

New York State Liquor Authority "Alcoholic Beverage Control Law (ABCL) Working Group"

Report on proposed reorganization of, and revisions to, the ABCL

April 13, 2016

TABLE OF CONTENTS

Table of Contents	ii
LETTER TO GOVERNOR CUOMO FROM CHAIRMAN BRADLEY	1
MEMBERS OF THE WORKING GROUP	2
STATE LIQUOR AUTHORITY STAFF	3
BACKGROUND	4
APPROACH OF THE WORKING GROUP	7
RECOMMENDATIONS	9
#1- Reorganization of the Alcoholic Beverage Control Law	9
#2 – General rule making power	
#3 - Consolidation of retail on-premises licenses	10
#4 - Creation of importers license	12
#5 - Modifications to solicitor's permit	13
#6 - Combined manufacturing license	14
#7 - Felony convictions	14
#8 - Wine growlers	15
#9 - Opened wine bottles	16
#10- Two Hundred Foot Law	16
#11 - Sunday hours of sale	18
#12 - Restrictions on the location of on-premises establishments	19
#13 - Package store second businesses	20
#14 - Restrictions on licensees with on-premises and off-premises licenses	21
#15 - Full Board voting/vacancies	21
ABOUT THE WORKING GROUP MEMBERS	24
Vincent Bradley	24
Rose Mary Bailly	24
Robert Bookman	24
Jean Marie Cho	25
Keven Danow	25
Kelly Diggins	25
Lester Eber	26
Tom Edwards	26
Ralph Erenzo	26
Steven Harris	26
Noreen Healey	27
Steve Hindy	28

i

Mark Koslowe	28
Nick Matt	28
Michael Rosen	
Ebenezer Smith	
James Trezise	
David Waldenberg	
Scott Wexler	
ATTACHMENT 'A'- PROPOSED REORGANIZATION OF ABO	

LETTER TO GOVERNOR CUOMO FROM CHAIRMAN BRADLEY

April 13, 2016

The Honorable Andrew M. Cuomo Governor of New York State NYS State Capitol Building Albany, NY 12224

Dear Governor Cuomo:

With this letter, I present to you the report of the State Liquor Authority's "Alcoholic Beverage Control Law (ABCL) Working Group." At your third Wine, Beer, Spirits and Cider Summit held on October 7, 2015, you directed the formation of this group to consider the reorganization of, and revisions to, the Alcoholic Beverage Control Law ("ABCL"). The group consisted of members of all three tiers of the industry (manufacturers, wholesalers and retailers), representatives of the various segments of the industry within each tier (beer, wine, liquor and cider) and both off-premises and on-premises retailers. The group also included a Community Board representative to insure that the interests of the public were considered.

The group held meetings on November 12, 2015, December 8, 2015, January 7, 2016 and March 2, 2016. Meetings of the Working Group were open to the public and recorded with the video posted on the SLA's website. Initially the focus of the group was to identify issues where there was a consensus among the members that further consideration of changes to the law would be beneficial. This was followed by in-depth discussions on what, if any changes should be proposed with respect to those issues. While certain issues were considered and no consensus reached, the group succeeded in drafting a series of significant recommendations for your review to improve the ABCL.

I thank you for the opportunity to lead this group.

Vincent Bradley

Chairman, State Liquor Authority

Venut 6Balg J.

MEMBERS OF THE WORKING GROUP

Vincent Bradley, Chairman, State Liquor Authority

Rose Mary Bailly, Executive Director, New York State Law Revision Commission

Robert Bookman, Counsel, New York City Hospitality Alliance

Jean Marie Cho, General Counsel, William Grant & Sons

Keven Danow, Partner, Danow, McMullan & Panoff, P.C.

Kelly Diggins, Senior Counsel, North American Breweries

Lester Eber, Vice-President, Southern Wine & Spirits

Tom Edwards, President, New York State Liquor Store Association

Ralph Erenzo, Founder & Master Distiller, Tuthilltown Spirits

Steven Harris, President, New York State Beer wholesalers Association

Noreen Healey, Counsel, Phillips Nizer, LLP

Steve Hindy, Co-founder, Brooklyn Brewery

Mark Koslowe, Managing Partner, Buchman Law Firm, LLP

Nick Matt, Chairman & CEO, FX Matt Brewing

Michael Rosen, President & CEO, Food Industry Alliance of New York State

Ebenezer Smith, District Manager, Manhattan Community Board 12

James Trezise, President, New York Wine & Grape Foundation

David Waldenberg, New York Alliance of Fine Wine Wholesalers

Scott Wexler, Executive Director, Empire State Restaurant & Tavern Association

STATE LIQUOR AUTHORITY STAFF

Kerri O'Brien, Chief Executive Officer

Jacqueline Flug, General Counsel

William Crowley, Director of Public & Legislative Affairs

Thomas Donohue, Special Counsel

BACKGROUND

New York has issued licenses for the retail sale of alcoholic beverages since at least 1780. By 1892, New York had in place a comprehensive law that consolidated all of its existing laws with respect to alcoholic beverages. The current ABCL was enacted in 1934 after the repeal of Prohibition. Since that time, existing sections of the ABCL have been repeatedly amended and new sections added. For example, the original section creating an on-premises liquor license has been amended forty-two times and additional on-premises licenses have been added to the ABCL (which, in turn, have been amended numerous times).

In 2007, legislation was enacted to direct the New York State Law Revision Commission ("Law Revision Commission") to review the ABCL and propose action to address deficiencies in the law. In that legislation, it was noted that no comprehensive review of the ABCL had been undertaken since the original enactment of the law in 1934. With that in mind, the Law Revision Commission proposed numerous changes to the ABCL. Governor Cuomo has, through legislative and administrative action, addressed a number of those proposals. For example, the following are several of the Law Revision Commission recommendations that have been put into effect during Governor Cuomo's administration:

Granting "exclusive executive authority" over the SLA to the Chairperson.⁸ This
was accomplished in 2012.⁹

¹ Chapter 40 of the Laws of 1780

² Chapter 401 of the Laws of 1892

³ Chapter 478 of the Laws of 1934

⁴ ABCL §64

⁵ Chapter 682 of the Laws of 1935, Chapter 591 of the Laws of 1942, Chapter 179 of the Laws of 1946, Chapter 492 of the Laws of 1948, Chapter 531 of the Laws of 1950, Chapter 771 of the Laws of 1951, Chapter 657 of the Laws of 1957, Chapter 887 of the Laws of 1957, Chapter 204 of the Laws of 1963, Chapter 893 of the Laws of 1963, Chapter 531 of the Laws of 1964, Chapter 632 of the Laws of 1967, Chapter 501 of the Laws of 1969, Chapter 671 of the Laws of 1970, Chapter 728 of the Laws of 1972, Chapter 258 of the Laws of 1976, Chapter 702 of the Laws of 1981, Chapter 865 of the Laws of 1983, Chapter 630 of the Laws of 1984, Chapter 757 of the Laws of 1990, Chapter 183 of the Laws of 1993, Chapter 670 of the Laws of 1993, Chapter 720 of the Laws of 1993, Chapter 361 of the Laws of 1994 Chapter 83 of the Laws of 1995, Chapter 177 of the Laws of 1996, Chapter 602 of the Laws of 1999, Chapter 480 of the Laws of 2003, Chapter 497 of the Laws of 2003, Chapter 21 of the Laws of 2005, Chapter 76 of the Laws of 2007, Chapter 406 of the Laws of 2007, Chapter 463 of the Laws of 2009, Chapter 213 of the Laws of 2010, Chapter 560 of the Laws of 2011, Chapter 185 of the Laws of 2012, Chapter 421 of the Laws of 2012, Chapter 110 of the Laws of 2013, Chapter 192 of the Laws of 2013, Chapter 100 of the Laws of 2014, Chapter 457 of the Laws of 2014 and Chapter 279 of the Laws of 2015.

⁶ ABCL §64-a (Chapter 531 of the Laws of 1964), ABCL §64-b (Chapter 786 of the Laws of 1969), ABCL §64-c (Chapter 538 of the Laws of 1997) and ABCL §64-d (Chapter 602 of the Laws of 1999)

⁷ Chapter 391 of the Laws of 2007

⁸ The New York State Law Revision Commission Report on the Alcoholic Beverage Control Law and its Administration, December 15, 2009, page 124

- Amending the stated purpose of the ABCL to include supporting economic growth.¹⁰ This was accomplished in 2014.¹¹
- Modifying the interpretation of what a "grocery store" is to rely on display space rather than value of the inventory.¹² This was accomplished in 2014.¹³
- Allowing beer wholesalers (who can sell at retail) to have ATMs available in their store.¹⁴ This was accomplished in 2012.¹⁵
- Clarifying that custom crush relationships between wineries are allowed.¹⁶ This
 was accomplished in 2011.¹⁷
- Allowing wineries and farm wineries to operate home wine making centers.¹⁸ This
 was accomplished in 2015.¹⁹
- Authorizing the sales of wine at farm stands.²⁰ This was accomplished in 2013.²¹
- Creating an exemption for craft brewers from the beer franchise agreement provisions.²² This was accomplished in 2012.²³

⁹ Chapter 118 of the Laws of 2012

¹⁰ The New York State Law Revision Commission Report on the Alcoholic Beverage Control Law and its Administration, December 15, 2009, page 100

¹¹ Chapter 406 of the Laws of 2014

¹² The New York State Law Revision Commission Report on the Alcoholic Beverage Control Law and its Administration, December 15, 2009, page 160

¹³ See SLA Advisory 2014-2

¹⁴ The New York State Law Revision Commission Report on the Alcoholic Beverage Control Law and its Administration, December 15, 2009, page 162

¹⁵ Chapter 505 of the Laws of 2012

¹⁶ The New York State Law Revision Commission Report on the Alcoholic Beverage Control Law and its Administration, December 15, 2009, page 253

¹⁷ Chapter 221 of the Laws of 2011

¹⁸ The New York State Law Revision Commission Report on the Alcoholic Beverage Control Law and its Administration, December 15, 2009, page 253

¹⁹ See SLA Advisory 2015-15

²⁰ The New York State Law Revision Commission Report on the Alcoholic Beverage Control Law and its Administration, December 15, 2009, page 253

²¹ Chapter 355 of the Laws of 2013

²² The New York State Law Revision Commission Report on the Alcoholic Beverage Control Law and its Administration, December 15, 2009, page 261

 Clarifying that contract brewing is permissible.²⁴ This was accomplished in 2015.²⁵

In addition, Governor Cuomo signed legislation that: revised the winery laws;²⁶ created the farm brewery²⁷ and farm cidery²⁸ licenses; and expanded the ability of the State's craft manufacturers to market their products.²⁹ Many of these initiatives, and others, were the result of the Governor's three Beer, Wine, Spirits and Cider Summits held to gather input from the industry and seek solutions to the issues facing the State's alcoholic beverage manufacturers, wholesalers and retailers. However, as noted by the Governor at the October 2015 Summit, the ABCL still remains a confusing and difficult chapter of law to negotiate, even for those who deal with its provisions on a regular basis. Accordingly, the Governor called for a Working Group consisting of members of the industry to conduct a review of the ABCL and recommend proposed changes.

