

STATE OF NEW YORK  
LIQUOR AUTHORITY

TO: Agency licensing staff, industry members and not-for-profit organizations

SUBJECT: Guidance for not-for-profit organizations where alcoholic beverages are sampled and/or sold for off-premises or on-premises consumption by manufacturers and wholesalers.

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The Authority regularly receives inquiries with respect to the need for a not-for-profit organization to obtain a permit when it is conducting an event where alcoholic beverage manufacturers and wholesalers are offering samples and/or selling their products for off-premises or on-premises consumption. This advisory is intended to provide guidance regarding whether a permit is needed and to announce that the Authority will now offer “craft beverage tasting event” permits to not-for-profit organizations for certain events.

Requirements for manufacturers or wholesalers participating in the event

A not-for-profit organization conducting an event where alcoholic beverage manufacturers or wholesalers will be providing samples and/or selling their products at the event is responsible for making sure that those businesses have the proper permit to participate in the event. If the manufacturer or wholesaler is providing samples and/or selling its product to be consumed away from the event, the manufacturer or wholesaler must have a marketing permit. In the case of wine, beer or cider, a craft manufacturer (winery producing less than 150,000 gallons a year, farm winery, brewery producing less than 60,000 barrels per year, cider producer or farm cidery) can also obtain a temporary beer and wine permit to sell their product for consumption at the event. Distillers and farm distillers are not eligible to obtain a permit to sell liquor for consumption at the event.

Requirements for the not-for-profit organization conducting the event

If there is no charge to a person to attend the event, the not-for-profit organization does not need to obtain a permit to conduct the event. However, if the not-for-profit is charging attendees, a permit is required. To date, the Authority’s practice has been to issue temporary beer and wine permits to the not-for-profit organization. However, that permit only provides for the sale/service of wine, beer and cider. It does not allow for the sale/service of liquor.

Under the power granted by paragraph k, subdivision 1, section 99-b of the Alcoholic Beverage Control Law (“ABCL”) to issue miscellaneous permits “in cases not expressly provided for” by the ABCL, when the Authority determines that the issuance of the permit is “appropriate and consistent with the purpose of” the ABCL, the Members of the Authority, through this advisory, hereby direct that the Authority’s Licensing Board may issue a “craft beverage tasting event” permit to a not-for-profit organization to conduct events where manufacturers and/or wholesalers will be offering samples of and/or selling any alcoholic beverage for consumption away from the event. These permits will be available at the same cost of a temporary beer and wine permit: \$26 plus a \$10 filing fee. Only one permit is needed for each day of an event, regardless of the number of manufacturers and/or wholesalers participating in the event.