

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

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

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

18 (2) Twenty-five hundred dollars per year for a distributor's
19 license and each separate warehouse or other facility from which a
20 distributor sells, transfers or delivers wine shall be separately
21 licensed and there shall be collected with respect to each location
22 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 a license, except for the amount of the
6 license fee and the restriction to sales of winery or farm winery
7 wines, a winery or farm winery acting as a wine specialty shop
8 retailer is subject to all other provisions of this article which
9 are applicable to a wine specialty shop retailer as defined in
10 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 location the annual license
17 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 location the annual license fee of
22 \$250 as herein provided;

1 (8) One hundred fifty dollars per year for a private wine spa
2 license and each separate private wine spa from which a licensee
3 sells wine shall be separately licensed and there shall be
4 collected with respect to each location the annual license fee of
5 \$150 as herein provided;

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

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

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

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

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

1 the remainder of the fiscal year.

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

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

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

1 meet in a separate segregated facility on the premises to which the
2 general public is not admitted. Attendance at tastings shall be
3 limited to duly elected or approved dues-paying members and their
4 guests.

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

9 (h) The commissioner may issue a special license for the
10 retail sale of wine at any festival or fair which is endorsed or
11 sponsored by the governing body of a municipality or a county
12 commission. Such special license shall be issued for a term of no
13 longer than ten consecutive days and the fee therefor shall be \$250
14 regardless of the term of the license unless the applicant is the
15 manufacturer of said wine on a winery or a farm winery as defined
16 in section five-a, article one of this chapter, in which event the
17 fee shall be \$50 if the event is held on the premises of the winery
18 or farm winery. The application for the license shall contain
19 information as the commissioner may reasonably require and shall be
20 submitted to the commissioner at least thirty days prior to the
21 first day when wine is to be sold at the festival or fair. A
22 winery or a farm winery licensed under this subsection may exhibit,

1 conduct tastings or sell samples, not to exceed a reasonable
2 serving of three ounces, and may sell wine samples for consumption
3 on the premises during the operation of a festival or fair:
4 *Provided*, That for licensed wineries or farm wineries at a licensed
5 festival or fair the tastings, samples and off-premises sales shall
6 occur under the hours of operation as required in this article,
7 except that on Sunday tastings, samples and off-premises sales are
8 unlawful between the hours of 2:00 a. m. and 10:00 a. m. A special
9 license issued other than to a winery or a farm winery may be
10 issued to a "wine club" as defined herein below. The festival or
11 fair committee or the governing body shall designate a person to
12 organize a club under a name which includes the name of the
13 festival or fair and the words "wine club". The license shall be
14 issued in the name of the wine club. A licensee may not commence
15 the sale of wine as provided in this subsection until the wine club
16 has at least fifty dues-paying members who have been enrolled and
17 to whom membership cards have been issued. Thereafter, new members
18 may be enrolled and issued membership cards at any time during the
19 period for which the license is issued. A wine club licensed under
20 the provisions of this subsection may sell wine only to its
21 members, and in portions not to exceed eight ounces per serving.
22 The sales shall take place on premises or in an area cordoned or

1 segregated so as to be closed to the general public, and the
2 general public shall not be admitted to the premises or area. A
3 wine club licensee under the provisions of this subsection shall be
4 authorized to serve complimentary samples of wine in moderate
5 quantities for tasting.

6 A license issued under the provisions of this subsection and
7 the licensee holding the license shall be subject to all other
8 provisions of this article and the rules and orders of the
9 commissioner relating to the special license: *Provided*, That the
10 commissioner may by rule, regulation or order provide for certain
11 waivers or exceptions with respect to the provisions, rules,
12 regulations or orders as the circumstances of each festival or fair
13 may require, including, without limitation, the right to revoke or
14 suspend any license issued pursuant to this section prior to any
15 notice or hearing notwithstanding the provisions of section
16 twenty-seven and twenty-eight of this article: *Provided, however*,
17 That under no circumstances shall the provisions of subsection (c)
18 or (d), section twenty of this article be waived nor shall any
19 exception be granted with respect thereto.

20 A license issued under the provisions of this subsection and
21 the licensee holding the license is not subject to the provisions
22 of subsection (g) of this section.

1 (i) (A) The commissioner may issue a special license for the
2 retail sale of wine in a professional baseball stadium. A license
3 to sell wine granted pursuant to this subsection entitles the
4 licensee to sell and serve wine, for consumption in a professional
5 baseball stadium. For the purpose of this subsection,
6 "professional baseball stadium" means a facility constructed
7 primarily for the use of a major or minor league baseball
8 franchisee affiliated with the National Association of Professional
9 Baseball Leagues, Inc., or its successor, and used as a major or
10 minor league baseball park. Any special license issued pursuant to
11 this subsection shall be for a term beginning on the date of
12 issuance and ending on the next following June 30, and its fee is
13 \$250 regardless of the length of the term of the license. The
14 application for the special license shall contain information as
15 the commissioner may reasonably require and must be submitted to
16 the commissioner at least thirty days prior to the first day when
17 wine is to be sold at the professional baseball stadium. The
18 special license may be issued in the name of the baseball
19 franchisee or the name of the primary food and beverage vendor
20 under contract with the baseball franchisee. These sales must take
21 place within the confines of the professional baseball stadium,
22 provided that the exterior of the area where wine sales may occur

1 are surrounded by a fence or other barrier prohibiting entry except
2 upon the franchisee's express permission, and under the conditions
3 and restrictions established by the franchisee, so that the wine
4 sales area is closed to free and unrestricted entry by the general
5 public.

