

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;



6. The annual fee for a permit to operate a home wine making or home beer 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.

DRAFT