
Recent changes to the Alcoholic Beverage Control Law - Updated October 17, 2013

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The following bills from the 2013 legislative session amending the Alcoholic Beverage Control Law have been signed into law by Governor Cuomo.

A1512/S267. This law creates the “roadside farm market license”. Operators of such businesses can obtain a license to sell NYS labeled wine produced by no more than 2 licensed farm wineries or special wineries located within 20 miles of the roadside farm market. This law takes effect March 26, 2014.

A2530B/S4101A. This law would increase the community service requirement for minors who are found guilty of repeat violations of purchasing alcoholic beverages with fraudulent identification. The law becomes effective on November 1, 2013.

A3869/S3978. This new law amends sections 109 and 110 of the ABC Law to add a new item that must be included in all applications (original and renewals). The applications must now include “a statement indicating the type of establishment to be operated at the premises. Such statement shall indicate the occurrence of topless entertainment and/or exotic dancing whether topless or otherwise, including, but not limited to, pole dancing and lap dancing, at the establishment.” The new law provides that the Authority cannot waive this new item. So every original application and every renewal application will have to include the required statement. This law took effect on September 29, 2013.

A4834/S4534. This law allows the Authority to issue an on-premises liquor license to the banquet hall of the Afrikan Cultural Center in Brooklyn. The license could not otherwise be issued because the banquet hall is within 200 feet of a place of worship. The law went into effect upon signing.

A4851/S3560. This law allows the Authority to issue an on-premises liquor license to the banquet hall of the Brooklyn Botanic Garden's Visitor Center. The license could not otherwise be issued because the banquet hall is within 200 feet of a school. The law went into effect upon signing.

A7121/S4913. This law extends, until October 2014, a law passed in 2010 that allows the Authority to issue temporary operating permits to new retail applicants outside of New York City. The existing law only allowed for such permits to be issued to applicants buying an existing licensed business.

A7166/S352. This new law amends section paragraph a of subdivision 2 of section 106. The amendment adds the word "intentionally" to the language regarding contaminated bottles. The purpose of the amendment, as stated in the sponsor's memo, is to prevent the Authority from prosecuting licensees for bottles contaminated with fruit flies (and similar substances) when there is no evidence that the licensee intentionally contaminated the bottles. These non-intentional contaminations would, presumably, be dealt with as health code violations by local governmental agencies. The law went into effect upon signing.

A7965B/S5739C. This law allows the Authority to issue a farm distillery license to the Fort William Henry Hotel and conference Center. The license could not otherwise be issued because the company holds a retail on-premises license. The law went into effect upon signing.

A8046/S5832. This law creates an exemption from the brand label registration fee for distilled spirits produced in small batches. It also clarifies the standards used in approving brand labels and reduces the amount of information that brand owners and wholesalers must provide to the Authority when applying for brand label approval. This law takes effect March 26, 2014.

A8047/S5883. This law creates the farm cidery license with privileges similar to the farm winery, farm brewery and farm distillery licenses. The law also expands the definition of cider to allow for certain crops other than apples to be used in production and increases the maximum alcohol content of cider from 7% to 8.5%. The law goes into effect on January 15, 2014.

Please note that there are several other bills amending the Alcoholic Beverage Control Law that have not yet been forwarded to the Governor for his consideration. This notice will be updated if/when those bills are signed into law.