

# PROGRAM BILL # 18

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 cidery license)

ABC. farm cidery license

### AN ACT

to amend the alcoholic beverage  
control law and the agriculture and  
markets law, in relation to the  
creation of a farm cidery license  
and to amend the tax law, in  
relation to farm cidery sales tax  
information return filing require-  
ments

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

## 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	a081 Dinowitz	a135 Johns	a133 Nojay	a140 Schimminger
a092 Abinanti	a147 DiPietro	a113 Jordan	a037 Nolan	a087 Sepulveda
a084 Arroyo	a115 Duprey	a094 Katz	a130 Oaks	a065 Silver
a035 Aubry	a004 Englebright	a074 Kavanagh	a069 O'Donnell	a027 Simanowitz
a120 Barclay	a054 Espinal	a142 Kearns	a051 Ortiz	a036 Simotas
a106 Barrett	a109 Fahy	a076 Kellner	a091 Otis	a104 Skartados
a060 Barron	a071 Farrell	a040 Kim	a132 Palmesano	a099 Skoufis
a082 Benedetto	a126 Finch	a131 Kolb	a088 Paulin	a022 Solages
a117 Blankenbush	a008 Fitzpatrick	a105 Lalor	a141 Peoples- Stokes	a114 Stec
a062 Borelli	a124 Friend	a013 Lavine	a058 Perry	a079 Stevenson
a055 Boyland	a143 Gabryszak	a050 Lentol	a089 Pretlow	a127 Stirpe
a026 Braunstein	a095 Galef	a125 Lifton	a073 Quart	a011 Sweeney
a044 Brennan	a137 Gantt	a102 Lopez, P.	a019 Ra	a12 Tedisco
a119 Brindisi	a007 Garbarino	a123 Lupardo	a098 Rabbitt	a101 Tenney
a138 Bronson	a077 Gibson	a010 Lupinacci	a012 Raia	a001 Thiele
a046 Brook-Krasny	a148 Giglio	a121 Magee	a006 Ramos	a061 Titone
a093 Buchwald	a080 Gjonaj	a129 Magnarelli	a134 Reilich	a031 Titus
a118 Butler	a066 Glick	a059 Maisel	a078 Rivera	a146 Walter
a103 Cahill	a023 Goldfeder	a064 Malliotakis	a128 Roberts	a041 Weinstein
a043 Camara	a150 Goodell	a030 Markey	a056 Robinson	a020 Weisenberg
a145 Ceretto	a075 Gottfried	a090 Mayer	a068 Rodriguez	a024 Weprin
a033 Clark	a005 Graf	a108 McDonald	a072 Rosa	a070 Wright
a047 Colton	a100 Gunther	a014 McDonough	a067 Rosenthal	a096 Zebrowski
a032 Cook	a139 Hawley	a017 McKeivitt	a025 Rozic	a002
a144 Corwin	a083 Heastie	a107 McLaughlin	a116 Russell	a053
a085 Crespo	a003 Hennessey	a038 Miller	a149 Ryan	a086
a122 Crouch	a028 Hevesi	a052 Millman	a009 Saladino	
a021 Curran	a048 Hikind	a015 Montesano	a11 Santabarbara	
a063 Cusick	a018 Hooper	a136 Morelle	a029 Scarborough	
a045 Cymbrowitz	a042 Jacobs	a057 Mosley	a016 Schimel	
a034 DenDekker	a097 Jaffee	a039 Moya		

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 7-b of section 3 of the alcoholic beverage  
2 control law, as amended by chapter 578 of the laws of 1978, is amended  
3 to read as follows:

4 7-b. (a) "Cider" means the partially or fully fermented juice of  
5 fresh, whole apples or other pome fruits, containing more than three and  
6 two-tenths per centum but not more than [seven] eight and one-half per  
7 centum alcohol by volume[, when used for beverage purposes, and]: (i) to  
8 which nothing has been added to increase the alcoholic content produced  
9 by natural fermentation; and (ii) with the usual cellar treatments and  
10 necessary additions to correct defects due to climate, saccharine levels  
11 and seasonal conditions. Nothing contained in this subdivision shall be  
12 deemed to preclude the use of such methods or materials as may be neces-  
13 sary to encourage a normal alcoholic fermentation and to make a product  
14 that is free of microbiological activity at the time of sale. Cider may  
15 be sweetened or flavored after fermentation with [apple] fruit juice,  
16 [apple] fruit juice concentrate, [or] sugar, maple syrup, honey, spices  
17 or other agricultural products, separately or in combination. Cider may  
18 contain retained or added carbon dioxide.