²³ Chapter 367 of the Laws of 2012

²⁴ The New York State Law Revision Commission Report on the Alcoholic Beverage Control Law and its Administration, December 15, 2009, page 261

²⁵ See SLA Advisory 2015-12

²⁶ Chapter 221 of the Laws of 2011

²⁷ Chapter 108 of the Laws of 2012

²⁸ Chapter 384 of the Laws of 2013

²⁹ Chapter 431 of the Laws of 2014

APPROACH OF THE WORKING GROUP

The Working Group consisted of representatives from all three tiers of the alcoholic beverage industry, representatives on behalf of each of the types of alcoholic beverages, as well as the three distinct sectors of the retail industry (on-premises, off-premises beer, and off-premises wine and liquor). In addition, a representative from one of New York City's Community Boards represented the interests of the public. Each group had its own list of items that it wanted to see changed in the ABCL. Each group also had its own list of provisions in the ABCL that it argued should remain undisturbed. A complete review of each section of the ABCL and a debate on each would take far longer than the time available for the Working Group to complete its task.

Consequently, Chairman Bradley directed the Working Group to focus on issues where there was general agreement on a resolution. To accomplish this, the Working Group first considered a number of topics put forward by SLA staff. These topics were selected from the many discussions that agency staff had had with the industry. The Working Group considered each suggestion and determined whether further discussion was warranted. Members of the Working Group then put forward their own suggested topics for consideration. As time permitted, comments from the audience at the first meeting were also entertained to consider additional topics for discussion.

As noted, this initial stage sought to identify items that the members of the Working Group agreed warranted continued discussion to consider possible legislative action. A number of issues were raised but did not meet this standard. For some of these matters, there was no consensus among the Working Group members that a change in the law was required or supported. For other matters there was an acknowledgement that a legislative solution might not be available or would not be successful. For example, issues such as easing the restrictions of the ABCL's "tied house laws" and expanding the ability of wineries to engage in direct shipping were not considered for further discussion.

One other matter raised at the first meeting of the Working Group but not discussed should be noted. Issues involving the internet sale (often referred to as "e-commerce") of alcoholic beverages have drawn the attention not only of the SLA but the industry as a whole. In particular, there are many unresolved questions regarding the involvement of third party providers in these sales. There was a consensus among the Members of the Working Group that this area should be considered further. However, that discussion by the Working Group was no longer needed after Governor Cuomo directed that the SLA conduct a separate series of roundtable discussions on e-commerce.³²

Those holding a retail on-premises license are also banned from having any interest in a business that manufactures or wholesales alcoholic beverages [ABCL §106(13)].

³⁰ The ABCL places restrictions on the ability of an entity in one tier from having an interest in an entity in another tier of the industry. These restrictions are commonly known as the "tied house" laws. Licensed manufacturers and wholesalers are prohibited from having any interest, direct or indirect, in any premises where alcoholic beverages are sold at retail [ABCL §101(1)(a)]. Retail liquor and wine stores may not have an interest in a business that manufactures or wholesales alcoholic beverages [ABCL §105(16)].

³¹ ABCL §79-d allows licensed wineries and farm wineries to sell and ship wine directly to New York State residents. The statute restricts such sales to wine "produced by" the winery or farm winery. Wine manufacturers proposed that the law should be amended to allow for the sale of wine produced by other nearby wineries and farm wineries.

³² See Governor Cuomo's Veto Message No. 281 regarding Assembly Bill 5920-A/Senate Bill 4446-A

Once issues were selected, the Working Group discussed whether there was a consensus on what reform was needed and how that reform should be achieved. With respect to some matters, it was determined that, while there was a consensus to address an issue, there was no consensus of the Working Group with respect to what reform should be made. For example, there was considerable discussion on whether the sale of wine products³³ in grocery stores created confusion for consumers. The Working Group was in agreement that some action should be taken to clearly distinguish wine products from wine. However, notwithstanding a number of possible solutions offered, there was no consensus on identifying a practical solution.

On other matters, it was agreed that an administrative or non-legislative solution should be pursued. For example, the Working Group requested that the SLA issue guidance with respect to the use of liquidator's permits.³⁴ The SLA was also asked to obtain input from the industry and consider possible changes to its guidance on "limited availability"³⁵ and "combo packs."³⁶ Items such as these are not included in the Working Group's recommendations.

In addition, issues related to the relationship between retailers, on one hand, and wholesalers and manufacturers on the other with respect to pricing and sales transactions were raised. While there was no consensus with respect to how, or even whether, those issues could be resolved, the Working Group proposed that the SLA conduct further meetings with the industry to consider those matters, The Working Group also suggested that the SLA, under its statutory powers,³⁷ appoint an advisory group of industry representatives to continue the constructive discussions that resulted from this effort.

³³ A "wine product", as defined in ABCL §3(36-a), is wine with concentrated or unconcentrated juice, flavoring material, water, citric acid, sugar and carbon dioxide added to it. The beverage cannot contain more than six per cent alcohol by volume. Unlike wine, a wine product can be sold in a grocery store licensed to sell beer for off-premises consumption [ABCL §§54-a(1) and 79-a(1)].

³⁴ A liquidator's permit, issued under ABCL §99-b(1)(f), allows a licensee who is selling or closing its business to sell its remaining inventory of alcoholic beverages to other licensees.

³⁵ See SLA Advisory 2014-5

³⁶ See SLA Advisory 2013-1

³⁷ ABCL §17(10)

RECOMMENDATIONS

#1- Reorganization of the Alcoholic Beverage Control Law

In its December 2009 report on the ABCL, the Law Revision Commission noted that while "[a]t first blush the organizational structure of the [ABCL] seems reasonable... [o]ver time this structure has been unable to accommodate necessary and appropriate amendments in the most meaningful places. Consequently, the current format leads to confusion, misunderstanding and error."

As discussed in the following recommendation set forth in this report, the available licenses for the retail sale of alcoholic beverages for on-premises consumption are located in three different Articles of the ABCL.

Attempts to provide relief from statutory licensing prohibitions adds unnecessary language that causes confusion and licensing statutes that ramble on for pages and pages, making it difficult to find relevant information. As noted by the Law Revision Commission, "individual exemptions from specific provisions of the [ABCL], currently appearing in the statute in the form of a deed description, should be consolidated into one article, and any future exemptions should be included in that article. Currently, these deed descriptions are scattered throughout the statute and sometimes inserted in the middle of provisions rather than at the end, thus placing the reader who wishes to gloss over them at risk of missing an applicable part of the provision."³⁹

Licensing statutes are organized in Articles not by the type of license a business would need to acquire (retail, wholesale or manufacturing) but by the type of alcoholic beverage.⁴⁰ Remarkably, the section on renewing a license⁴¹ is found before any of the provisions regarding the process for initially applying for that same license.⁴² Provisions regarding the licensing process and statutes governing the conduct of licensees are bundled together with Article 6, the "General Provisions" portion of the ABCL.

Put simply, the current structure of the ABCL makes it difficult for a member of the industry, or a prospective member of the industry, to navigate through the various sections of the laws that are relevant to that person's business. In the view of the Working Group, the most important recommendation coming from its discussions is that the ABCL should be reorganized to better serve those who are regulated by it. For consideration, the Working Group has attached to this report a proposed plan to reorganize the ABCL in a coherent manner.

³⁸ The New York State Law Revision Commission Report on the Alcoholic Beverage Control Law and its Administration, December 15, 2009, page 100-101

³⁹ The New York State Law Revision Commission Report on the Alcoholic Beverage Control Law and its Administration, December 15, 2009, page 105

⁴⁰ ABCL Article 4 for beer, Article 4-A for cider, Article 5 for liquor and Article 6 for wine

⁴¹ ABCL §109

⁴² For example, ABCL §§110, 110-a, and 110-b

#2 - General rule making power

Unlike many other state agencies,⁴³ the SLA does not have general rule making power. Instead, the ability to promulgate regulations to address a matter must be found in the particular statute related to that matter. For example, the ABCL sets forth sixteen types of "special permits."⁴⁴ The statutes for eleven of these permits allow the SLA to promulgate rules to govern the use of the permit.⁴⁵ However, the SLA has no power to issue regulations with respect to the use of the other five special permits.⁴⁶

The lack of rule-making power goes far beyond these permits. The ABCL's price posting statute is in place to ensure that liquor and wine wholesalers do not engage in discriminatory practices with respect to retailers. The statute states that, to prevent such discrimination, the sale of alcoholic beverages should "be subjected to certain restrictions, prohibitions and regulations." [Emphasis added]. Notwithstanding that language, only specific parts of the price posting statute include rule making power. In order to provide for an orderly marketplace, the SLA has turned to guidance documents, such as bulletins, advisories and divisional orders.

The Working Group finds that while guidance documents serve a useful purpose, the SLA should have general rule making power to carry out any provisions of the ABCL. The rapidly changing nature of the alcoholic beverage industry requires that the regulators of the industry be able to respond to such changes as efficiently and expeditiously as possible. Given the provisions of the State Administrative Procedure Act, this will allow the SLA, upon due notice to interested parties, to address matters needing attention that, on one hand, do not require legislative action, but on the other hand do require more than a guidance document.

