

STATE OF NEW YORK
LIQUOR AUTHORITY

To: All holders of temporary beer and wine permits

Subject: Sale of hard cider under temporary beer and wine permits

Hard cider can be manufactured in this state by licensed cider producers, farm wineries, and (starting in January 2013) farm brewers. Pursuant to §59 of the Alcoholic Beverage Control Law (“ABCL”), all retail licensees have the right, without the need for any additional permit or license, to sell hard cider at retail for consumption either on or off the licensed premises, depending on whether the licensee has an on or off premises license. This treatment of cider is unique in the statute, which otherwise requires a specific license or permit to sell a particular class of alcoholic beverage. For example, ABCL §79-a and §79-b require retail beer licensees to obtain a separate permit to sell wine products at their establishments.

Pursuant to ABCL §97, the Authority can issue one day permits for the sale of beer and wine at outdoor and indoor gatherings, functions, occasions or events. That statute does not address whether cider may be sold under such a permit. Inasmuch as ABCL §59 expresses a clear legislative intent to allow for the sale of cider by any retail licensee, it is the view of the Authority that ABCL §97 should be read to allow retail permittees to also sell cider.

Accordingly, holders of temporary beer and wine permits may sell cider purchased from a licensed cider producer, cider wholesaler, farm winery or farm brewery.