19 (b) In the event that an alcoholic beverage meets the definition of  
20 both a cider, as defined in this subdivision, and a wine, as defined in  
21 subdivision thirty-six of this section, the brand or trade name label  
22 owner of such alcoholic beverage shall designate whether such alcoholic  
23 beverage shall be sold as a cider or a wine for all purposes under this  
24 chapter.

25 § 2. Section 3 of the alcoholic beverage control law is amended by  
26 adding two new subdivisions 7-c and 7-d to read as follows:

27 7-c. "Cidery" means and includes any place or premises wherein cider  
28 is manufactured for sale.

1 7-d. "Farm cidery" means and includes any place or premises, located  
2 on a farm in New York state, in which New York state labelled cider is  
3 manufactured, stored and sold, or any other place or premises in New  
4 York state in which New York state labelled cider is manufactured,  
5 stored and sold.

6 § 3. Subdivision 20-e of section 3 of the alcoholic beverage control  
7 law, as added by chapter 108 of the laws of 2012, is amended to read as  
8 follows:

9 20-e. "New York state labelled cider" means cider made exclusively  
10 from apples or other pome fruits grown in New York state.

11 § 4. Subdivisions 1 and 3 of section 58 of the alcoholic beverage  
12 control law, subdivision 1 as amended and subdivision 3 as added by  
13 chapter 347 of the laws of 1999, are amended to read as follows:

14 1. Any person may apply to the liquor authority for a cider producers'  
15 or wholesalers' license as provided for in this subdivision. Such appli-  
16 cation shall be in writing and shall contain such information as the  
17 liquor authority shall require. Such application shall be accompanied by  
18 a check or draft for the amount required by this subdivision for such  
19 license. If the liquor authority shall grant the application it shall  
20 issue a license in such form as shall be determined by its rules. A  
21 license issued under this subdivision shall authorize the licensee to  
22 manufacture cider within the licensed premises in this state for sale in  
23 bottles, barrels or casks to beer, wine and liquor retail licensee  
24 and/or to sell cider at wholesale from the licensed premises to such  
25 licensees and to holders of licenses under this section in bottles,  
26 barrels or casks and to sell and deliver cider to persons outside the  
27 state pursuant to the laws of the place of such sale or delivery. The  
28 annual fee for such a license shall be one hundred twenty-five dollars;

1 provided, however, that the annual fee for a farm cidery license shall  
2 be seventy-five dollars. The provisions contained in section sixty-sev-  
3 en of this chapter shall apply to all licenses issued pursuant to this  
4 article.

5 3. Notwithstanding any provision of this chapter to the contrary, a  
6 licensed cider [producer or] wholesaler may apply to the liquor authori-  
7 ty for a permit to sell New York state labelled cider by the bottle and  
8 conduct cider tastings at the state fair, at recognized county fairs and  
9 at farmers markets operated on a not-for-profit basis. As a condition of  
10 such permit, an agent, representative or solicitor from the cider  
11 [producer or] wholesaler shall be present at the time of sale or tast-  
12 ings.