#3 - Consolidation of retail on-premises licenses

A business seeking a license to sell alcoholic beverages for on-premises consumption should easily be able to determine what license it needs to operate. That is not the case, however, when dealing with the ABCL. There are nine distinct licenses for on-premises establishments.⁵⁰ Two, allowing for beer sales,⁵¹ can be found in Article 4 of the ABCL.

⁴³ For example, the Department of Environmental Conservation [Environmental Conservation Law §3-0301(2)(a)], the State Civil Service Commission [Civil Service Law §6(1)], the Department of Agriculture and Markets [Agricultural and Markets Law §18] and the Department of Taxation and Finance [Tax Law §171] each have general rule making power to promulgate regulations to carry out the purposes of the laws within their jurisdiction.

⁴⁴ ABCL Article 7

⁴⁵ See ABCL §§91, 92, 92-a, 93, 93-a, 96-a, 96-b, 97 97-a, 98 and 99

⁴⁶ ABCL §§91-a. 94. 95. 96 and 99-a

⁴⁷ ABCL §101-b(1)

⁴⁸ ABCL §101-b(1)

⁴⁹ For example, see ABCL §101-b(5)(d)

⁵⁰ ABCL §§55, 55-a, 81, 81-a, 64, 64-a, 64-b, 64-c and 64-d

However, if a business wants to sell wine as well as beer, it must look at Article 6 for those licenses.⁵² Finally, if a license to sell liquor, wine and beer is sought, a person must know that those licenses⁵³ are found in Article 5.

Additionally, if a business wants an on-premises beer license, it must qualify as one of the types of businesses eligible for such a license.⁵⁴ However, the on-premises beer license statute does not fully explain the types of businesses that can obtain such a license. Instead, the reader is referred to the "on-premises liquor license"⁵⁵ and "special on-premises liquor license"⁵⁶ statutes for further guidance. A business seeking an on-premises wine and beer license must choose between the "on-premises wine license"⁵⁷ and the "special on-premises wine license."⁵⁸ As with the beer licenses, the reader again must review the "on-premises liquor license"⁵⁹ and "special on-premises liquor license"⁶⁰ statutes to determine which wine license is needed.

There are five on-premises liquor licenses distinguished by the type of business to be operated. Hotels, restaurants, catering establishments, clubs, railroad cars, vessels and aircraft are eligible for "on-premises liquor licenses." However, if a restaurant intends to brew beer, then a "restaurant-brewer license" is needed. An establishment where the primary business is: the sale of food or beverages at retail for consumption on the premises; the operation of a legitimate theatre; or other lawful adult entertainment or recreational facilities may qualify for the "special on-premises license. If a business will not sell alcoholic beverages but will either give alcoholic beverages to customers or allow customers to bring in their own alcoholic beverages, a "bottle club license" may be required. Finally, a "cabaret license" is needed if the

```
<sup>51</sup> ABCL §§55 and 55-a
```

⁵² ABCL §§81 and 81-a

⁵³ ABCL §§, 64, 64-a, 64-b, 64-c and 64-d

⁵⁴ ABCL §55(3)

⁵⁵ ABCL § 64

⁵⁶ ABCL § 64-a

⁵⁷ ABCL § 81

⁵⁸ ABCL § 81-a

⁵⁹ ABCL § 64

⁶⁰ ABCL § 64-a

⁶¹ ABCL § 64(5)

⁶² ABCL § 64-c(5)

⁶³ ABCL § 64-a(6)

⁶⁴ ABCL § 64-b

establishment will have entertainment (music, singing, dancing, etc.) but only if the venue has a capacity of six hundred or more. ⁶⁵

While there are five separate on-premises liquor licenses, they are all generally governed by the same set of licensing standards and subject to the same general compliance provisions. For example, each of the on-premises liquor licenses is subject to the Two Hundred and Five Hundred Foot Laws. Both are discussed later in this report. However, rather than set forth each of these laws once in the ABCL, they are both contained within each of the licensing statutes. As a result, there are five Two Hundred Foot Laws. (each stating the same prohibition) and the same number of Five Hundred Foot Laws. Whenever one Five Hundred Foot Law is amended, the other four must also be amended for consistency.

In the view of the Working Group, the current arrangement of on-premises licensing statutes creates confusion. The Working Group recommends that the ABCL be amended to reduce the number of such licenses to three: one for beer; a second for wine and beer; and a third for liquor, wine and beer. Each of these new statutes (or one new general statute) should clearly state the types of businesses that are eligible for the particular license, thus consolidating the information that is currently scattered throughout the ABCL. Further, without lessening the scope of the licensing prohibitions, there need only be one Two Hundred Foot Law and one Five Hundred Foot Law for on-premises liquor licenses.

#4 - Creation of importers license

The primary business of most alcoholic beverage wholesalers in this state is selling their products to licensed retailers. The alcoholic beverages are purchased either from in-state manufacturers or imported into the state by the wholesaler. However, a "sale at wholesale" is not restricted to sales to retailers, but includes sales to other licensed wholesalers for resale. ⁶⁹ There are wholesalers in this state that limit their activities to importing products into the state and then selling their inventory to wholesalers for eventual distribution to retailers.

These importing wholesalers are typically small businesses that market only a few brands of alcoholic beverages. However, even though they are not selling to retailers, the only licenses available in the ABCL for these businesses are the various wholesale licenses. Accordingly, these entrepreneurs must pay the same amount for their license as those exercising all of the privileges of a wholesale license. The cost of a one year beer wholesale license (including the license fee, filling fee and ancillary fees) is \$1,460. Fees for a three-

⁶⁵ ABCL § 64-d

⁶⁶ ABCL § 106

⁶⁷ ABCL §§64(7)(a), 64-a(7)(a)(i), 64-b(5)(a)(i), 64-c(11)(a)(i) and 64-d(8)(a)

⁶⁸ ABCL §§64(7)(b), 64-a(7)(a)(ii), 64-b(5)(a)(ii), 64-c(11)(a)(ii) and 64-d(8)(b)

⁶⁹ ABCL §3(34)

⁷⁰ ABCL §53 (for beer), ABCL §62 (for liquor) and ABCL §78 (for wine)

⁷¹ ABCL §56(2)

⁷² ABCL §56-a(1)

year wine wholesale license total \$3,760. A three-year liquor wholesale license (including the license fee,⁷⁵ filing fee⁷⁶ and ancillary fees⁷⁷) costs \$27,280, a prohibitive fee for many small businesses.

The financial burden imposed on small importing wholesalers often requires them to make a choice between continuing to hold (and pay for) a New York wholesale license or to locate their business in another state, while continuing to sell to wholesalers in this state. In the view of the Working Group, the ABCL should not be an impediment to companies that wish to do business in this state. Therefore, the Working Group recommends that the ABCL be amended to create a low-cost "importer's license" that would be available to wholesalers that sell only to other wholesalers. Holders of such a permit for wine and liquor would, of course, be required to comply with the ABCL's price posting provisions.

#5 - Modifications to solicitor's permit

The ABCL requires that any person who offers alcoholic beverages for sale to licensees, or who solicits orders for alcoholic beverages from licensees in this State obtain a solicitor's permit. These permits are required for salespeople employed by manufacturers and wholesalers who reach out to retailers to obtain orders for their employer's products. The ABCL also provides for a permit, (a "temporary solicitor's permit") issued to a manufacturer or wholesaler, allowing that licensee to employ individuals on its sales staff while those persons are waiting for their solicitor permit. The sales is also provides for their solicitor permit.

Although the solicitor's permit is issued to an individual, in practice the employer commonly covers the cost of the permit as well as the surety bond required to obtain the permit. So Craft manufacturers serving on the Working Group noted the financial hardship imposed by the cost of the permit and the fee for the surety bond for small businesses. Wholesalers noted that the permit imposed some liability on the individual salesperson for violations of the law (such as illegal gifts and services), which would otherwise become the sole responsibility of the employer.

Weighing both positions, the Working Group proposes that: the fee for a solicitor's permit be eliminated or reduced as much as reasonably possible, taking into consideration the costs incurred by the SLA in issuing the permits; the duration of the temporary solicitor's permit should

⁷³ ABCL §§101-aa(10) and 101-aaa(8)

⁷⁴ ABCL §§ ABCL §56-a(1), 83(2), 101-aa(10), 101-aaa(8) and 101-b(6)

⁷⁵ ABCL §66(3)

⁷⁶ ABCL §56-a(1)

⁷⁷ ABCL §§101-aa(10), 101-aaa(8) and 101-b(6)

⁷⁸ ABCL §93(1)

⁷⁹ ABCL §93(4)

⁸⁰ ABCL §112 allows the SLA to require a surety bond for any class of license or permit. By rule [§81.3(b) of the Rules of the Authority], the SLA requires a \$1,000 bond for solicitor's permits.

be extended; and the requirement for a bond for a solicitor's permit be eliminated. The first two items would require legislative action, while the last could be accomplished either through legislation or an amendment of the applicable regulation.

#6 - Combined manufacturing license

The growth of the craft beverage industry has resulted in an increase in the number of "micro"⁸¹ and "farm"⁸² manufacturing licenses. In addition, as a result of administrative action taken by the SLA following the Governor's 2012 Wine, Beer & Spirits Summit, businesses can now obtain multiple licenses for the same site, rather than needing to locate each separate manufacturing operation on different sites.⁸³ For example, a business can now operate a farm winery, farm distillery and farm brewery at the same location.

However, while in this example a business can have all three manufacturing operations, it must still obtain and keep in effect three separate licenses, each of which requires a separate application, filing fee and surety bond. When each license is renewed, a separate application, surety bond and filing fee is required. This creates a hardship on small manufacturers and is inconsistent with the efforts that have been made by Governor Cuomo to ease administrative and financial burdens faced by the State's craft manufacturers.

The Working Group recommends an amendment to the ABCL that would allow the SLA to issue one license that would allow a business to engage in multiple craft manufacturing activities. The business would be able to select which licenses would be combined under the license. While the license fee would reflect the total for the various licenses, the business would only have to file one application, pay one filing fee, and renew just one license. These combined licenses would remain subject to federal laws and regulations that may restrict the ability of the licensee to overlap the actual production and storage areas within the greater licensed premises.

