona fide charitable organization.

7 (d) Other indoor or outdoor events specifically approved by the  
8 authority. In deciding whether to approve the use of a permit for a  
9 particular event, the authority shall consider the nature and location  
10 of the event, and the plan of supervision submitted by the applicant to  
11 ensure compliance with this chapter.

12 4. Such permits shall authorize the permit holder to accept an order  
13 for alcoholic beverages manufactured, imported or owned by the permit  
14 holder from a licensed retailer on behalf of a licensed wholesaler who  
15 is authorized to sell such product at wholesale.

16 5. Such permits shall also authorize the permit holder to sell alco-  
17 holic beverages manufactured, imported or owned by the permit holder to  
18 consumers at retail for off-premises consumption at tastings conducted  
19 pursuant to the permit. All sales shall be conducted pursuant to the  
20 provisions set forth in section one hundred two-b of this chapter.

21 6. Such permit may also be issued to wine grape growers or wine  
22 producer organizations or associations, incorporated within the state  
23 for the purpose of wine or wine grape promotion. Provided that:

24 (a) Any such tasting is conducted for purposes of education in the  
25 production and proper use of wine products; and

26 (b) No alcoholic beverages may be sold to consumers by the permit  
27 holder.

1 7. A permit issued under this section shall be effective for either  
2 one year or for a single one-day event. The entire permit fee shall be  
3 due and payable at the time of the application.

4 (a) The fee for an annual supplier's marketing permit shall be one  
5 hundred twenty dollars.

6 (b) The fee for a single one-day event supplier's marketing permit  
7 shall be twenty-five dollars.

8 8. Each such permit and the exercise of the privileges granted thereby  
9 may be subject to such rules and further conditions by the authority as  
10 it deems necessary.

11 § 45. The alcoholic beverage control law is amended by adding a new  
12 section 99-i to read as follows:

13 § 99-i. Supplier's special event permit. 1. A supplier's special  
14 event permit shall authorize a supplier to sell and/or serve the permit  
15 holder's alcoholic beverages for consumption on the premises at outdoor  
16 or indoor gatherings, functions, occasions or events. For purposes of  
17 this section, a "supplier" shall mean: a brand owner of an alcoholic  
18 beverage; or an entity that holds a valid license issued by another  
19 state to manufacture alcoholic beverages.

20 2. A permit issued under this section may only be used during the  
21 hours fixed by or pursuant to subdivision five of section one hundred  
22 six of this chapter, during which alcoholic beverages may lawfully be  
23 sold or served upon premises licensed to sell alcoholic beverages at  
24 retail for on-premises consumption in the community in which such gath-  
25 ering, function, occasion or event is held.

26 3. A permit issued under this section shall be effective for either  
27 one year or for a single one-day event. The entire permit fee shall be  
28 due and payable at the time of the application.

1 (a) The fee for an annual supplier's special event permit shall be one  
2 hundred twenty dollars.

3 (b) The fee for a single one-day special event permit shall be twen-  
4 ty-five dollars.

5 4. Any other provision of any other law to the contrary notwithstand-  
6 ing, an applicant shall not be issued a permit pursuant to this section  
7 for events to take place upon any premises for which the authority has  
8 issued any license, or has issued a permit more than four times within  
9 any one year period, provided however that the authority may, in its  
10 sole discretion, issue additional single permits if it shall determine  
11 upon the issuance of each that (a) the application for such permit is  
12 not an attempt to circumvent licensing provisions of this chapter, and  
13 (b) the issuance of such permit would not be a detriment to the communi-  
14 ty or the surrounding neighborhood as such shall be determined by the  
15 authority after consultation with municipal authorities and police agen-  
16 cies and community boards for the purpose of reviewing community or  
17 neighborhood or police agency complaints, or violations of state or  
18 local laws.

19 5. Each such permit and the exercise of the privileges granted thereby  
20 may be subject to such rules and further conditions by the authority as  
21 it deems necessary.

22 § 46. The alcoholic beverage control law is amended by adding a new  
23 section 99-j to read as follows:

24 § 99-j. Distributor's tasting permit. 1. A distributor's tasting  
25 permit shall authorize a distributor to conduct tastings and provide  
26 samples of their products to consumers. For purposes of this section, a  
27 "distributor" shall mean: an entity holding a license issued under  
28 sections fifty-three, fifty-eight, sixty-two, or seventy-eight of this

1 chapter; or an entity that holds a basic permit as required by section  
2 1.20 of title 27 of the code of federal regulations to import alcoholic  
3 beverages.

4 2. Tastings conducted pursuant to such permits shall be subject to the  
5 provisions of section one hundred two-a of this chapter.

6 3. Such events may take place at:

7 (a) An establishment licensed under this chapter to sell at retail the  
8 alcoholic beverage that will be tasted.

9 (b) The state fair, recognized county fairs and farmers markets oper-  
10 ated on a not-for-profit basis.

11 (c) Outdoor or indoor gatherings, functions, occasions or events spon-  
12 sored by a bona fide charitable organization.

13 (d) Other indoor or outdoor events specifically approved by the  
14 authority. In deciding whether to approve the use of a permit for a  
15 particular event, the authority shall consider the nature and location  
16 of the event, and the plan of supervision submitted by the applicant to  
17 ensure compliance with this chapter.

18 4. A distributor's tasting permit issued under this article shall be  
19 effective for either one year or for a single one-day event at the  
20 permit fee provided for in this subdivision. The entire permit fee shall  
21 be due and payable at the time of the application.