13 § 5. Section 58 of the alcoholic beverage control law is amended by  
14 adding a new subdivision 3-a to read as follows:

15 3-a. A licensed cider producer producing New York state labelled cider  
16 may:

17 (a) sell such cider to licensed farm distillers, farm wineries, farm  
18 cideries and farm breweries. All such cider sold by the licensee shall  
19 be securely sealed and have attached thereto a label as shall be  
20 required by section one hundred seven-a of this chapter;

21 (b) conduct tastings at the licensed premises of such cider;

22 (c) sell such cider at retail for consumption off the premises at the  
23 state fair, at recognized county fairs and at farmers markets operated  
24 on a not-for-profit basis;

25 (d) sell and conduct tastings of such cider at retail for consumption  
26 on the premises of a restaurant, conference center, inn, bed and break-  
27 fast or hotel business owned and operated by the licensee in or adjacent  
28 to its farm cidery. A licensee who operates a restaurant, conference

1 center, inn, bed and breakfast or hotel pursuant to such authority shall  
2 comply with all applicable provisions of this chapter which relate to  
3 licenses to sell cider at retail for consumption on the premises;

4 (e) apply for a permit to conduct tastings away from the licensed  
5 premises of such cider. Such permit shall be valid throughout the state  
6 and may be issued on an annual basis or for individual events. Each such  
7 permit and the exercise of the privilege granted thereby shall be  
8 subject to such rules and conditions of the authority as it deems neces-  
9 sary. Tastings shall be conducted subject to the following conditions:

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

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

18 (f) if it holds a tasting permit issued pursuant to paragraph (e) of  
19 this subdivision, apply to the authority for a permit to sell such  
20 cider, for consumption off the premises, during such tastings in prem-  
21 ises licensed under sections sixty-four, sixty-four-a, eighty-one and  
22 eighty-one-a of this chapter. Each such permit and the exercise of the  
23 privilege granted thereby shall be subject to such rules and conditions  
24 of the authority as it deems necessary.

25 § 6. The alcoholic beverage control law is amended by adding a new  
26 section 58-c to read as follows:

27 § 58-c. Farm cidery license. 1. Any person may apply to the authority  
28 for a farm cidery license as provided for in this section to produce

1 cider within this state for sale. Such application shall be in writing  
2 and verified and shall contain such information as the authority shall  
3 require. Such application shall be accompanied by a check or draft for  
4 the amount required by this article for such license. If the authority  
5 grants the application, it shall issue a license in such form as shall  
6 be determined by its rules. Such license shall contain a description of  
7 the licensed premises and in form and in substance shall be a license to  
8 the person therein specifically designated to produce cider in the prem-  
9 ises therein specifically licensed.

10 2. A farm cidery license shall authorize the holder thereof to operate  
11 a cidery for the manufacture of New York state labelled cider. Such a  
12 license shall also authorize the licensee to:

13 (a) sell in bulk cider manufactured by the licensee to any person  
14 licensed to manufacture alcoholic beverages in this state or to a  
15 permittee engaged in the manufacture of products which are unfit for  
16 beverage use;

17 (b) sell or deliver cider manufactured by the licensee to persons  
18 outside the state pursuant to the laws of the place of such delivery;

19 (c) sell cider manufactured by the licensee to wholesalers and retail-  
20 ers licensed in this state to sell such cider, licensed farm distillers,  
21 licensed farm wineries, licensed farm breweries and any other licensed  
22 farm cidery. All such cider sold by the licensee shall be securely  
23 sealed and have attached thereto a label as shall be required by section  
24 one hundred seven-a of this chapter;

25 (d) sell at the licensed premises cider manufactured by the licensee  
26 or any other licensed farm cidery at retail for consumption on or off  
27 the licensed premises;

1 (e) conduct tastings at the licensed premises of cider manufactured by  
2 the licensee or any other licensed farm cidery;

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

11 (g) sell cider manufactured by the licensee or any other licensed farm  
12 cidery at retail for consumption off the premises, at the state fair, at  
13 recognized county fairs and at farmers markets operated on a not-for-  
14 profit basis;

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

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

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

27 (k) engage in any other business on the licensed premises subject to  
28 such rules and regulations as the authority may prescribe. Such rules

1 and regulations shall determine which businesses will be compatible with  
2 the policy and purposes of this chapter and shall consider the effect of  
3 particular businesses on the community and area in the vicinity of the  
4 farm cidery licensee.

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

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

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

16 (ii) any liability stemming from a right of action resulting from a  
17 tasting of cider as authorized herein and in accordance with the  
18 provisions of sections 11-100 and 11-101 of the general obligations law,  
19 shall accrue to the farm cidery.