#7 - Felony convictions

The ABCL prohibits individuals with a felony conviction from holding a license in their own name⁸⁴ or in partnership with someone else.⁸⁵ The law also prohibits an individual with a felony conviction to serve as an officer or director of a corporation that holds a license.⁸⁶ This prohibition includes not only felony convictions, but convictions for certain misdemeanors related to prostitution.⁸⁷ An individual with one of these disqualifying convictions can only avoid

⁸¹ Micro-brewers [ABCL §56(1)], micro-distillers [ABCL §61(1-a)], micro rectifiers [ABCL§61(2-b)] and micro-farm wineries [ABCL§83(1-a)]

⁸² Farm brewers, [ABCL§51-a], farm cideries [ABCL§58-c], farm distillers [ABCL§61(2-c)] and farm wineries [ABCL§76-a]

⁸³ See SLA Advisory 2012-10

⁸⁴ ABCL §126(1)

⁸⁵ ABCL §126(4)

⁸⁶ ABCL §126(4)

⁸⁷ ABCL §126(1)

this ban if he/she received an executive pardon, a certificate of good conduct or a certificate of relief from disabilities.⁸⁸

Certificates of relief from disabilities are issued by the courts of this State after an instate criminal conviction. The certificate is presumptive evidence that the applicant is rehabilitated. A New York resident may also obtain a certificate of good conduct for a federal or out-of-state conviction. However, there are situations where an applicant with a felony conviction cannot obtain the documents required under New York law. For example, a resident of another state applying for a license might have a felony conviction in that other state. Since it is an out-of-state conviction, the certificate of relief from disabilities is not available and, as the person is not a resident of this State, the certificate of good conduct is not available. As a result, the applicant is barred from obtaining a license no matter how insignificant the crime was or how long ago it was committed.

There is no question that an individual holding a license to manufacture or sell alcoholic beverages must possess the character and fitness to operate a licensed establishment in compliance with the law. However, in the view of the Working Group, a blanket prohibition that any one of the convictions referenced above should automatically disqualify a person from holding a license may cause unnecessary hardship. During the Working Group's discussion of this issue, examples were provided of individuals unable to obtain licenses because of decades old convictions for conduct that did not, necessarily, impact on their character and fitness to hold a license.

The Working Group recommends two amendments to the ABCL with respect to disqualifying convictions. First, the prohibition should be limited to felonies and the references to certain misdemeanors should be eliminated. Second, the disqualification for felonies should only apply to convictions within the five years immediately preceding the filing of the license application. While not an automatic ban, the conduct underlying any conviction could still be considered with respect to the individual's character and fitness to hold a license.

The Working Group also recommends that the SLA be able to consider another jurisdiction's equivalent of a certificate of relief from disabilities when issuing licenses and, for the rare instance where an applicant cannot obtain an equivalent document, the SLA should be given discretion to examine an applicant's character and fitness to hold a license. The Working Group notes that these proposals are limited to the law governing eligibility for a license, and are not intended to modify the existing provisions of the ABCL dealing with employees of a licensee that have a criminal record. 90

#8 - Wine growlers

The sale of beer in growlers has become very popular, especially with respect to craft beers. The growlers themselves may be offered for sale by the licensee separate from the beer, or brought to the licensed establishment by the consumer to be filled by the licensee. Wineries have expressed an interest in selling their wines in growlers for off-premises consumption.

⁸⁸ ABCL §126(1)

⁸⁹ Correction Law §753(2)

⁹⁰ ABCL §102(2)

However, the ABCL requires that wine sold at retail for off-premises consumption be kept in sealed containers. Accordingly, wineries cannot have unsealed kegs of wine or have tap systems on the premises to fill growlers. As with the situation with open bottles of wine discussed in the following section, this prohibition unduly burdens wineries that can open a container to sell wine for on-premises consumption or can sell wine for off-premises consumption, but cannot use that same open container to fill a growler to be taken away from the winery. The Working Group recommends that the ABCL be amended to allow wineries to have unsealed containers of wine at the winery for the purpose of filling growlers.

#9 - Opened wine bottles

A retail license to sell wine for on-premises consumption requires that the wine be consumed on the premises. ⁹² In other words, an establishment licensed to sell wine for on-premises consumption cannot sell wine that will be consumed off-site. An exception is made for a restaurant licensed to sell wine. Under this exception, a patron may leave with one opened bottle of wine if that patron purchased a full course meal and consumed a portion of that bottle of wine with that meal in the restaurant. ⁹³ The exception includes a definition of "full course meal" and instructions on how the bottle of wine must be secured before leaving the restaurant.

Wineries and farm wineries currently have, as part of their license privilege, the ability to sell their wines for on-premises consumption at the winery. ⁹⁴ To do so, they are required to have food available for their patrons and otherwise comply with the laws applicable to retail on-premises wine licenses. Therefore, wineries and farm wineries can only allow patrons to leave with opened bottles of wine if there is a licensed restaurant at the winery and only if the patron has purchased a full course meal.

Unlike on-premises retailers, however, wineries and farm wineries can also sell their wine for off-premises consumption. This creates an odd situation where a winery or farm winery could sell a bottle of wine to be consumed at the winery or away from the winery, but cannot allow a customer to open the bottle, consume some of the wine at the winery, and then take the remaining wine home. The Working Group finds no reason why this scenario should exist. Accordingly, it recommends that wineries and farm wineries, who must comply with specified food requirements to serve wine for on-premises consumption, should be allowed to have patrons leave the winery with an opened bottle of wine, provided that the provisions regarding how the bottle must be secured are followed.

#10- Two Hundred Foot Law

The ABCL contains a number of provisions that prevent the issuance of certain licenses to a location that is on the same street and within two hundred feet of a building that is exclusively occupied by a school or place of worship. These provisions, collectively, are referred to as the "Two Hundred Foot Law." The Two Hundred Foot Law applies to all on-premises liquor

⁹¹ ABCL §105(5)

⁹² ABCL §81(3)

⁹³ ABCL §81(4)

^{94 76(4)} for wineries and 76-a(2)(d)

licenses, 95 as well as off-premises liquor and wine licenses (package and wine stores). 96 The Two Hundred Foot Law was first enacted in 1892^{97} and included in the ABCL when it was adopted in $1934.^{98}$

While there are several exceptions to the Two Hundred Foot Law⁹⁹, the most commonly relied on is the so-called "grandfather" clause that allows for the issuance of a license if the location has been continuously licensed since a date prior to the existence of the school or place of worship. If an exception to the law is not available to the applicant, the law provides no discretion to the SLA to issue the license. If the location is subject to the Two Hundred Foot Law, the SLA cannot issue one of these licenses to the location, even if the school or place of worship consents.¹⁰⁰

There are numerous examples of situations where the local municipality or the school (or place or worship) has not opposed, and in many cases supported, the approval of an application only to see the matter disapproved because of the Two Hundred Foot Law. In its 2009 report, the Law Revision Commission noted a situation where a city's downtown business district had become home to several churches. Given the location of the various churches, there was no location where a new on-premises liquor license could be issued. 101

Other siting restrictions in the ABCL allow the SLA some discretion to approve an application for a location otherwise prohibited by the law. The "Five Hundred Foot Law" generally prohibits the issuance of an on-premises liquor license in municipalities of twenty thousand or more if there are at least three existing on-premises liquor licenses within five hundred feet of the location. However, the SLA can approve an application notwithstanding the Five Hundred Foot Law if it finds that issuance of the license would be in the public interest. A restaurant can be denied an on-premises liquor license because it has interior access to other businesses. However, the SLA can approve such an application if it finds that the location of the restaurant "serves public convenience in a reasonable manner."

⁹⁵ ABCL §§64(7)(a), 64-a(7)(a)(i), 64-b(5)(a)(i), 64-c(11)(a)(i) and 64-d(8)(a)

⁹⁶ ABCL §105(3)(a)

⁹⁷ Chapter 401 of the Laws of 1892

⁹⁸ Chapter 478 of the Laws of 1934

 $^{^{99}}$ For an example of exceptions for on-premises liquor licenses, see \$64(7)(c)

¹⁰⁰ Matter of Multi Million Miles Corp v. State Liquor Authority, 55 AD2d 866 (2dDept., 1977) aff'd 43 NY2d 774 (1977)

¹⁰¹ See The New York State Law Revision Commission Report on the Alcoholic Beverage Control Law and its Administration, December 15, 2009, page 142-143

¹⁰² ABCL §§64(7)(b), 64-a(7)(a)(ii), 64-b(5)(a)(ii), 64-c(11)(a)(ii) and 64-d(8)(b)

¹⁰³ ABCL §§64(7)(f), 64-a(7)(a)(d), 64-b(5)(c), 64-c(11)(c) and 64-d(8)(e)

¹⁰⁴ ABCL §106(9)

¹⁰⁵ ABCL §106(9)

Without debating the merits of the licensing restriction, the Working Group finds that the SLA should have discretion to approve applications that would otherwise be denied based on the Two Hundred Foot Law. The Working Group recommends an amendment to the various sections containing the law to allow the Authority, for good cause shown, to approve such an application provided that the local municipality and the school or place of worship are provided notice of the application and have an opportunity to express their view with respect to the issuance of the license. However, in deference to the policy underlying the Two Hundred Foot Law, the Working Group further recommends that the amendment be limited to establishments that operate as restaurants within the meaning of the ABCL. Additionally, in fairness to existing restaurants that hold wine and beer licensees because they could not obtain a liquor license as a result of the Two Hundred Foot Law, such licensees should be afforded the first opportunity to apply for a liquor license before applications for new sites are considered.

#11 - Sunday hours of sale

The ABCL imposes restrictions on the hours of sale of alcoholic beverages. At one point no alcoholic beverages could be sold on Sundays. Currently, off-premises liquor and wine licenses ("package stores" and "wine stores") may not open until 8 am and must close by midnight, ¹⁰⁷ except on Sundays when they may not open until noon and must close by 9 pm. ¹⁰⁸ Off-premises beer ("grocery store beer") licensees may sell at any time other than between 3 am and 8 am on Sundays. ¹⁰⁹ On-premises licensees may sell alcoholic beverages from 8 am until 4 am each day, except on Sundays. ¹¹⁰ These licensees may not commence sales on Sundays until noon. ¹¹¹ Of course, each county may seek a further reduction of the hours provided for in the ABCL. ¹¹²

Legislation has already expanded the ability of off-premises retailers to sell on Sundays. In 2006, the "prohibited" hours for grocery store beer licensees were changed from 3am-noon to 3am-8am. Package and wine stores obtained the ability to open on Sundays in 2003. However, there have been no recent amendments to the laws governing Sunday hours of sale for on-premises licensees. The Working Group's discussions on Sunday hours focused on whether on-premises licensees should be allowed to sell or serve alcoholic beverages before noon.

