

1 winery, farm winery, supplier, distributor, retailer, private wine
2 bed and breakfast, private wine restaurant, private wine spa or
3 wine specialty shop without first obtaining a license from the
4 commissioner, nor ~~shall~~ may a person continue to engage in any such
5 activity after his or her license has expired, been suspended or
6 revoked. No person may be licensed simultaneously as a distributor
7 and a retailer. No person, except for a winery or farm winery, may
8 be licensed simultaneously as a supplier and a retailer. No person
9 may be licensed simultaneously as a supplier and a private wine bed
10 and breakfast, private wine restaurant or a private wine spa. No
11 person may be licensed simultaneously as a distributor and a
12 private wine bed and breakfast, a private wine restaurant or a
13 private wine spa. No person may be licensed simultaneously as a
14 retailer and a private wine bed and breakfast, a private wine
15 restaurant or a private wine spa.

16 (b) The commissioner shall collect an annual fee for licenses
17 issued under this article, as follows:

18 (1) One hundred fifty dollars per year for a supplier's
19 license;

20 (2) Twenty-five hundred dollars per year for a distributor's
21 license and each separate warehouse or other facility from which a
22 distributor sells, transfers or delivers wine shall be separately
23 licensed and there shall be collected with respect to each ~~such~~
24 location the annual license fee of \$2,500 as herein provided;

1 (3) One hundred fifty dollars per year for a retailer's
2 license;

3 (4) Two hundred fifty dollars per year for a wine specialty
4 shop license, in addition to any other licensing fees paid by a
5 winery or retailer holding ~~such~~ a license, except for the amount of
6 the license fee and the restriction to sales of winery or farm
7 winery wines, a winery or farm winery acting as a wine specialty
8 shop retailer is subject to all other provisions of this article
9 which are applicable to a wine specialty shop retailer as defined
10 in section two of this article;

11 (5) One hundred fifty dollars per year for a wine tasting
12 license;

13 (6) One hundred fifty dollars per year for a private wine bed
14 and breakfast license, and each separate bed and breakfast from
15 which a licensee sells wine shall be separately licensed and there
16 shall be collected with respect to each ~~such~~ location the annual
17 license fee of \$150 as herein provided;

18 (7) Two hundred fifty dollars per year for a private wine
19 restaurant license, and each separate restaurant from which a
20 licensee sells wine shall be separately licensed and there shall be
21 collected with respect to each ~~such~~ location the annual license fee
22 of \$250 as herein provided;

23 (8) One hundred fifty dollars per year for a private wine spa
24 license and each separate private wine spa from which a licensee

1 sells wine shall be separately licensed and there shall be
2 collected with respect to each ~~such~~ location the annual license fee
3 of \$150 as herein provided;

4 (9) One hundred fifty dollars per year for a wine sampling
5 license issued for a wine specialty shop under subsection (n) of
6 this section;

7 (10) No fee shall be charged for a special one-day license
8 under subsection (p) of this section or for a heritage fair and
9 festival license under subsection (q) of this section; and

10 (11) One hundred fifty dollars per year for a direct shipper's
11 license for a licensee who sells and ships only wine and \$250 per
12 for a direct shipper's license who ships and sells wine,
13 nonfortified dessert wine, port, sherry or Madeira wines.

14 (12) Three hundred dollars per year for a multicapacity winery
15 or farm winery license which shall enable the holder to operate as
16 a retailer, wine specialty shop, supplier and direct shipper
17 without obtaining an individual license for each capacity.

18 (c) The license period shall begin on July 1, of each year and
19 end on June 30 of the following year and if granted for a less
20 period, the same shall be computed semiannually in proportion to
21 the remainder of the fiscal year.

22 (d) No retailer may be licensed as a private club as provided
23 by article seven of this chapter, except as provided by subsection
24 (k) of this section.