20 4. A licensed farm cidery holding a tasting permit issued pursuant to  
21 subdivision three of this section may apply to the authority for a  
22 permit to sell cider produced by such farm cidery, by the bottle, during  
23 such tastings in premises licensed under sections sixty-four, sixty-  
24 four-a, eighty-one and eighty-one-a of this chapter. Each such permit  
25 and the exercise of the privilege granted thereby shall be subject to  
26 such rules and conditions of the authority as it deems necessary.

27 5. A licensed farm cidery may, under such rules as may be adopted by  
28 the authority, sell cider manufactured by the licensee or any other

1 licensed farm cidery at retail in bulk by the keg, cask or barrel for  
2 consumption and not for resale at a clam-bake, barbeque, picnic, outing  
3 or other similar outdoor gathering at which more than fifty persons are  
4 assembled.

5 6. A licensed farm cidery may apply to the authority for a license to  
6 sell beer, liquor and/or wine at retail for consumption on the premises  
7 in a restaurant owned by him and conducted and operated by the licensee  
8 in or adjacent to its farm cidery. All of the provisions of this chapter  
9 relative to licenses to sell beer, liquor or wine at retail or consump-  
10 tion on the premises shall apply so far as applicable.

11 7. A farm cidery license shall authorize the holder thereof to manu-  
12 facture, bottle and sell food condiments and products such as mustards,  
13 saucers, jams, jellies, mulling spices and other cider related foods in  
14 addition to other such food and crafts on and from the licensed prem-  
15 ises. Such license shall authorize the holder thereof to store and sell  
16 gift items in a tax-paid room upon the licensed premises incidental to  
17 the sale of cider. These gift items shall be limited to the following  
18 categories:

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

21 (b) food items for the purpose of complementing cider tastings, which  
22 shall mean a diversified selection of food that is ordinarily consumed  
23 without the use of tableware and can be conveniently consumed while  
24 standing or walking. Such food items shall include but not be limited  
25 to: cheeses, fruits, vegetables, chocolates, breads, mustards and crack-  
26 ers;

27 (c) food items, which shall include locally produced farm products and  
28 any food or food product not specifically prepared for immediate

1 consumption upon the premises. Such food items may be combined into a  
2 package containing cider related products;

3 (d) cider supplies and accessories, which shall include any item  
4 utilized for the storage, serving or consumption of cider or for decora-  
5 tive purposes. These supplies may be sold as single items or may be  
6 combined into a package containing cider;

7 (e) cider-making equipment and supplies including, but not limited to,  
8 home cider-making kits, filters, bottling equipment, and books or other  
9 written material to assist cider-makers and home cider-makers to produce  
10 and bottle cider;

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

14 8. Notwithstanding any provision of this chapter to the contrary, any  
15 farm cidery licensee may charge for tours of its premises.

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

26 10. No farm cidery shall manufacture in excess of one hundred fifty  
27 thousand gallons of cider annually.

1 11. (a) Except as provided in paragraph (b) of this subdivision, no  
2 licensed farm cidery shall manufacture or sell any cider other than New  
3 York state labelled cider.

4 (b) In the event that the commissioner of agriculture and markets,  
5 after investigating and compiling information pursuant to subdivision  
6 forty-two of section sixteen of the agriculture and markets law, deter-  
7 mines that a natural disaster, act of God, or continued adverse weather  
8 condition has destroyed much of the apple crop necessary for producing  
9 cider, such commissioner, in consultation with the chairman of the  
10 authority, may give authorization to a duly licensed farm cidery to  
11 manufacture or sell cider produced from apples grown outside this state.  
12 No such authorization shall be granted to a farm cidery licensee unless  
13 such licensee certifies to such commissioner the quantity of New York  
14 grown apples unavailable to such licensee due to such natural disaster,  
15 act of God or continuing adverse weather condition and satisfies such  
16 commissioner that reasonable efforts were made to obtain apples from a  
17 New York state source for such cider making purpose. No farm cidery  
18 shall utilize an amount of out-of-state grown apples exceeding the  
19 amount of New York grown apples that such cidery is unable to obtain due  
20 to the destruction of New York grown apples by a natural disaster, act  
21 of God or continuing adverse weather condition as determined by the  
22 commissioner of agriculture and markets pursuant to this subdivision.  
23 For purposes of this subdivision, the department of agriculture and  
24 markets and the authority are authorized to adopt rules and regulations  
25 as they may deem necessary to carry out the provisions of this subdivi-  
26 sion which shall include ensuring that in manufacturing cider farm  
27 cideries utilize apples grown in New York state to the extent they are

1 reasonably available, prior to utilizing apples from an out-of-state  
2 source for such purpose.

