

STATE OF NEW YORK
LIQUOR AUTHORITY

To: All farm brewers, micro brewers, cider producers, farm wineries and other craft manufacturers of beer, cider and wine.

Subject: Eligibility for temporary beer and wine permits

It has been the policy of the Authority that manufacturers and wholesalers are not eligible for temporary permits to sell beer and wine at outdoor and indoor gatherings pursuant to §97 of the Alcoholic Beverage Control Law (“ABCL”). Since such permits allow for the retail sale of alcoholic beverages, the issuance of the permits to manufacturers and wholesalers was deemed prohibited by the “tied-house” laws contained in ABCL §101(1)(a).

However, amendments to ABCL §97 allow certain brewers, beer wholesalers and concessionaires at the State Fair (including licensed manufacturers) to obtain these permits. On July 18, 2012, Governor Cuomo signed legislation that will allow small wine manufacturers, both in-state and out-of-state, to obtain these permits to assist in the promotion of their products.

Pursuant to ABCL §99-b(1)(k), the Authority may issue permits to allow for the sale of alcoholic beverages in situations not expressly provided for in the law when, in the Authority’s judgment, issuing such permits is appropriate and consistent with the purposes of the ABCL.

Given the recent amendment to ABCL §97, as well as other changes to the ABCL to provide increased opportunities to craft manufacturers to market their products, the Authority finds that allowing such businesses to obtain temporary permits for outdoor and indoor gatherings is both appropriate and consistent with the law.

Accordingly, the following manufacturers are now eligible for temporary permits issued pursuant to ABCL §97:

- holders of a license to manufacture wine in this or any other state, provided that such manufacturer produces no more than 150,000 gallons of wine per year;
- holders of a license to manufacture beer in this or any other state, provided that such manufacturer produces less than 60,000 barrels of beer per year; and
- holders of a license to manufacture cider in this or any other state.