¹⁰⁶ See ABCL §3(27) for the definition of restaurant

¹⁰⁷ ABCL §105(14)(a)(ii)

¹⁰⁸ ABCL §105(14)(a)(i)

¹⁰⁹ ABCL §105-a(1)(a)

¹¹⁰ ABCL §106(5)(b)

¹¹¹ ABCL §106(5)(a)

¹¹² ABCL §17(9)

¹¹³ Chapter 312 of the Laws of 2006

¹¹⁴ Chapter 63 of the Laws of 2003

One recent event brought considerable publicity to this issue. The Buffalo Bills football team played a game in London. Given the time differences, the game was televised starting at 9:30 am on a Sunday. Given the statutory hours of sale, on-premises licensees in the Buffalo area (or anywhere else in the state) could not serve alcoholic beverages to patrons during that game. Since the game was on a Sunday, licensees were not even able to obtain an "all-night" permit to open earlier since such permits only allow businesses to continue serving until 8 am.¹¹⁵ A similar situation will be faced next season when the New York Giants football team is expected to play in London. With the increase in cable sports channels, European soccer matches are routinely televised live on Sunday mornings. The Working Group also discussed the common practice of consuming alcoholic beverages during Sunday "brunch."

The Working Group recommends that the ABCL be amended to allow on-premises licensees to serve alcoholic beverages earlier on Sundays. The Working Group proposes two options: changing the end of prohibited hours from noon to 8 am for all on-premises licenses; or creating a permit system that would allow on-premises licenses to serve earlier on Sundays. Such a permit could be issued either for specific events or on a calendar year basis, or both. It should be noted that the Community Board on the Working Group indicated that his Community Board passed a resolution opposing both of the proposed options.

#12 - Restrictions on the location of on-premises establishments

As noted in the section of this report regarding the Two Hundred Foot Law, the ABCL contains various restrictions on where an establishment with an on- premises license can be located. One in particular applies to restaurants and other establishments where the primary business is the sale of food and beverages. The statute in question prohibits such venues from having "any opening or means of entrance or passageway for persons or things between the licensed premises and any other room or place in the building containing the licensed premises or any adjoining or abutting premises..." The statute provides an exception: if the licensed establishment is in a building used as a hotel and the establishment serves as a dining room for guests of the hotel; if the establishment is a restaurant and the SLA finds that such access will serve public convenience in a reasonable and suitable manner; or if the licensed establishment is located in a building owned by a municipality or is in a park or other place of public accommodation. The statute provides are status and the SLA finds that such access will serve public convenience in a reasonable and suitable manner; or if the licensed establishment is located in a building owned by a municipality or is in a park or other place of public accommodation.

The Working Group discussed how this restriction has prevented certain locations from obtaining a license, or obtaining a license for the entire area planned for the business. For example, consider a retail (non-alcoholic beverage) business that seeks to include a licensed restaurant within its retail space. Since the restaurant can only be accessed through the non-licensed retail space, the license can only be issued if the SLA finds that one of the exceptions applies, or the business includes the entire retail space as part of the licensed premises. The latter option may not be practical given the various statutes and regulations that restrict or prohibit certain activities at a licensed location.

Whatever the underlying policy for this prohibition (which appears to date back to the end of Prohibition), the Working Group finds no reason to keep it in effect against certain types

¹¹⁵ ABCL §99(1)

¹¹⁶ ABCL §106(9)

¹¹⁷ ABCL §106(9)

of businesses. The only obvious concerns are whether the applicant has adequate plans to supervise the activities at the licensed establishment, whether the venue remains accessible to the general public and whether the licensed premises will still be available for inspection as required by law. 118 The SLA can, and currently does, review applications with respect to such matters. Accordingly, the Working Group recommends that the above-referenced prohibition be eliminated.

#13 - Package store second businesses

The ABCL places restrictions on the ability of package store and wine store licensees to engage in any other business other than selling alcoholic beverages. 119 This is commonly referred to as the "second business" law. The only other profit-making activities that can be conducted at one of these locations are the sale of: New York State lottery tickets; corkscrews; ice; publications and video/audio recordings and tapes designed to help educate consumers in their knowledge and appreciation of wine and wine products; non-carbonated, non-flavored mineral waters, spring waters and drinking waters; glasses designed for the consumption of wine: racks designed for the storage of wine: and devices designed to minimize oxidation in uncorked bottles of wine. 120

While discussions over the years about expanding the list of permissible activities has included a variety of suggested second businesses that should be allowed, the Working Group focused on one particular area, gift bags and gift wrapping. These items are commonly available now by many package and wine stores. However, because of the second business law, these licensees cannot make any profit when providing these services. At best, the licensees can only recoup their actual cost for the gift bags and wrappings. In the view of the Working Group, the policy behind restricting the activities that can be conducted at package and wine stores would not be jeopardized by allowing these licensees to charge for (and make a profit from) providing gift bags and gift wrapping related to a sale of alcoholic beverages. Accordingly, the Working Group recommends that the ABCL be so amended.

As referenced above, package and wine stores can sell educational material. However, they cannot charge for instructional classes. Inasmuch as these licensees can conduct tastings of their products, the Working Group finds that they should be able to conduct educational classes or seminars designed to increase the attendees' knowledge and appreciation of wines and liquors. Any such expansion of the second business law should include restrictions on the ability of package and wine stores to provide food in such classes. It is recommended that the licensee be allowed, as part of any such class or seminar, to provide food items intended to complement the tasting of alcoholic beverages (for example food that is ordinarily consumed without the use of tableware and can be conveniently consumed while standing or walking, including but not limited to: cheeses, fruits, vegetables, chocolates, breads, mustards and crackers.

 $^{^{118}}$ ABCL 106(15) 119 ABCL 63(4) for package stores and ABCL 79(3) for wine stores

¹²⁰ ABCL §63(4)

#14 - Restrictions on licensees with on-premises and off-premises licenses

The ABCL prevents retail licensees from keeping, or allowing the consumption of, any alcoholic beverage on the licensed premises that cannot be sold under the license. For example, an establishment with an on-premises beer and wine license cannot store liquor on the premises or allow a patron to consume liquor in the establishment. While the Working Group does not question the merit of this restriction, it can, in some situations, limit the ability of a business to obtain a license for its location.

Grocery stores with off-premises beer licenses are now routinely seeking to add small on-premises operations within the grocery store. Given the restriction in question, these businesses cannot locate the on-premises establishment completely within the licensed grocery store. They are prevented from moving the liquor and wine sold at the on-premises venue through the grocery store. Instead, they must design the on-premises operation to have access to a public area through which the liquor and wine can be delivered to the establishment.

This restriction imposes a needless financial burden on such businesses. When both businesses are operated by the same licensee, and the liquor and wine is kept sealed while moving through the area licensed for beer only, the Working Group finds no practical reason why the licensee should not be allowed to move the liquor or wine through the grocery store. Therefore, the Working Group recommends that this restriction be amended to allow this activity.

#15 - Full Board voting/vacancies

The ABCL provides that the SLA shall consist of three Members (a Chairperson and two Commissioners). A "majority of the [M]embers of the [A]uthority shall constitute a quorum for the purpose of conducting the business thereof and a majority vote of all the Members in office shall be necessary for action." However, there have been significant periods of time when there have been only two Members serving. The absence of a third Member creates obstacles for the SLA to act on license applications, disciplinary proceedings and requests for guidance from the alcoholic beverage industry.

First, with only two Members in office, both must be present in order for the Full Board to conduct business. If one of the Members is ill, or otherwise unable to attend a Full Board meeting, the meeting must be postponed. Full Board meetings are typically held on a bi-weekly basis. Recently, in June of 2015, a Full Board meeting was cancelled because one of the Members was injured and could not attend. Fortunately, the Member was able to attend the next regularly scheduled meeting, delaying matters on the canceled meeting's calendar only two weeks. However, but for that Member's willingness to attend Full Board meetings notwithstanding his injury, a more significant delay could have resulted.

¹²² ABCL §10

¹²³ ABCL §14

¹²¹ ABCL §108

¹²⁴ When meeting to conduct business, the Members of the Authority are referred to as "the Full Board"

Second, with two, rather than three, voting Members, the chance for a tie vote is increased. Relying on language in a trial court decision, ¹²⁵ for some time the SLA took the position that a tie vote resulted in no determination being made on an application. Such a result, however, placed an application with a tie vote in an administrative limbo, awaiting the addition of a third Member or a change in the vote of one of the two Members then in office. Definitive guidance on the issue was subsequently provided by the Court of Appeals, which held that when a guorum of a board is present, a tie vote constitutes a denial of an application. ¹²⁶

The absence of a third voting Member creates a risk that the SLA will not be able to perform its core mission. This has an impact not only on the agency, but also those businesses that are served by the agency. To address this problem, the Working Group strongly recommends that the current Commissioner vacancy in the Full Board be filled. However, that alone would not provide a permanent solution to the problem, inasmuch as a vacancy could occur at any time in the future. Therefore, the Working Group recommends that the ABCL be amended to address situations where there are only two Members currently in office.

The Working Group suggests consideration of one or more of the following amendments: 1) allowing the Governor to appoint an acting Member to serve at any time when there are less than three Members in office; 2) granting to the Chief Executive Officer of the SLA, or other appropriate senior staff of the agency, the power to vote on an application when there are fewer than three Members in office; 3) granting to the Chief Executive Officer of the SLA, or other appropriate senior staff of the agency, the power to serve as an acting Member when, due to a vacancy, illness or other incapacity, there is an insufficient number of Members present at a Full Board meeting to constitute a quorum for purposes of conducting business; and 4) creation of a weighted voting system that would allow the Chairperson's vote to decide matters when there are only two Members in office.