3 (c) The commissioner of agriculture and markets shall make available  
4 to farm cideries and to the public each specific apple loss determi-  
5 nation issued pursuant to paragraph (b) of this subdivision on or after  
6 August twentieth of each year.

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

18 12. Notwithstanding any contrary provision of law or of any rule or  
19 regulation promulgated pursuant thereto, and in addition to the activ-  
20 ities which may otherwise be carried out by any person licensed under  
21 this section, such person may, on the premises designated in such  
22 license:

23 (a) produce, package, bottle, sell and deliver soft drinks and other  
24 non-alcoholic beverages, vitamins, and other by-products;

25 (b) recover carbon dioxide and yeast;

26 (c) store bottles, packages and supplies necessary or incidental to  
27 all such operations;

28 (d) package, bottle, sell and deliver wine products;

1 (e) allow for the premises including space and equipment to be rented  
2 by a licensed tenant cider producer for the purposes of alternation.

3 13. Notwithstanding any other provision of this chapter, the authority  
4 may issue a farm cidery license to the holder of a farm brewery, farm  
5 winery or farm distiller's license for use at such licensee's existing  
6 licensed premises. The holder of a farm brewery, farm winery or farm  
7 distiller's license that simultaneously holds a farm cidery license on  
8 an adjacent premises may share and use the same tasting room facilities  
9 to conduct any tastings that such licensee is otherwise authorized to  
10 conduct.

11 14. The authority is hereby authorized to promulgate rules and regu-  
12 lations to effectuate the purposes of this section. In prescribing such  
13 rules and regulations, the authority shall promote the expansion and  
14 profitability of cider production and of tourism in New York, thereby  
15 promoting the conservation, production and enhancement of New York state  
16 agricultural lands.

17 § 7. Subdivision 1 of section 56-a of the alcoholic beverage control  
18 law, as amended by chapter 108 of the laws of 2012, is amended to read  
19 as follows:

20 1. In addition to the annual fees provided for in this chapter, there  
21 shall be paid to the authority with each initial application for a  
22 license filed pursuant to section fifty-one, fifty-one-a, fifty-three,  
23 fifty-eight, fifty-eight-c, sixty-one, sixty-two, seventy-six or seven-  
24 ty-eight of this chapter, a filing fee of four hundred dollars; with  
25 each initial application for a license filed pursuant to section sixty-  
26 three, sixty-four, sixty-four-a or sixty-four-b of this chapter, a  
27 filing fee of two hundred dollars; with each initial application for a  
28 license filed pursuant to section fifty-three-a, fifty-four, fifty-five,

1 fifty-five-a, seventy-nine, eighty-one or eighty-one-a of this chapter,  
2 a filing fee of one hundred dollars; with each initial application for a  
3 permit filed pursuant to section ninety-one, ninety-one-a, ninety-two,  
4 ninety-two-a, ninety-three, ninety-three-a, if such permit is to be  
5 issued on a calendar year basis, ninety-four, ninety-five, ninety-six or  
6 ninety-six-a, or pursuant to paragraph b, c, e or j of subdivision one  
7 of section ninety-nine-b of this chapter if such permit is to be issued  
8 on a calendar year basis, or for an additional bar pursuant to subdivi-  
9 sion four of section one hundred of this chapter, a filing fee of twenty  
10 dollars; and with each application for a permit under section ninety-  
11 three-a of this chapter, other than a permit to be issued on a calendar  
12 year basis, section ninety-seven, ninety-eight, ninety-nine, or ninety-  
13 nine-b of this chapter, other than a permit to be issued pursuant to  
14 paragraph b, c, e or j of subdivision one of section ninety-nine-b of  
15 this chapter on a calendar year basis, a filing fee of ten dollars.