1 (e) No retailer may be licensed as a Class A retail dealer in
2 nonintoxicating beer as provided by article sixteen, chapter eleven
3 of this code: *Provided*, That a delicatessen, a caterer or party
4 supply store which is a grocery store as defined in section two of
5 this article and which is licensed as a Class A retail dealer in
6 nonintoxicating beer may be a retailer under this article:
7 *Provided, however*, That any delicatessen, caterer or party supply
8 store licensed in both ~~such~~ capacities must maintain average
9 monthly sales exclusive of sales of wine and nonintoxicating beer
10 which exceed the average monthly sales of nonintoxicating beer:
11 *Provided further, That a retailer may be licensed as a retail*
12 *dealer in nonintoxicating beer for the limited purpose as provided*
13 *by subsection (h) of this section.*

14 (f) A wine specialty shop under this article may also hold a
15 wine tasting license authorizing ~~such~~ the retailer to serve
16 complimentary samples of wine in moderate quantities for tasting.
17 Such wine specialty shop shall organize a wine taster's club, which
18 has at least fifty duly elected or approved dues-paying members in
19 good standing. Such club shall meet on the wine specialty shop's
20 premises not more than one time per week and shall either meet at
21 a time when the premises are closed to the general public, or shall
22 meet in a separate segregated facility on the premises to which the
23 general public is not admitted. Attendance at tastings shall be
24 limited to duly elected or approved dues-paying members and their

1 guests.

2 (g) A retailer who has more than one place of retail business
3 shall obtain a license for each separate retail establishment. A
4 retailer's license may be issued only to the proprietor or owner of
5 a bona fide grocery store or wine specialty shop.

6 (h) The commissioner may issue a special license for the
7 retail sale of wine at any festival or fair which is endorsed or
8 sponsored by the governing body of a municipality or a county
9 commission. Such special license shall be issued for a term of no
10 longer than ten ~~consecutive~~ individual days in a calendar year and
11 the fee therefor shall be \$250 regardless of the term of the
12 license unless the applicant is the manufacturer of said wine on a
13 winery or a farm winery as defined in section five-a, article one
14 of this chapter, in which event the fee shall be \$50 if the event
15 is held on the premises of the winery or farm winery: Provided,
16 That the special license shall also allow the license holder to
17 sell nonintoxicating beer at the same festival or fair if the sale
18 of nonintoxicating beer is allowed by the festival or fair. The
19 application for ~~such~~ the license shall contain ~~such~~ information as
20 the commissioner may reasonably require and shall be submitted to
21 the commissioner at least thirty days prior to the first day when
22 wine is to be sold at ~~such~~ the festival or fair. A winery or a
23 farm winery licensed under this subsection may exhibit, conduct
24 tastings, not to exceed a reasonable serving, and may sell wine

1 only for consumption off the premises of ~~such~~ the festival or fair.
2 A special license issued other than to a winery or a farm winery
3 may be issued to a "wine club" as defined herein below. The
4 festival or fair committee or the governing body shall designate a
5 person to organize a club under a name which includes the name of
6 the festival or fair and the words "wine club". The license shall
7 be issued in the name of the wine club. A licensee may not
8 commence the sale of wine as provided in this subsection until the
9 wine club has at least fifty dues-paying members who have been
10 enrolled and to whom membership cards have been issued.
11 Thereafter, new members may be enrolled and issued membership cards
12 at any time during the period for which the license is issued. A
13 wine club licensed under the provisions of this subsection may sell
14 wine only to its members, and in portions not to exceed eight
15 ounces per serving. Such sales shall take place on premises or in
16 an area cordoned or segregated so as to be closed to the general
17 public, and the general public shall not be admitted to ~~such~~ the
18 premises or area. A wine club licensee under the provisions of
19 this subsection shall be authorized to serve complimentary samples
20 of wine in moderate quantities for tasting.

21 A license issued under the provisions of this subsection and
22 the licensee holding ~~such~~ the license shall be subject to all other
23 provisions of this article and the rules and orders of the
24 commissioner relating to ~~such~~ the special license: *Provided*, That

1 the commissioner may by rule, regulation or order provide for
2 certain waivers or exceptions with respect to ~~such~~ the provisions,
3 rules, regulations or orders as the circumstances of each ~~such~~
4 festival or fair may require, including, without limitation, the
5 right to revoke or suspend any license issued pursuant to this
6 section prior to any notice or hearing notwithstanding the
7 provisions of section twenty-seven and twenty-eight of this
8 article: *Provided, however,* That under no circumstances shall the
9 provisions of subsection (c) or (d), section twenty of this article
10 be waived nor shall any exception be granted with respect thereto.

