

## Governor Cuomo Signs Bill Updating New York's Antiquated Alcoholic Beverage Control Law

On September 7, 2016, Governor Cuomo signed into law a bill designed to reorganize and modernize New York's Alcoholic Beverage Control Law. The law reflects recommendations made by the Alcoholic Beverage Control Law Working Group that was formed as a result of Governor Cuomo's Third Beer, Wine, Spirits and Cider Summit.

Commonly referred to as the "Brunch Bill" this law makes significant changes to New York's "Blue Laws." On-premises licensees are now permitted to sell alcoholic beverages beginning at 10:00 a.m. on Sundays. Additionally, an on-premise licensee may apply for a single-day permit to sell alcoholic beverages between 8:00 a.m. and 10:00 a.m. on Sunday. The fee for this permit is \$25 and the licensee must provide notice to the local municipality. A licensee may not receive more than 12 single-day permits during any calendar year. These permits are not authorized for licensees located in cities with a population of one million or more (e.g., New York City).

This law also contains several meaningful changes to support and encourage continued growth of New York's burgeoning alcoholic beverage industry, including:

- Creation of a combined craft manufacturer license;
- Elimination of solicitors' permits for persons soliciting on behalf of farm and micro-manufacturing licensees;
- Extension of temporary solicitors' permits to six months;
- Permission for patrons of wineries and farm wineries to take home "leftover" wine that was purchased for on-premises consumption;
- Permission for wineries and farm wineries to sell wine in growlers;
- Relaxation of transporting alcoholic beverages between on-premises-licensed locations and off-premises-licensed locations; and
- Creation of an Importer's license.

Despite the differences from the bill that the Governor originally proposed, this law significantly overhauls New York's Alcoholic Beverage Control Law. All three tiers of the industry could benefit from this law.

Please contact any member of Harter Secrest & Emery LLP's Alcohol Beverage practice group at (585) 232-6500 if you want to learn more about how this law affects your business. ■

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