16 § 8. Subdivision 2 of section 56-a of the alcoholic beverage control  
17 law, as amended by chapter 108 of the laws of 2012, is amended to read  
18 as follows:

19 2. In addition to the annual fees provided for in this chapter, there  
20 shall be paid to the authority with each renewal application for a  
21 license filed pursuant to section fifty-one, fifty-one-a, fifty-three,  
22 fifty-eight, fifty-eight-c, sixty-one, sixty-two, seventy-six or seven-  
23 ty-eight of this chapter, a filing fee of one hundred dollars; with each  
24 renewal application for a license filed pursuant to section sixty-three,  
25 sixty-four, sixty-four-a or sixty-four-b of this chapter, a filing fee  
26 of ninety dollars; with each renewal application for a license filed  
27 pursuant to section seventy-nine, eighty-one or eighty-one-a of this  
28 chapter, a filing fee of twenty-five dollars; and with each renewal

1 application for a license or permit filed pursuant to section fifty-  
2 three-a, fifty-four, fifty-five, fifty-five-a, ninety-one, ninety-one-a,  
3 ninety-two, ninety-two-a, ninety-three, ninety-three-a, if such permit  
4 is issued on a calendar year basis, ninety-four, ninety-five, ninety-six  
5 or ninety-six-a of this chapter or pursuant to subdivisions b, c, e or j  
6 of section ninety-nine-b, if such permit is issued on a calendar year  
7 basis, or with each renewal application for an additional bar pursuant  
8 to subdivision four of section one hundred of this chapter, a filing fee  
9 of thirty dollars.

10 § 9. Paragraph (a) of subdivision 6-a of section 51 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 (a) sell such beer to licensed farm distillers, farm wineries, farm  
14 cideries and farm breweries. All such beer sold by the licensee shall be  
15 securely sealed and have attached thereto a label as shall be required  
16 by section one hundred seven-a of this chapter;

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

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

26 § 11. Paragraphs (j) and (k) of subdivision 2 of section 51-a of the  
27 alcoholic beverage control law are relettered paragraphs (k) and (l) and  
28 a new paragraph (j) is added to read as follows:

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

4 § 12. Subdivision 1 of section 61 of the alcoholic beverage control  
5 law, as amended by chapter 108 of the laws of 2012, is amended to read  
6 as follows:

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

25 § 13. Subdivision 1-a of section 61 of the alcoholic beverage control  
26 law, as amended by chapter 571 of the laws of 2008, is amended to read  
27 as follows:

1 1-a. A class A-1 distiller's license shall authorize the holder there-  
2 of to operate a distillery which has a production capacity of no more  
3 than thirty-five thousand gallons per year for the manufacture of  
4 liquors by distillation or redistillation at the premises specifically  
5 designated in the license. Such a license shall also authorize the sale  
6 in bulk by such licensee from the licensed premises of the products  
7 manufactured under such license to any person holding a winery license,  
8 farm winery license, distiller's class A license, a distiller's class B  
9 license or a permittee engaged in the manufacture of products which are  
10 unfit for beverage use. It shall also authorize the sale from the  
11 licensed premises and from one other location in the state of New York  
12 of liquors manufactured by such licensee to a wholesale or retail liquor  
13 licensee or permittee in sealed containers of not more than one quart  
14 each. In addition, it shall authorize such licensee to sell from the  
15 licensed premises New York state labelled liquors to [a] licensed farm  
16 [winery licensee] wineries, farm breweries, farm distilleries and farm  
17 cideries in sealed containers of not more than one quart for retail sale  
18 for off-premises consumption. Such license shall also include the privi-  
19 lege to operate a rectifying plant under the same terms and conditions  
20 as the holder of a class B-1 distiller's license without the payment of  
21 any additional fee.