Recent events have also brought to light deficiencies in the ABCL regarding vacancies in the office of the Chairperson. The current practice is to have a person nominated by the Governor and confirmed by the Senate as chairperson. The ABCL does not appear to contain a provision in such case to appoint an acting Chairperson if the current Chairperson resigns, as happened last spring. The remedy found for this most recent situation was to have the two remaining Members exercise the Chairperson's powers. However, given that the Chairperson has administrative power over the SLA¹²⁷ and the two Commissioners serve only on a per diem basis, 128 it would be difficult for part time Commissioners to efficiently lead the agency. Therefore, the Working Group recommends that the ABCL be amended to allow the Governor, in the event of the death, resignation, removal or disability of the Chairperson, to designate one of the Commissions to serve as acting Chairperson until such time as a new Chairperson is nominated by the Governor and confirmed by the Senate.

Sound Distributing Corp. v. State Liquor Authority, 144 Misc.2d 1 (Sup. Ct. Bronx County., 1989)

¹²⁶ Matter of Tall Trees Construction Corp v. Zoning Board of Appeals of the Town of Huntington, 97 NY2d 86 (2001)

¹²⁷ ABCL §18(1)

¹²⁸ ABCL §11

In this report, the Working Group has opted to refer to the "Chairperson," rather than "Chairman," the term used in the ABCL. It is the recommendation of the Working Group that any reorganization or modernization of the ABCL include the use of the term "Chairperson." It should be noted that, for a significant period of time during the last decade, a majority of the Full Board consisted of women. The use of antiquated terms such as "Chairman" is no longer appropriate in this day and age.

ABOUT THE WORKING GROUP MEMBERS

Vincent Bradley, Chairman, SLA

Vincent Bradley was unanimously confirmed as Chairman of the SLA on June 24, 2015. As Chairman of the SLA, Mr. Bradley is responsible for the day-to-day operations of the agency. Chairman Bradley most recently served for seven years as an Assistant Attorney General-In-Charge of the New York State Attorney General's Poughkeepsie regional office. In addition to his role of managing the operations of the regional office and overseeing attorneys and cases, Bradley served as the regional Public Integrity Officer and also conducted investigations involving consumer protection, illegal business practices and fraud.

Prior to joining the Attorney General's office, Bradley served for ten years as Assistant District Attorney in the New York County District Attorney's Office. During his tenure, Bradley spent three years in the Office of the Special Narcotics Prosecutor for the City of New York investigating and prosecuting narcotics cases and later in the Labor Racketeering Unit of the New York County District Attorney's Office, conducting complex white collar criminal investigations focusing on the construction and labor industries. While in the Labor Racketeering Unit, Bradley was a member of a team of three prosecutors who investigated, indicted and convicted a New York State Senator for conspiracy, bribe receiving, extortion and other related crimes.

Rose Mary Bailly, Executive Director, New York State Law Revision Commission

Rose Mary Bailly is the Executive Director of the New York State Law Revision Commission. As requested by the New York State Legislature, the Commission issued a Report on the Alcohol Beverage Control law and its Administration in 2009. The Report was published in two parts. Part One (September 2009) addressed the administration of the law by the SLA. Part Two (December 2009) addressed the Alcoholic Beverage Control Law. Ms. Bailly is a member of the American Bar Association and the New York State Bar Association. She is a graduate of Fordham University School of Law where she served as a Commentary Editor for the Fordham Law Review.

Robert Bookman, Counsel, New York City Hospitality Alliance

Robert S. Bookman is senior partner in the law firm of Pesetsky and Bookman, PC. Mr. Bookman, formerly with the New York City Department of Consumer Affairs, (1981 - 1986) has since specialized in representing businesses before numerous State and City governmental agencies, the City Council and the courts. M. Bookman is also the co-founder and counsel to the New York Nightlife Association (nightclubs, bars and lounges), and the New York City Newsstand Operators Association (sidewalk newsstands).

Selected as top attorney for small businesses by New York Enterprise Report magazine, summer 2013, Rob is a nationally recognized expert on hospitality industry issues and is a frequent speaker at regional and national conferences. He is quoted widely in the media and is the author of numerous op-ed articles on regulatory issues which have appeared in such publications as the New York Times and the Daily News. Mr. Bookman is also a founding organizer and the Counsel to the New York City Hospitality Alliance. Rob was recently appointed by the NYC Council to the NYC Health Department Advisory Board.

Jean Marie Cho, General Counsel (USA), William Grant & Sons, Inc.

Jean Marie Cho is currently General Counsel (USA), of William Grant & Sons, Inc., an independent family-owned distiller and importer. She has served in a number of regulatory roles in various New York State agencies, including Counsel of the New York State Liquor Authority; Deputy Superintendent of the New York State Department of Financial Services; and the Deputy Director of the New York State Commission to Modernize the Regulation of Financial Services. Prior to her regulatory positions, Ms. Cho worked for Sirius America Insurance Company, serving as Senior Vice President, Corporate Secretary and General Counsel. She also previously served as an Assistant Attorney General with the New York State Attorney General's office in the Investor Protection and Securities Bureau. Ms. Cho earned a B.A. from Smith College and a J.D. from Brooklyn Law School.

Keven Danow, Partner, Danow, McMullan & Panoff, PC

Keven Danow was awarded the degree of Juris Doctor, with honors, from Fordham University School of Law and has a Bachelor of Business Administration degree, with honors, from Adelphi University. In addition to being licensed to practice law in the State of New York, Mr. Danow was certified as a public accountant by the New York State Education Department. His experience includes four years as an agent of the Internal Revenue Service, rising to handle complex cases in the Large Case Division. This division is responsible for the tax audits of companies whose assets equal or exceed two hundred fifty million dollars.

Mr. Danow's particular areas of concentration include guiding clients through the regulation complexities involved in the manufacture, importation, distribution and sale of beverage alcohol. Mr. Danow's clients include suppliers, distributors, and retailers. His responsibilities include assisting clients with the process of applying for basic federal permits, label approval and state licensing procedures. In addition, Mr. Danow advises clients in connection with federal and state regulatory compliance. Mr. Danow's practice areas include commercial litigation in Federal and State Courts and administrative hearings before the Internal Revenue Service, the New York Tax Appeals Tribunal, the SLA, the State Department of Transportation and the American Arbitration Association. Additionally, he is regularly involved in estate planning, drafting wills and trusts, and negotiating and drafting agreements concerning the formation, purchase, and sale of businesses. Mr. Danow is a Contributing Editor of Beverage Media and lectures in the area of beverage alcohol law.

Kelly Diggins, Senior Counsel, North American Breweries

Kelly Diggins is Senior Counsel at North American Breweries in Buffalo, New York. North American Breweries owns and operates four U.S. breweries including the Genesee Brewery based in Rochester, New York. Ms. Diggins provides legal counsel to business teams across the company specializing in alcohol beverage law, intellectual property and franchise law. Prior to joining North American Breweries, she worked in private practice in Buffalo, New York, where she represented clients in both civil and commercial litigation matters.

Ms. Diggins received her Bachelor of Science degree from Rochester Institute of Technology in 2003, and her Juris Doctor from University of Dayton in 2007. In 2008, she received her LL.M from Tsinghua University in Beijing, China. Ms. Diggins was admitted to practice in Washington in 2008 and New York in 2010.

Lester Eber, Sr. Vice-President Compliance & Government Affairs, Southern Wine & Spirits

Mr. Eber has been in the liquor and wine business since 1959. From 1970 until 1980 he served as Executive Vice-President of Eber Bros. Wine & Liquor. He then became President of Eber Bros., serving in that role until 2007 when he joined Southern Wine & Spirits as Sr. Vice-President for Compliance & Government Affairs. He is a native of, and continues to reside in Rochester. A graduate of the Wharton School of the University of Pennsylvania, he has served on many supplier advisory boards. Mr. Eber is a board member of the Jewish Home for the Aged of Rochester and Vice Chairman of Rochester Management Inc., a not-for-profit organization providing affordable housing in the Rochester, Canandaigua and Syracuse areas.

Tom Edwards, President, New York State Liquor Store Association

After selling his successful Manhattan based employment service, Thomas Edwards moved to Ulster County and opened Fox and Hound Wine & Spirits in New Paltz during the fall of 2006. In 2008, Tom was asked to join the board of directors of the New York State Liquor Store Association ("NYSLSA"). As a board member, he headed up the New York craft beverage committee and promoted local products to NYSLSA's membership, creating more New York craft beverage awareness. In 2012 Tom became the President of NYSLSA. During his presidency he has proudly served as a member of each of Governor Cuomo's Craft Beverage summits and worked with the Taste New York team to create marketing materials designed to promote consumer brand awareness for New York products. Tom continues to advocate for his membership relating to all industry legislative and policy matters.

Ralph Erenzo, Founder & Master Distiller, Tuthilltown Spirits

In 2001 Ralph Erenzo relocated to the Hudson Valley in 2001 after 20 years in New York City as a professional climber. His business, Extravertical, provided technical aerial production services and event consulting throughout the New York City area and nationwide. In 2003 Ralph Erenzo and his business partner Brian Lee started to build Tuthilltown, the first distillery in New York State since Prohibition. From a complete stop, with no previous experience in distilling, the two built their distillery by hand and taught themselves the craft of whiskey making. In 2006 they introduced Hudson Baby Bourbon, the first legally produced whiskey in New York since the Prohibition and the first bourbon whiskey ever produced in New York. Their Hudson whiskeys are distributed worldwide.

Erenzo's efforts were instrumental in the drafting and passage of the distillery legislation. Since the signing of the Farm Distillery Act in 2007, over 100 new distilleries have opened in New York State. Tuthilltown hosted the first meeting of the New York Craft Distillers Guild Erenzo sits on the Board of Directors of the American Craft Spirits Association ("ACSA"), the national association of small distilleries. He is Chair of the ACSA Legislative Committee and is working for tax parity with other craft producers across the US. Erenzo has appeared in national publications and broadcast media preaching the gospel of craft and agricultural Spirits and his commentaries have been featured in such as the New York Times Op Ed section. Erenzo continues as a Managing Member of Tuthilltown Spirits and Brand Ambassador for Hudson whiskeys while pursuing modernization of New York and US alcohol laws.

