

STATE OF NEW YORK
LIQUOR AUTHORITY

TO: Farm Winery, Farm Brewery, Farm Distillery and Farm Cidery licensees

SUBJECT: Multiple branch offices at same location

A farm brewery, farm cidery, farm distillery and farm winery is allowed to operate a branch office. A branch office is a location separate and apart from the licensed premises where the licensee can engage in any activities that can be conducted at the licensed premises. A farm brewery, farm cidery, and farm winery can operate up to five branch offices, while a farm distillery can operate one branch office. Each of the statutory provisions¹ providing for the branch offices contains the same language restricting the location of the branch offices: "Such branch offices shall not be located within, share a common entrance and exit with, or have any interior access to any other business, including premises licensed to sell alcoholic beverages at retail."

The Authority has been interpreting that restriction to prohibit a branch office to be located in the same space as, or have interior access to, another branch office. This requires each branch office to have its own entrance to a public thoroughfare (such as a sidewalk, shopping mall walkway, etc.) and be physically separated (by walls) from other branch offices. Authority staff has received numerous inquiries regarding this restriction, particularly with respect to the ability of multiple licensees to have branch offices within the same enclosed area (for example, with each having its own "booth") or to share the same space, notwithstanding the current interpretation of the statutory prohibition.

In light of these inquiries, the Authority has reconsidered its interpretation of the prohibition. It is clear that the intent of the restriction is to prevent branch offices from co-locating with other types of businesses such as venues where alcoholic beverages, or certain types of alcoholic beverages, cannot be sold. However, since the Governor's 2012 Wine, Beer, Spirits and Cider Summit, the Authority has allowed a licensee to have multiple licenses at the same location and multiple manufacturing licensees to operate at the same location. For example, three farm wineries can operate at the same location, or one person can hold several manufacturing licenses for the same location. This was done notwithstanding the restrictions placed on the business activities that can take place at a licensed manufacturing site.

It would appear inconsistent to allow multiple manufacturing licensees to share the same space while prohibiting branch offices, which are merely extensions of such licenses, to do the same. Accordingly, the Authority will now issue branch office permits for: a location where another such branch office permit is in effect; or a location where the branch office will share a common area or is not physically separated from another location that is subject to a branch office.

¹ Alcoholic Beverage Control Law ("ABCL") §51-a(9) for farm brewery; ABCL §58-c(9) for farm cidery; ABCL §61(2-c)(g) for farm distillers and ABCL §76-a(7) for farm wineries.