6 (B) A license issued under this subsection and the licensee
7 holding the license is subject to all other provisions of this
8 article and the rules and orders of the commissioner relating to
9 the special license: *Provided*, That the commissioner may by rule or
10 order grant certain waivers or exceptions to those rules or orders
11 as the circumstances of each professional baseball stadium may
12 require, including, without limitation, the right to revoke or
13 suspend any license issued pursuant to this section prior to any
14 notice or hearing notwithstanding sections twenty-seven and
15 twenty-eight of this article: *Provided, however*, That under no
16 circumstances may subsection (c) or (d), section twenty of this
17 article be waived nor shall any exception be granted concerning
18 those subsections.

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

22 (j) A license to sell wine granted to a private wine bed and

1 breakfast, private wine restaurant, private wine spa or a private
2 club under the provisions of this article entitles the operator to
3 sell and serve wine, for consumption on the premises of the
4 licensee, when the sale accompanies the serving of food or a meal
5 to its members and their guests in accordance with the provisions
6 of this article: *Provided*, That a licensed private wine bed and
7 breakfast, private wine restaurant, private wine spa or a private
8 club may permit a person over twenty-one years of age to purchase
9 wine, consume wine and recork or reseal, using a tamper resistant
10 cork or seal, up to two separate bottles of unconsumed wine in
11 conjunction with serving of food or a meal to its members and their
12 guests in accordance with the provisions of this article and in
13 accordance with regulations promulgated by the commissioner for the
14 purpose of consumption of said wine off premises: *Provided*,
15 *however*, That for this article, food or a meal provided by the
16 private licensee means that the total food purchase, excluding
17 beverage purchases, taxes, gratuity or other fees is at least \$15:
18 *Provided further*, That a licensed private wine restaurant or a
19 private club may offer for sale for consumption off the premises,
20 sealed bottles of wine to its customers provided that no more than
21 one bottle is sold per each person over twenty-one years of age, as
22 verified by the private wine restaurant or private club, for

1 consumption off the premises. Such licensees are authorized to
2 keep and maintain on their premises a supply of wine in quantities
3 as may be appropriate for the conduct of operations thereof. Any
4 sale of wine so made shall be subject to all restrictions set forth
5 in section twenty of this article. A private wine restaurant may
6 also be licensed as a Class A retail dealer in nonintoxicating beer
7 as provided by article sixteen, chapter eleven of this code.

8 (k) With respect to subsections (h), (i), (j), (o) and (p) of
9 this section, the commissioner shall promulgate legislative rules
10 in accordance with the provisions of chapter twenty-nine-a of this
11 code with regard to the form of the applications, the suitability
12 of both the applicant and location of the licensed premises and
13 other legislative rules deemed necessary to carry the provisions of
14 the subsections into effect.

15 (l) The commissioner shall promulgate legislative rules in
16 accordance with the provisions of chapter twenty-nine-a of this
17 code to allow restaurants to serve wine with meals, and to sell
18 wine by the bottle for off-premises consumption as provided in
19 subsection (j) of this section. Each restaurant so licensed shall
20 be charged an additional \$100 per year fee.

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

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

4 (o) A wine specialty shop under this article may also hold a
5 wine sampling license authorizing the wine specialty shop to
6 conduct special wine sampling events at a licensed wine specialty
7 shop location during regular hours of business. The wine specialty
8 shop may serve up to three complimentary samples of wine,
9 consisting of no more than one ounce each, to any one consumer in
10 one day. Persons serving the complimentary samples must be
11 twenty-one years of age and an authorized representative of the
12 licensed wine specialty shop, winery, farm winery or a
13 representative of a distributor or registered supplier.
14 Distributor and supplier representatives attending wine sampling
15 events must be registered with the commissioner. No licensee,
16 employee or representative may furnish, give or serve complimentary
17 samples of wine to any person less than twenty-one years of age or
18 to a person who is physically incapacitated due to the consumption
19 of alcoholic liquor or the use of drugs. The wine specialty shop
20 shall notify and secure permission from the commissioner for all
21 wine sampling events one month prior to the event. Wine sampling
22 events may not exceed six hours per calendar day. Licensees must

1 purchase all wines used during these events from a licensed farm
2 winery or a licensed distributor.

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

14 (q) The commissioner may issue special licenses to heritage
15 fairs and festivals allowing the sale, serving and sampling of wine
16 from a licensed farm winery. The license application shall contain
17 information required by the commissioner and shall be submitted to
18 the commissioner at least thirty days prior to the event. Wines
19 used during these events may be donated by or purchased from a
20 licensed farm winery. Under no circumstances may the provision of
21 subsection (c), section twenty of this article be waived nor may
22 any exception be granted with respect thereto. The commissioner

1 shall propose rules for legislative approval in accordance with
2 article three, chapter twenty-nine-a of this code to implement the
3 provisions of this subsection.