Steven Harris, President, New York State Beer Wholesalers Association

With over 20 years' experience navigating the intricacies of the Albany process, Steve Harris is President of Cordo & Company. Steve has expertly represented the interests of private

sector companies and trade associations before the New York State Legislature and Executive for the past two decades, achieving consistent results for his clients. Steve's experience both inside and outside of state government provides a foundation for the nuanced and dogged advocacy he employs on behalf of his clients. Steve represents key players in the insurance, telecommunications, education, and entertainment fields, including the Property Casualty Insurers Association of America and the Fantasy Sports Trade Association.

Steve is the President of the New York State Beer Wholesalers Association and operates as their principal lobbyist and Executive Director. His career started in public service, beginning under Senator Roy M. Goodman in 1987 and later serving as Counsel to Senator Michael J. Tully, Jr. Steve entered the private sector, eventually becoming principal in the firm of Vacek, Harris & McCormack P.C., where he provided legislative representation to industry leaders in real estate, banking, and insurance sectors. A graduate of SUNY Oswego (1987) and Albany Law School (1990), Steve is a long-time resident of the Capital Region.

Noreen Healey, Counsel, Phillips Nizer, LLP

Noreen P. Healey is counsel in the Restaurant, Food Service & Hospitality, Government Relations, Litigation and Real Estate groups at the law firm of Phillips Nizer, LLP in New York City. She represents individuals and corporate owners of restaurants, entertainment establishments, hospitality groups, as well as alcoholic beverage distributors, wholesalers, and importers. Ms. Healey is a former Commissioner of the New York State Liquor Authority, serving in that capacity for almost six years. She was the third woman appointed to that positon and was nominated by two New York State Governors. During her tenure, she chaired the *Taskforce for the Review of On-Premises Licensure* and reported to the Governor recommendations to amend the Alcoholic Beverage Control Law as it related to licensing retail establishments. Ms. Healey also served as an appellate attorney in the District Attorneys' Offices in Kings, Nassau, and Queens Counties for more than eleven years. She has appeared before the United States Court of Appeals, Second Circuit; the United States District Court, Eastern District of New York; the New York State Court of Appeals; and the Appellate Division, Second Department.

In addition to her experience as a state official and appellate attorney, Ms. Healey served as General Counsel for a multi-media company and in clerkships to New York State Supreme Court Justices. She received her Juris Doctorate degree in 1989 from St. John's University School of Law. She earned her Bachelor of Arts degree from Pine Manor College in 1985, where she graduated *magna cum laude*, class valedictorian, and was awarded the College President's Cup for Outstanding Scholarship. She is licensed to practice in New York and is a member of the New York City Bar Association, Restaurant and Hospitality Committee. She has lectured on Restaurant Liquor Licensing and Real Estate at the New York City Bar Association and New York County Lawyers Association. She has been published in the United Tavern and Restaurant Organization newsletter.

In 2015, Ms. Healey was awarded a Certificate of Special Congressional Recognition from U.S. Congressman Hakeem S. Jeffries for her outstanding and invaluable community service in East New York, Brooklyn. She also received a New York State Senate Citation for her outstanding citizenship, leadership, and dedication to that community. In 2010, St. John's University School of Law honored her with the *Alumni Achievement Award* (Brooklyn/Queens Chapter), in recognition of her outstanding leadership in the legal community. In 2006, the New York County Lawyers Association Law-Related Education Committee presented her with the *Pro-Bono Award* for her commitment and work in teaching legal education to New York City school students.

Steve Hindy, Co-founder, Brooklyn Brewery

Steve Hindy is co-Founder and Chairman of The Brooklyn Brewery. A former journalist, he became interested in home-brewing while serving as a Beirut- and Cairo-based Middle East Correspondent for The Associated Press. Hindy covered conflicts in Iraq, Iran, Lebanon, Syria and Sudan. He returned to New York in 1984 and started Brooklyn Brewery in 1987. He is author of "Beer School," and "The Craft Beer Revolution."

Mark Koslowe, Managing Partner, Buchman Law Firm, LLP

Mark A. Koslowe is Managing Partner of Buchman Law Firm, LLP. Mr. Koslowe received a Bachelor of Arts degree in 1973 from Yeshiva University, a Juris Doctor degree from Fordham Law School in 1976 and an Advanced Professional Certificate (in taxation) from New York University, School of Business in 1979. He was admitted to the New York and Florida Bars in 1977 and to the Bar of the District of Columbia in 1979. He was also admitted to practice in 1977 before the United States District Courts for the Eastern and Southern Districts of New York.

Mr. Koslowe possesses substantial experience in the alcoholic beverage licensing of manufacturers, wholesalers and retailers nationwide, both federal and state. He frequently advises clients with respect to the labeling and advertising of their products as well as lectures clients regarding a variety of alcoholic beverage trade practice issues. Mr. Koslowe's practice also includes challenging the assessments and penalties asserted upon products imported and warehoused at bonded facilities, both with U.S. Customs (Border Protection) and the Alcohol & Tobacco and Tax & Trade Bureau. Rounding out almost 40 years of experience in the Beverage Alcohol Industry, Mr. Koslowe regularly addresses a variety of general corporate matters, franchise arrangements, and commercial agreements.

Nick Matt, Chairman & CEO, FX Matt Brewing

Nick Matt is Chairman & CEO of the Matt Brewing Company of Utica, New York, brewers of the Saranac line of beers and soft drinks. The brewery is a fourth generation family business founded by Nick's grandfather, F. X. Matt, in 1888. The Company is one of America's few remaining historic regional breweries, and has the distinction of being the only heritage brewery that has transitioned itself to be a craft brewer. Nick joined the brewery in 1989 after having served as President of the Richardson-Vick's Health Care Division of Procter & Gamble. Nick also currently serves as a member of the Mohawk Valley Regional Economic Development Council.

Michael Rosen, President & CEO, Food Industry Alliance of New York State

Michael Rosen, Esq. is the President and CEO of the Food Industry Alliance of New York State, Inc. The Food Industry Alliance is a not-for-profit trade association representing the interests of New York's 21,000 food stores. Its members include chains like Hannaford, King Kullen, Price Chopper, ShopRite/Wakefern, Stop & Shop, Tops and Wegmans, independent grocers such as C-Towns, IGA and Big M Supermarkets and convenience stores like 7-11. Food processors like Coca-Cola, General Mills and Goya are also members.

Michael is a graduate of Wagner College and Albany Law School. He has worked with the Food Industry Alliance since 1986, primarily as the lead state lobbyist. Prior to joining the Alliance, Mr. Rosen served as counsel to Senator Joseph Bruno and counsel to the Senate Consumer Protection and Insurance Committees.

Ebenezer Smith, District Manager, Manhattan Community Board 12

Ebenezer Smith has a Doctor in Law degree from Universidad Autónoma de Santo Domingo, Dominican Republic. In 1996 Ebenezer joined the Touro Law School Foreign Lawyer's Program to complete the requirements to sit for the New York State Bar Exam. Ebenezer started to work with NYC Parks in 1988, serving in several positions including Assistant to the Manhattan Chief of Recreation. In 1997 Ebenezer moved to New York City DOT. During his time at DOT he held various titles including Revocable Consent Specialist in the agency's legal department and Director of Community Affairs in the Bronx Borough Commissioner's Office. Since 2007 Ebenezer has been the District Manager for Community Board #12, Manhattan (Washington Heights and Inwood). As District Manager Ebenezer is responsible to ensure the delivery of municipal services within the community district and to carry out Board's policies and requirements with respect to liquor license application.

James Trezise, President, New York Wine & Grape Foundation

Jim Trezise has been President of the New York Wine & Grape Foundation for over 30 years since it was created by the New York State legislature and former Governor Mario M. Cuomo in 1985. The Foundation was created in response to a major economic crisis within the industry, and served as a catalyst to its revival, quickly transforming the industry into the fastest growing part of New York State's agriculture and tourism economies which now generates more than \$5 billion annually in economic benefits to the State. New York is the third largest wine-producing State, with more than 400 wineries, and has achieved an international reputation for quality.

The Foundation has also been recognized internationally for its success, and Jim Trezise has received several prestigious national awards for his leadership in the American wine industry. He is also the President of the International Riesling Foundation and serves on the Boards of several national and international organizations involved with public policy, marketing, research, and international trade. Governor Andrew Cuomo recognized his accomplishments during a special tribute at the Governor's Wine, Beer, Spirits & Cider Summit in October 2015. Jim is a native New Yorker from Rochester who now lives in the Finger Lakes.

David Waldenberg, President, New York Alliance of Fine Wine Wholesalers

David Waldenberg is President of the New York Alliance of Fine Wine Wholesalers and President of BNP Distributing Company, Inc. The Alliance was formed in October 1992 to promote, foster and advance in every lawful manner, the common interests and goals of fine wine wholesalers in New York State. David joined BNP Distributing Company is a New York State importer and distributor of Estate crafted fine wines from around the world, in January 1991. Prior to joining BNP, David was the Chief Financial Officer of Seagram Chateau & Estate Wines Company. David earned a Bachelor of Science Degree from the University of Maryland and a Masters of Business Administration from Fordham University.

Scott Wexler, Executive Director, Empire State Restaurant & Tavern Association

Scott Wexler has served as Executive Director of the Empire State Restaurant and Tavern Association since 1985, the largest trade association of alcohol beverage retailers in

New York State. Scott has represented the Association on the State Liquor SLA's Task Force for the Review of On-Premises Licensure, the New York State Project Zero Task Force and the Governor's Traffic Safety Committee Strategic Planning Group. Scott is an alumnus of the Bronx High School of Science and the University at Albany.

