

STATE OF NEW YORK: LIQUOR AUTHORITY

---

Beer Dispensing System  
"Beer Wall"

---

DECLARATORY  
RULING  
2013-01899

**Preliminary Statement**

Section 98.1 of the Rules of the State Liquor Authority, (9 NYCRR subtitle B) provides that any person may request the Authority to issue a declaratory ruling on the application of the Alcoholic Beverage Control Law ("ABCL"), or the Rules of the Authority, to any person, property or state of facts.

By letter dated June 27, 2013, a request was submitted by John Springer, a representative for the Nurses Station LLC, a then applicant for an on-premises license. Mr. Springer requests a declaratory ruling as to whether a self-serve beer wall meets the definition of "similar contrivance" under ABCL Section 100(4).

**Statement of Facts**

According to Mr. Springer, in order to use the "beer wall" a customer, whose age has been verified by an employee, must purchase a wrist band. The wrist band contains a computer chip which entitles the customer to a certain number of beers. The customer then approaches the "beer wall" which is monitored by an employee and places their chip to the wall. The customer is then permitted to pour themselves a glass of beer. The "beer wall" prevents a customer from pouring more than two beers during one visit to the wall. The "beer wall" is also monitored by an employee to ensure that no customers are over served and that no minors use the "beer wall."

**Applicable Law**

ABCL §100(4) states that alcoholic beverages may be sold to be consumed on the premises at a bar, counter or "similar contrivance."

## **Issue Presented**

Does the “beer wall” as described by Mr. Springer meet the definition of “similar contrivance” under ABCL §100(4)?

## **Determination of the Members**

ABCL §100(4) permits alcoholic beverages to be sold and consumed on premises at a bar, counter or similar contrivance. However, the similar contrivance must ensure that alcoholic beverages are not sold or delivered to underage or intoxicated patrons. The “beer wall” and its usage, as described by Mr. Springer, provides adequate safeguards against impermissible sales or service. Therefore, it is the determination of the Members of the Authority that the “beer wall” does meet the definition of “similar contrivance” under ABCL §100(4).

Licenseses are reminded that this ruling is limited to the facts set forth herein. This ruling should not be considered approval for any other proposal which deviates in any respect from the representations as set forth above.

The foregoing Declaratory Ruling was formally approved by the Members of the Authority at a Full Board meeting held on July 17, 2013.



Jacqueline Held  
Secretary to the Authority