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EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY
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COMPARISON OF BREWERY, MICRO BREWERY, FARM BREWERY & RESTAURANT-BREWER LICENSES

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July 16, 2014

This document is intended to assist brewers and farm brewers in complying with the provisions of the Alcoholic Beverage Control Law. It is not intended to serve as a comprehensive manual with respect to either the Alcoholic Beverage Control Law or the other laws and regulations that govern the operation of breweries and farm breweries. In addition, please note that any changes made to the Alcoholic Beverage Control Law or new directives issued by the State Liquor Authority after the date of this presentation may impact some of the information provided in this document.

Comparison of Brewery, Micro-Brewery, Farm Brewery and Restaurant-Brewer Licenses

| | Brewery | Micro-Brewery | Farm Brewery | Restaurant-Brewer (also known as a Brew Pub) |
|---|--|--|--|---|
| <u>BASIC LICENSE PROVISIONS</u> | | | | |
| Type of license | Manufacturing with wholesale and retail privileges | Manufacturing with wholesale and retail privileges | Manufacturing with wholesale and retail privileges | Retail with limited manufacturing and wholesale privileges |
| Annual license fee | \$4,000 | \$320 | \$320 | Ranging from \$950 to \$1950 depending on county |
| Limitation on amount produced | None | 75,000 barrels/year | 75,000 barrels/year | 20,000 barrels/year in total at up to five separately licensed |
| Limitation on amount sold for resale | None | None | None | 250 barrels/year, (includes beer sold by the bottle and at wholesale) |
| Limitation on type of beer | None | None | NYS labeled beer | None |
| Production of other alcoholic beverages | No | No | NYS labeled cider | No |

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|------------------------------------|---|---|---|---|
| <u>WHOLESALE PRIVILEGES</u> | | | | |
| Sales to NYS wholesalers | Yes | Yes | Yes | With separate permit issued under ABCL §64-c(12). Subject to 250 barrel limitation above |
| Sales to NYS retailers | Yes | Yes | Yes | With separate permit issued under ABCL §64-c(12). Subject to 250 barrel limitation above. Can also sell unlimited amount to other retailers owned by licensee through a wholesaler |
| Sales to out-of-state entities | If allowed by the laws of the buyer's state | If allowed by laws of the buyer's state | If allowed by the laws of the buyer's state | No |

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|--|---|--|--|--|
| <u>TASTINGS</u> | | | | |
| Tastings at brewery | Any beer manufactured by the licensee and any NYS labeled beer | Any beer manufactured by the licensee and any NYS labeled beer | NYS labeled beer, NYS labeled wine, cider, NYS labeled liquor | Wine, pursuant to ABCL §80 |
| Tastings at farmers markets, county fairs and State Fair | [1] NYS labeled beer with permit issued under ABCL §51(6-a); or [2] any beer manufactured by the licensee with a Marketing Permit | [1] NYS labeled beer with permit issued under ABCL §51(6-a) or [2] any beer manufactured by the licensee with a Marketing Permit | NYS labeled beer and NYS labeled cider [1] with permit issued under ABCL §51-a(3) or [2] with a Marketing Permit | No |
| Tastings at charitable events | [1] NYS labeled beer with permit issued under ABCL §51(6-a) or [2] any beer manufactured by the licensee with a Marketing Permit | [1] NYS labeled beer with permit issued under ABCL §51(6-a) or [2] any beer manufactured by the licensee with a Marketing Permit | NYS labeled beer and NYS labeled cider [1] with permit issued under ABCL §51-a(3) or [2] with a Marketing Permit | No |
| Tastings at licensed grocery stores | Any beer manufactured by the licensee with permit issued under ABCL §51(8) | Any beer manufactured by the licensee with permit issued under ABCL §51(8) | NYS labeled beer with permit issued under ABCL §51(8) | No |

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|--|--|--|--|--|
| Tastings at other licensed premises (including grocery stores) | Any beer manufactured by the licensee at any premises licensed to sell beer with a Marketing Permit | Any beer manufactured by the licensee at any premises licensed to sell beer with a Marketing Permit | NYS labeled beer and NYS labeled cider at any licensed premises [1] with a permit issued under ABCCL §51-a(3) or [2] with a Marketing Permit | |
| Tastings at other events/locations | Any beer manufactured by the licensee at any premises licensed to sell beer with a Marketing Permit on notice to Authority | Any beer manufactured by the licensee at any premises licensed to sell beer with a Marketing Permit on notice to Authority | NYS labeled beer and NYS labeled cider [1] with permit issued under ABCCL §51-a(3) or [2] with a Marketing Permit on notice to Authority | No |