ATTACHMENT 'A'- PROPOSED REORGANIZATION OF ABCL

New	Old	Title
		ARTICLE 1: GENERAL PROVISIONS REGARDING THE AUTHORITY (formerly "Short title; Policy of State and purpose of chapter; definitions")
1	1	Short title
2	2	Policy of state and purpose of chapter
3	3	Definitions
10	10	State liquor authority
11	11	Appointment of authority
12	12	Expenses
13	13	Removal
14	14	Vacancies; quorum
15	15	Officers; employees; offices
16	16	Disqualification of members and employees of authority
17	17	Powers of the authority
18	18	Powers and duties of the chairman
19	19	Oath of office
20	115	Rules need not be uniform
21	120	Decisions by liquor authority
22	121	Review by courts
23	124	Liquor authority to be necessary party to certain

24	125	Disposition of moneys received for license fees
		ARTICLE 2: GENERAL COMPLIANCE PROVISIONS (formerly "Liquor Authority")
100	100	Alcoholic beverages generally
101	101	Manufacturers and wholesalers not to be interested in retail places
102	102	General prohibitions and restrictions
103	103	Provisions governing manufacturers
104	104	Provisions governing wholesalers
104-a	104-a	Provisions governing vendors
105	105	Provisions governing licensees to sell at retail for consumption off the premises
105-a	105-a	Sale of beer at retail on Sunday
105-b	105-b	Posting of certain signs
106	106	Provisions governing licensees to sell at retail for consumption on the premises
106-a	106-a	Notice of arrest and convictions
108	108	Restrictions upon licensees
111	111	License to be confined to premises licensed
116	116	Deliveries of alcoholic beverages
117	117	Transportation of alcoholic beverages
117-a	117-a	Unlimited drink offerings prohibited
117-b	117-b	Possession or use of alcohol vaporizing devices prohibited
118	118	Revocation of licenses for cause

119	119	Procedure for revocation or cancellation
123	123	Injunction for unlawful manufacturing, sale or consumption of liquor, wine or beer
126	126	Persons forbidden to traffic in alcoholic beverages
128	128	Certain officials not to be interested in manufacture or sale of alcoholic beverages
128-a	128-a	Police officers allowed to work in licensed premises in certain cases
128-b	128-b	Police officers allowed to serve as an officer of a volunteer firefighters' organization
130	130	Penalties for violations of chapter
131	131	New York alcoholic beverage control problem premises task force
		ARTICLE 3: MANUFACTURING LICENSES AND PERMITS (no current Article 3)
200	New	Kinds of wholesale licenses and permits
200	INGW	Tillias of wholesale licerises and permits
201	New	Fees and duration of manufacturing licenses and permits
		·
201	New	Fees and duration of manufacturing licenses and permits
201 202	New 51	Fees and duration of manufacturing licenses and permits Brewer's license
201202203	New 51 51-a	Fees and duration of manufacturing licenses and permits Brewer's license Farm brewery license
201202203204	New 51 51-a 58	Fees and duration of manufacturing licenses and permits Brewer's license Farm brewery license Cider producers' or wholesalers' license
201202203204205	New 51 51-a 58 58-c	Fees and duration of manufacturing licenses and permits Brewer's license Farm brewery license Cider producers' or wholesalers' license Farm cidery license
201202203204205206	New 51 51-a 58 58-c 76	Fees and duration of manufacturing licenses and permits Brewer's license Farm brewery license Cider producers' or wholesalers' license Farm cidery license Winery license
201202203204205206207	New 51 51-a 58 58-c 76 76-a	Fees and duration of manufacturing licenses and permits Brewer's license Farm brewery license Cider producers' or wholesalers' license Farm cidery license Winery license Farm winery license

211	76-e	Special provisions relating to wineries and farm wineries holding a distiller's license
212	79-c	Direct interstate wine shipments
213	79-d	Direct intrastate wine shipments
214	61	Distiller's license
		ARTICLE 4: WHOLESALE LICENSES AND PERMITS (formerly "Special Provisions relating to Beer)
300	New	Kinds of wholesale licenses and permits
301	New	Fees and duration of wholesale licenses and permits
302	53	Beer wholesale license
303	58-a	Sale of cider by beer wholesale licensees
304	58-b	Retail sale of cider by beer wholesale licensees
305	78	Wine wholesale license
306	62	Liquor wholesale license
		ARTICLE 4-A: ELIMINATED (formerly "Special Provisions relating to Cider)
		ARTICLE 5: RETAIL LICENSE AND PERMITS (formerly "Provisions relating to liquor")
400	New	Kinds of retail licenses and permits
401	New	Fees and duration of retail licenses and permits
402	54	License to sell beer at retail for consumption off the premises
403	54-a	License to sell beer and wine products at retail for consumption off the premises

404	53-a	Vendor's license
405	79	Seven day license to sell wine at retail for consumption off the premises
406	76-f	Roadside farm market license
407	54	Seven day license to sell liquor at retail for consumption off the premises
408	55	License to sell beer at retail for consumption on the premises
409	55-a	License to sell beer at retail for consumption at baseball parks, race tracks and outdoor athletic fields and stadia
410	81	License to sell wine at retail for consumption on the premises
411	81-a	Special license to sell wine at retail for consumption on the premises
412	56-a	Filing fees and refunds
413	64	License to sell liquor at retail for consumption on the premises
414	64-a	Special license to sell liquor at retail for consumption on the premises
415	64-b	License to sell liquor on premises commonly known as a bottle club
416	64-c	License to manufacture and sell alcoholic beverages in a premises commonly known as a restaurant-brewer
417	64-d	License to sell liquor on premises commonly known as a cabaret
418	97	Temporary beer and wine permit
419	97-a	Temporary retail permit
420	98	Caterer's permit
421	99	Special permit to remain open during certain hours of the morning
422	99-a	Charitable permits
423	99-g	Sale of privately held wines and liquors
424	59	Authorization for sale of cider by retail licensees

425	79-a	Authorization to sell wine products by certain licensees for consumption off the premises
426	79-b	Authorization to sell wine products by certain licensees for consumption on the premises
427	54-b	Beer tastings
428	59-a	Cider tastings
429	80	Wine tasting
430	63-a	Liquor tasting
		ARTICLE 6: PERMITS FOR THE TRANSPORTATION, STORAGE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES (formerly "Provisions relating to wine")
500	New	Kinds of permits relating to the transportation, storage and distribution of alcoholic beverages
501	93	Solicitor's permit
502	93-a	Broker's permit
502 503	93-a 94	Broker's permit Trucking permit
503	94	Trucking permit
503 504	94 95	Trucking permit Drug store permit
503 504 505	94 95 96	Trucking permit Drug store permit Warehouse permit
503 504 505 506	94 95 96 96-a	Trucking permit Drug store permit Warehouse permit Bottling permit

ARTICLE 7: PERMITS FOR THE MANUFACTURE AND DISTRIBUTION OF ALCOHOL FOR INDUSTRIAL PURPOSES (formerly "Special permits")

600	New	Kinds of permits for the manufacture and distribution of alcohol for industrial purposes
601	91	Industrial alcohol permit
602	91-a	Industrial alcohol manufacturer's permits
603	92	Alcohol permit
604	92-a	Alcohol distributor's permits
		ARTICLE 8 - PROVISIONS RELATING TO THE DISTRIBUTION OF ALCOHOLIC BEVERAGES (formerly "General provisions")
700	55-b	Manner of changing beer prices to wholesalers and retail licensees
701	55-c	Agreements between brewers and beer wholesalers
702	101-aa	Terms of sale
703	101-aaa	Terms of sale: beer and wine products
704	101-b	Unlawful discriminations prohibited; filing of schedules; schedule listing fund
705	107-a	Labeling containers of alcoholic beverages
706	85	Purchase from private collection
		ARTICLE 9 - PROVISIONS RELATING TO THE ISSUANCE OF LICENSES AND PERMITS (formerly "Local Option")
800	110	Information to be requested in applications for licenses or permits
801	110-a	Notice of application for certain licenses to be published by applicant

802	110-b	Notification to municipalities
803	112	Bonds of licensees and permittees
804	113	Premises for which no license shall be granted
805	114	Licenses, publication, general provisions
806	114-a	License or permit issuance and registration approval
807	107	Advertising and forms of notices of the issuance of licenses
808	99-d	Miscellaneous fees
809	120-a	Corporate change; hearing on application
810	122	Continuance of business by receiver
811	109	Renewals of licenses and permits
812	127	Surrender and cancellation of licenses; payment of funds; notice to police officials
813	127-a	Surrender and cancellation of permits; payments of refunds; notice to police officials
814	127-b	Payment of refunds on special permits and notice to police officers
815	127-c	Refunds on licenses and permits erroneously or unlawfully cancelled, revoked or suspended
816	127-d	Refunds on over-payment of fees; permit not issued
817	129	Surrender of license; notice to police officials
		ARTICLE 10 - PROVISIONS RELATING TO MINORS AND INTOXICATED PERSONS (formerly "Special provisions relating to illicit alcoholic beverages and stills")
900	65	Prohibited sales
901	65-a	Procuring alcoholic beverages for persons under the age of twenty-one years
902	65-b	Offense for one under age of twenty-one years to purchase or attempt to purchase an alcoholic beverage through fraudulent means

903	65-c	Unlawful possession of an alcoholic beverage with the intent to consume by persons under the age of twenty-one years
904	65-d	Posting of signs
		ARTICLE 11 - LOCAL OPTION (formerly "Miscellaneous provisions; laws repealed; Time of taking effect")
1000	140	Applicability of chapter before local option
1001	141	Local option for towns
1002	142	Local option for cities
1003	143	Filing certificate of result with liquor authority
1004	144	Contesting validity of petition
1005	145	False statements and forgery
1006	147	Effective duration of local option determination
		ARTICLE 12 - SPECIAL PROVISIONS RELATING TO ILLICIT ALCOHOLC BEVERAGES AND STILLS (New article)
1100	150	Definitions
1101	151	Possession of illicit alcoholic beverages
1102	152	Sale of illicit alcoholic beverages
1103	153	Stills and distilling apparatus
1104	154	Premises used for manufacture or storage of illicit alcoholic beverages
1105	155	Punishment for second offenders

ARTICLE 13 - LOCAL OPTION (New article)

[to include all "carve-outs"]

ARTICLE 14 - MISCELLANEOUS PROVISIONS; LAWS REPEALED; TIME OF TAKING EFFECT (New article)

1200	160	Construction of chapter
1201	161	Invalidity; effect of
1202	162	Laws repealed; effect of repeal; saving clause
1203	163	Time of taking effect
1204	164	Saving clause on repeal of article three