22 § 14. Paragraph (a) of subdivision 2-c of section 61 of the alcoholic  
23 beverage control law, as amended by chapter 108 of the laws of 2012, is  
24 amended to read as follows:

25 (a) A class D distiller's license, otherwise known as a farm distil-  
26 lery license, shall authorize the holder of such a license to operate a  
27 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, farm cideries  
7 [and], farm breweries[,] and other farm distilleries, wholesale and  
8 retail licensees, and permittees;

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

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 chapter;

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

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

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

24 § 15. Paragraph (e) of subdivision 2 of section 76 of the alcoholic  
25 beverage control law, as amended by chapter 108 of the laws of 2012, is  
26 amended to read as follows:

27 (e) to sell from the licensed premises to licensed farm wineries, farm  
28 cideries, farm distilleries and farm breweries New York state labelled

1 wine manufactured by the licensee in the original sealed containers of  
2 not more than fifteen gallons each; and

3 § 16. Paragraph (c) of subdivision 2 of section 76-a of the alcoholic  
4 beverage control law, as amended by chapter 108 of the laws of 2012, is  
5 amended to read as follows:

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

16 § 17. Paragraph (h) of subdivision 6 of section 76-a of the alcoholic  
17 beverage control law, as added by chapter 108 of the laws of 2012, is  
18 amended to read as follows:

19 (h) Conduct tastings of and sell at retail for consumption off the  
20 premises New York state labelled cider manufactured by a licensed brew-  
21 er, licensed farm brewery, licensed farm winery [or], licensed cider  
22 producer or licensed farm cidery.

23 § 18. Paragraph (c) of subdivision 42 of section 16 of the agriculture  
24 and markets law, as added by chapter 108 of the laws of 2012, is amended  
25 to read as follows:

26 (c) For purposes of making timely determinations and consulting with  
27 the chairman of the state liquor authority pursuant to subdivision  
28 twelve of section fifty-one-a and subdivision eleven of section fifty-

1 eight-c of the alcoholic beverage control law, investigate and compile  
2 information relative to natural disasters, acts of God, or continued  
3 adverse weather conditions which shall affect the crop of apples used in  
4 the production of cider.

5 § 19. Paragraph (i) of subdivision 22 of section 210 of the tax law,  
6 as amended by section 6 of part K of chapter 62 of the laws of 2006, is  
7 amended to read as follows:

8 (i) Special rules. For purposes of this subdivision, the term "federal  
9 gross income from farming" shall include gross income from the  
10 production of maple syrup, cider, Christmas trees derived from a managed  
11 Christmas tree operation whether dug for transplanting or cut from the  
12 stump, or from a commercial horse boarding operation as defined in  
13 subdivision thirteen of section three hundred one of the agriculture and  
14 markets law, or from the sale of wine from a licensed farm winery as  
15 provided for in article six of the alcoholic beverage control law, or  
16 from the sale of cider from a licensed farm cidery as provided for in  
17 section fifty-eight-c of the alcoholic beverage control law.

18 § 20. Paragraph 8 of subsection (n) of section 606 of the tax law, as  
19 amended by section 3 of part K of chapter 62 of the laws of 2006, is  
20 amended to read as follows:

21 (8) Special rules. For purposes of this subsection, the term "federal  
22 gross income from farming" shall include gross income from the  
23 production of maple syrup, cider, Christmas trees derived from a managed  
24 Christmas tree operation whether dug for transplanting or cut from the  
25 stump, or from a commercial horse boarding operation as defined in  
26 subdivision thirteen of section three hundred one of the agriculture and  
27 markets law, or from the sale of wine from a licensed farm winery as  
28 provided for in article six of the alcoholic beverage control law, or

1 from the sale of cider from a licensed farm cidery as provided for in  
2 section fifty-eight-c of the alcoholic beverage control law.

3 § 21. Subparagraph (C) of paragraph 1 of subdivision (i) of section  
4 1136 of the tax law, as amended by chapter 108 of the laws of 2012, is  
5 amended to read as follows:

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

1 pursuant to any combination of such licenses, shall not be subject to  
2 any of the requirements of this subdivision.

3 § 22. This act shall take effect on the ninetieth day after it shall  
4 have become a law.