11 A license issued under the provisions of this subsection and
12 the licensee holding ~~such~~ the license ~~shall~~ may not be subject to
13 the provisions of subsection (g) of this section.

14 (i) (A) The commissioner may issue a special license for the
15 retail sale of wine in a professional baseball stadium. A license
16 to sell wine granted pursuant to this subsection entitles the
17 licensee to sell and serve wine, for consumption in a professional
18 baseball stadium. For the purpose of this subsection,
19 "professional baseball stadium" means a facility constructed
20 primarily for the use of a major or minor league baseball
21 franchisee affiliated with the National Association of Professional
22 Baseball Leagues, Inc., or its successor, and used as a major or
23 minor league baseball park. Any special license issued pursuant to
24 this subsection shall be for a term beginning on the date of

1 issuance and ending on the next following June 30, and its fee is
2 \$250 regardless of the length of the term of the license. The
3 application for the special license shall contain information as
4 the commissioner may reasonably require and must be submitted to
5 the commissioner at least thirty days prior to the first day when
6 wine is to be sold at the professional baseball stadium. The
7 special license may be issued in the name of the baseball
8 franchisee or the name of the primary food and beverage vendor
9 under contract with the baseball franchisee. These sales must take
10 place within the confines of the professional baseball stadium,
11 provided that the exterior of the area where wine sales may occur
12 are surrounded by a fence or other barrier prohibiting entry except
13 upon the franchisee's express permission, and under the conditions
14 and restrictions established by the franchisee, so that the wine
15 sales area is closed to free and unrestricted entry by the general
16 public.

17 (B) A license issued under this subsection and the licensee
18 holding the license is subject to all other provisions of this
19 article and the rules and orders of the commissioner relating to
20 the special license: *Provided*, That the commissioner may by rule or
21 order grant certain waivers or exceptions to those rules or orders
22 as the circumstances of each ~~such~~ professional baseball stadium may
23 require, including, without limitation, the right to revoke or
24 suspend any license issued pursuant to this section prior to any

1 notice or hearing notwithstanding sections twenty-seven and
2 twenty-eight of this article: *Provided, however,* That under no
3 circumstances may subsection (c) or (d), section twenty of this
4 article be waived nor shall any exception be granted concerning
5 those subsections.

6 (C) The commissioner has the authority to propose rules for
7 legislative approval in accordance with article three, chapter
8 twenty-nine-a of this code to implement this subsection.

9 (j) A license to sell wine granted to a private wine bed and
10 breakfast, private wine restaurant, private wine spa or a private
11 club under the provisions of this article entitles the operator to
12 sell and serve wine, for consumption on the premises of the
13 licensee, when ~~such~~ the sale accompanies the serving of food or a
14 meal to its members and their guests in accordance with the
15 provisions of this article: *Provided,* That a licensed private wine
16 bed and breakfast, private wine restaurant, private wine spa or a
17 private club may permit a person over twenty-one years of age to
18 purchase wine, consume wine and recork or reseal, using a tamper
19 resistant cork or seal, up to two separate bottles of unconsumed
20 wine in conjunction with serving of food or a meal to its members
21 and their guests in accordance with the provisions of this article
22 and in accordance with regulations promulgated by the commissioner
23 for the purpose of consumption of said wine off premises:
24 *Provided, however,* That for this article, food or a meal provided

1 by the private licensee means that the total food purchase,
2 excluding beverage purchases, taxes, gratuity or other fees is at
3 least \$15: *Provided further,* That a licensed private wine
4 restaurant or a private club may offer for sale for consumption off
5 the premises, sealed bottles of wine to its customers provided that
6 no more than one bottle is sold per each person over twenty-one
7 years of age, as verified by the private wine restaurant or private
8 club, for consumption off the premises. Such licensees are
9 authorized to keep and maintain on their premises a supply of wine
10 in ~~such~~ quantities as may be appropriate for the conduct of
11 operations thereof. Any sale of wine so made shall be subject to
12 all restrictions set forth in section twenty of this article. A
13 private wine restaurant may also be licensed as a Class A retail
14 dealer in nonintoxicating beer as provided by article sixteen,
15 chapter eleven of this code.

