

STATE OF NEW YORK
LIQUOR AUTHORITY

TO: Agency licensing staff and industry members

SUBJECT: Permits to allow: wineries and farm wineries to operate "home wine making centers"

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 permit to; a winery or farm winery to operate a "home wine making center."

For purposes of this advisory, a "home wine making center" shall mean a premises where the operator of the center provides to individuals, for a fee, ingredients and equipment for the production of wine for such individual's personal household or family use and not for resale in accordance with federal law, rules and regulations that authorize the production of wine for household personal or family use and which wine is deemed tax exempt by the federal Alcohol and Tobacco Tax and Trade Bureau.

A permit for a home wine making center shall be subject to the following conditions:

1. The premises subject to such a permit shall be located in or adjacent to the licensed winery or farm winery, provided that wine made by individuals at the home wine making center shall be segregated from wine produced under the operator's winery or farm winery license;
2. An individual engaging in the production of wine at a home wine making center:
 - a. Shall be twenty-one years of age or older;
 - b. Shall be limited to producing no more than one hundred gallons of wine during any calendar year; provided that if there are one or more other persons who are twenty-one years of age residing in the same household as such person, all other such persons in the same household may produce an aggregate of not more than two hundred gallons of wine for the household during any calendar year;
 - c. May remove the wine he or she produces at the home wine making center for the purpose of personal use, including use in contests or tastings;
 - d. Shall not produce wine for sale or offer such wine for sale;
 - e. May jointly produce wine with persons residing in a different household or households as long as the quantity of wine made is within the quantity limits specified pursuant to federal law, rules and regulations;

- f. Shall actively participate in the production of the wine;
 - g. Shall use grapes or other fruits grown in the state of New York to produce the wine;
 - h. Shall add yeast and/or other ingredients to the grape or other fruit juice or wine; shall cause the fruit to ferment; and shall rack, filter and bottle the wine;
 - i. Shall not accept any unauthorized assistance from the operator of the home wine making center, or from any employee or agent thereof; and
 - j. Shall read and sign a statement that he or she understands and agrees to comply with the conditions imposed on the use of the permit.
3. No operator of a home wine making center, nor any employee or agent thereof, shall assist any customer in the production of wine, except as follows:
 - a. The furnishing, selling or renting of space, supplies and equipment, ingredients, fruit, and bottling supplies;
 - b. The provision of advice and technical services to customers as provided pursuant to federal law, rules and regulations;
 - c. The moving of containers of wine between storage areas;
 - d. The provision, maintenance, cleaning and repair of wine making equipment, such as presses, pumps, filters, bottling equipment and other equipment;
 - e. The provision, rental or sale of storage vessels, including, but not limited to, glass carboys, wooden barrels or other storage containers for wine fermentation and storage;
 - f. The provision of a climate and temperature controlled space for wine fermentation and storage;
 - g. The disposal of grape pressings and other wastes; and
 - h. The provision of quality control services, such as laboratory analysis and tasting of wine for quality control purposes in the presence of the home wine maker.
4. No operator of a home wine making center shall allow, maintain or store any container of wine in excess of one hundred gallons on the premises.
5. The aggregate production of all individuals or households making wine at a home wine making center operating under a permit issued pursuant to this Advisory shall not exceed ten thousand gallons per year. Provided, that such aggregate production limit shall not be offset by wines produced by the operator of the home wine making center under its winery or farm winery license.

6. The annual fee for a permit to operate a home wine making center shall be \$125, plus a \$20 filing fee.

Winery and farm winery licensees are reminded that the privileges afforded under a home wine making center permit are different than the “custom wine production” privileges under the winery and farm winery license. Under the license, without a permit issued under this advisory, a winery or farm winery can allow individuals to assist in the production of wine that will be purchased by the individual for personal or family use. Unlike the activities allowed under this permit, “custom wine production” requires the involvement of the licensee and the wine belongs to the licensee until such time as it is sold to the individual.