22 (a) The fee for an annual permit shall be one hundred twenty dollars.

23 (b) The fee for a single one-day event permit shall be twenty-five  
24 dollars.

25 5. Each such permit and the exercise of the privileges granted thereby  
26 may be subject to such rules and further conditions by the authority as  
27 it deems necessary.

1 § 47. The alcoholic beverage control law is amended by adding a new  
2 section 102-a to read as follows:

3 § 102-a. Tastings of alcoholic beverages. Any tasting conducted  
4 pursuant to this chapter shall be subject to the following conditions:

5 1. The site of the tasting shall be subject to inspection during the  
6 tasting by the authority.

7 2. A fee of no more than one dollar may be charged for the tasting,  
8 provided however that no person licensed under section fifty-four,  
9 fifty-four-a, sixty-three, seventy-six-f or seventy-nine of this chapter  
10 shall charge any fee for a tasting.

11 3. Each sample shall be limited:

12 (a) In the case of beer, wine products and cider, to three ounces or  
13 less.

14 (b) In the case of wine, to two ounces.

15 (c) In the case of liquor, to one-quarter ounce. Provided, however,  
16 that the liquor may be mixed with no more than two ounces of a non-alco-  
17 holic beverage.

18 4. No tasting shall be held during the hours prohibited by the  
19 provisions of subdivision five of section one hundred five of this arti-  
20 cle. Provided, however, that a licensed winery or licensed farm winery  
21 may conduct tastings of wine and wine products for consumption off the  
22 premises between the hours of ten o'clock in the morning and midnight on  
23 Sundays.

24 5. The tasting shall be conducted by the licensee or an authorized  
25 agent of the licensee. Provided, however, that with respect to beer and  
26 cider tastings, a licensed beer wholesaler shall not serve as the  
27 authorized agent for another entity, nor shall a licensed beer whole-

1 saler be involved in any manner with a beer or cider tasting conducted  
2 by another entity.

3 6. Any liability stemming from a right of action resulting from such  
4 tasting, and in accordance with the provisions of sections 11-100 and  
5 11-101 of the general obligations law, shall accrue to the licensee or  
6 permit holder.

7 7. All alcoholic beverages used for any tasting shall be in the  
8 original containers and must comply with any one of the following:

9 (a) The provisions of this chapter and the rules of the authority  
10 regarding brand label registration; or

11 (b) Have received a certificate of label approval from the federal tax  
12 and trade bureau; or

13 (c) Have an exemption from Certificate of Label Approval registration  
14 issued by the federal tax and trade bureau.

15 § 48. The alcoholic beverage control law is amended by adding a new  
16 section 102-b to read as follows:

17 § 102-b. Sales for off-premises consumption by suppliers. Any sales  
18 for consumption off the premises conducted by a licensed manufacturer  
19 shall be subject to the following conditions:

20 1. The site of the sales shall be subject to inspection during the  
21 tasting by the authority.

22 2. No sale shall be held during the hours prohibited by the provisions  
23 of subdivision five of section one hundred five of this article.  
24 Provided, however, that a licensed winery or licensed farm winery may  
25 sell wine and wine products for consumption off the premises between the  
26 hours of ten o'clock in the morning and midnight on Sundays.

27 3. Sales conducted pursuant to section ninety-nine-h of this chapter  
28 shall be conducted by the licensee or an authorized agent of the licen-

1 see. Provided, however, that with respect to sales of beer or cider, a  
2 licensed beer wholesaler shall not serve as the authorized agent for  
3 another entity, nor shall a licensed beer wholesaler be involved in any  
4 manner with a sale of beer or cider conducted by another entity.

5 4. Any liability stemming from a right of action resulting from such  
6 sale, and in accordance with the provisions of sections 11-100 and  
7 11-101 of the general obligations law, shall accrue to the licensee or  
8 permit holder.

9 5. All containers of liquor and wine sold shall be securely sealed and  
10 have attached thereto a label as shall be required by this chapter.

11 6. All liquor and wine sold shall be properly price posted as required  
12 by this chapter.

13 7. Except as provided for in sections seventy-nine-c and  
14 seventy-nine-d of this chapter, any such retail sale may be made only to  
15 a customer who is physically present at the place of sale and shall be  
16 concluded by the customer's taking with him, or her, the alcoholic  
17 beverage purchased at the time the customer leaves the place of sale.

18 8. Except as provided for in sections seventy-nine-c and  
19 seventy-nine-d of this chapter, no such retail sale shall be made where  
20 the order is placed by letter, telephone, fax, internet or e-mail, or  
21 where the customer otherwise does not place the order while the customer  
22 is physically present at the place of sale.

23 9. Except as provided for in sections seventy-nine-c and  
24 seventy-nine-d of this chapter, no such retail sale shall be made where  
25 the contemplated sale requires the licensee to transport or ship by  
26 common carrier, sealed containers of alcoholic beverage to a customer.

27 § 49. Section 104 of the alcoholic beverage control law is amended by  
28 adding a new subdivision 4 to read as follows:

1 4. No beer wholesaler shall serve as an agent for any other licensee  
2 or permit holder with respect to conducting any tasting or sale of beer  
3 or cider authorized by this chapter.

4 § 50. This act shall take effect on the thirtieth day after it shall  
5 have become a law; provided, however, that the amendments to subdivision  
6 3 of section 17 of the alcoholic beverage control law made by section  
7 one of this act shall not affect the expiration of such section and  
8 shall be deemed to expire therewith.