16 (k) With respect to subsections (h), (i), (j), (o) and (p) of
17 this section, the commissioner shall promulgate legislative rules
18 in accordance with the provisions of chapter twenty-nine-a of this
19 code with regard to the form of the applications, the suitability
20 of both the applicant and location of the licensed premises and
21 ~~such~~ other legislative rules ~~deemed~~ determined necessary to carry
22 the provisions of ~~such~~ the subsections into effect.

23 (l) The commissioner shall promulgate legislative rules in
24 accordance with the provisions of chapter twenty-nine-a of this

1 code to allow restaurants to serve wine with meals, and to sell
2 wine by the bottle for off-premises consumption as provided in
3 subsection (j) of this section. Each restaurant so licensed shall
4 be charged an additional \$100 per year fee.

5 (m) The commissioner shall establish guidelines to permit
6 wines to be sold in all stores licensed for retail sales.

7 (n) Wineries and farm wineries may advertise off premises as
8 provided in section seven, article twenty-two, chapter seventeen of
9 this code.

10 (o) A wine specialty shop under this article may also hold a
11 wine sampling license authorizing the wine specialty shop to
12 conduct special wine sampling events at a licensed wine specialty
13 shop location during regular hours of business. The wine specialty
14 shop may serve up to three complimentary samples of wine,
15 consisting of no more than one ounce each, to any one consumer in
16 one day. Persons serving the complimentary samples must be
17 twenty-one years of age and an authorized representative of the
18 licensed wine specialty shop, winery, farm winery or a
19 representative of a distributor or registered supplier.
20 Distributor and supplier representatives attending wine sampling
21 events must be registered with the commissioner. No licensee,
22 employee or representative may furnish, give or serve complimentary
23 samples of wine to any person less than twenty-one years of age or
24 to a person who is physically incapacitated due to the consumption

1 of alcoholic liquor or the use of drugs. The wine specialty shop
2 shall notify and secure permission from the commissioner for all
3 wine sampling events one month prior to the event. Wine sampling
4 events may not exceed six hours per calendar day. Licensees must
5 purchase all wines used during these events from a licensed farm
6 winery or a licensed distributor.

7 (p) The commissioner may issue special one-day licenses to
8 duly organized, nonprofit corporations and associations allowing
9 the sale and serving of wine when raising money for athletic,
10 charitable, educational or religious purposes. The license
11 application shall contain information as the commissioner may
12 reasonably require and shall be submitted to the commissioner at
13 least thirty days prior to the event. Wines used during these
14 events may be donated by or purchased from a licensed retailer, a
15 distributor or a farm winery. Under no circumstances may the
16 provision of subsection (c), section twenty of this article be
17 waived nor may any exception be granted with respect thereto.

18 (q) The commissioner may issue special licenses to heritage
19 fairs and festivals allowing the sale, serving and sampling of wine
20 from a licensed farm winery. The license application shall contain
21 information required by the commissioner and shall be submitted to
22 the commissioner at least thirty days prior to the event. Wines
23 used during these events may be donated by or purchased from a
24 licensed farm winery. Under no circumstances may the provision of

1 subsection (c), section twenty of this article be waived nor may
2 any exception be granted with respect thereto. The commissioner
3 shall propose rules for legislative approval in accordance with
4 article three, chapter twenty-nine-a of this code to implement the
5 provisions of this subsection.

NOTE: The purpose of this bill is to provide that a wine retailer may be licensed as a retail dealer in nonintoxicating beer for the limited purpose of selling nonintoxicating beer at the same festival or fair if the sale of nonintoxicating beer is allowed by the festival or fair.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.