

2016 Legislative Update

Several changes to the Alcoholic Beverage Control law impacting licensees have been signed into law by Governor Cuomo following the 2016 legislative session, including:

- Governor Cuomo's legislation to modernize the Alcoholic Beverage Control Law includes provisions to:
 - Expand Sunday Sales - The law expands Sunday sales at restaurants and bars by changing the statewide opening hours from noon to 10 am.
 - Permit to sell at 8:00 a.m. on Sundays - An on-premises licensee located outside of New York City may apply for a permit to sell alcoholic beverages between 8:00 a.m. and 10:00 a.m. on a particular Sunday, limited to twelve (12) permits per year.
 - Combined craft/farm manufacturing license - A combined craft/farm manufacturer's license may combine two or more of the following licenses: farm brewery, micro-brewery, farm cidery, farm winery, micro-distillery, micro-rectifier and farm distillery. This will enable the filing of only one license application, one filing fee and one renewal.
 - Importer's license - Authorizes small businesses located in New York State to import alcoholic beverages and sell those products to NYS licensed wholesalers utilizing an inexpensive license rather than the more costly wholesale license.
 - Gift bags and gift wrapping - Liquor and wine stores will now be able to sell, at a profit, gift bags, gift boxes or wrapping for alcoholic beverages purchased at the licensed establishment.
 - Elimination of solicitor's permits for craft/farm manufacturers - A solicitor's permit is no longer required for a person who is soliciting orders on behalf of a craft/farm manufacturer.
 - Authorize the Sale of Wine in Growlers - The new provision authorizes wineries and farm wineries to fill their customers' growlers. Additionally, wineries and farm wineries are authorized to allow customers to take home partially finished bottles of wine.
 - Term of temporary solicitor's permits extended - The term of a temporary solicitor's permit for all other manufacturers and wholesalers is extended from 60 days to 6 months provided the solicitor files his/her application for a solicitor's permit within 60 days of employment.
 - Solicitors - Solicitors no longer have to obtain a bond.
 - Temporary Acting Chairman - In the event of the resignation, death, removal or disability of a Chairman of the Authority, the Governor will now be able to appoint one of the Commissioners to temporarily serve as acting Chairman until a new Chairman is appointed.

- Expanded Sales for Craft Manufacturers - Legislation allows farm wineries, breweries and cideries to sell any New York-produced farm alcoholic beverage by the glass at their production facility or off-site branch store.
- Creation and Operation of Custom Production Centers – Creates a license for the operation of custom beer, wine, and cider production centers that will rent space and equipment to those looking to produce beer, wine, or cider for home consumption
- Businesses with adjacent licenses – The law will allow a business with adjacent on-premises liquor/wine license and off-premises beer license to move liquor or wine through the beer premises, rather than having to go around the beer business to deliver liquor and wine.
- Extension of Temporary Permits - This law extends, until October 2017, a provision allowing the SLA to issue temporary operating permits to new retail applicants outside of New York City.
- Definition of “for cause” in Disciplinary Proceedings – Legislation amends the definition of “for cause” in revocation proceedings to include an on premises licensee who deliberately misleads the SLA as to the nature or character of the business to be operated on the licensed premises, or by substantially altering the nature and character of the business without SLA approval.
- Prorated Fees for Additional Bars – Following Governor Cuomo’s 3rd Wine, Beer, Spirits and Cider Summit, on October 15, 2015, the SLA Board adopted an advisory authorizing the issuance of pro-rated fee for “add bars” so businesses operating a bar on a seasonal basis, for instance on an outdoor patio or deck, are charged a fee based on the months the bar will be in operation. This session, legislation codifying these changes into the statute was enacted.
- Mixed martial arts – A provision of the ABC Law restricting contests involving physical contact between participants at a licensed premises has been modified to allow events such as mixed martial arts competitions.