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| | Brewery | Micro-Brewery | Farm Brewery | Restaurant-Brewer (also known as a Brew Pub) |
|---|---|---|---|---|
| SALES BY THE BOTTLE (<u>OFF-PREMISES</u> <u>CONSUMPTION</u>) | | | | |
| Sales by the bottle at brewery | Any beer manufactured by licensee and any NYS labeled beer | Any beer manufactured by licensee and any NYS labeled beer | NYS labeled beer, NYS labeled wine, NYS labeled cider, NYS labeled liquor | Any beer manufactured by licensee with permit issued under ABCL §64-c(12) |
| Bottle sales at farmers markets, county fairs and State Fair | [1] NYS labeled beer or [2] any beer manufactured by licensee with a Marketing Permit | [1] NYS labeled beer or [2] any beer manufactured by the licensee with a permit issued under ABCL §51(5) or [3] any beer manufactured by licensee with a Marketing Permit | NYS labeled beer and NYS labeled cider [1] with a permit issued under ABCL §51-a(2)(h) or [2] with a Marketing Permit | No |
| Bottle sales at charitable events | Any beer manufactured by licensee with a Marketing Permit | Any beer manufactured by licensee with a Marketing Permit | NYS labeled beer and NYS labeled cider [1] with a permit issued under ABCL §51-a(4) or [2] with a Marketing Permit | No |

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|---|---|---|---|---|
| Bottle sales at other licensed premises | Any beer manufactured by licensee at any premises licensed to sell beer with a Marketing Permit | Any beer manufactured by licensee at any premises licensed to sell beer with a Marketing Permit | NYS labeled beer and NYS labeled cider any premises licensed to sell beer with a permit issued under ABCL §51-a(4) or [2] with a Marketing Permit | No |
| Bottle sales at other events/locations | Any beer manufactured by licensee with a Marketing Permit on notice to Authority | Any beer manufactured by licensee with a Marketing Permit on notice to Authority | NYS labeled beer and NYS labeled cider with a Marketing Permit on notice to Authority | No |

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|---|---|---|---|---|
| <u>SALES BY THE GLASS (ON-PREMISES CONSUMPTION)</u> | | | | |
| Sales by glass at brewery | Any beer manufactured by licensee and any NYS labeled beer | Any beer manufactured by licensee and any NYS labeled beer | NYS labeled beer and NYS labeled cider | N/A |
| Sales by the glass in food/drinking establishment in or adjacent to brewery | [1] Any beer manufactured by licensee and any NYS labeled beer or [2] other alcoholic beverages with on-premises license | Any beer manufactured by licensee and any NYS labeled beer or [2] other alcoholic beverages with on-premises license | NYS labeled beer and NYS labeled cider or [2] other alcoholic beverages with on-premises license | Any alcoholic beverage |
| Sales by the glass at other events/locations | [1] Beer at an indoor or outdoor gathering with a permit issued under ABCL §97(4), provided brewery produces no more than 60,000 gallons a year or [2] beer at a private indoor or outdoor event with a permit issued under ABCL §97(3) | [1] Beer at an indoor or outdoor gathering with a permit issued under ABCL §97(4), provided brewery produces no more than 60,000 gallons a year or [2] beer at a private indoor or outdoor event with a permit issued under ABCL §97(3) | [1] Beer at an indoor or outdoor gathering with a permit issued under ABCL §97(4), provided brewery produces no more than 60,000 gallons a year or [2] beer at a private indoor or outdoor event with a permit issued under ABCL §97(3) | [1] Beer at an indoor or outdoor gathering with a permit issued under ABCL §97(2) [2] any alcoholic beverage at a catered event with a permit issued under ABCL §98 |

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| | Brewery | Micro-Brewery | Farm Brewery | Restaurant-Brewer (also known as a Brew Pub) |
|--|--|--|--|---|
| <u>MISCELLANEOUS</u> | | | | |
| Multiple locations | No | No | Can operate up to 5 branch offices with a permit for each location | Can have up to 5 brew pubs. Each requires a separate license. |
| Tied-house restrictions | No interest in any business that sells alcoholic beverages at retail | No interest in any business that sells alcoholic beverages at retail | No interest in any business that sells alcoholic beverages at retail | No interest in any business that manufactures or wholesales alcoholic beverages |
| Bulk sales for consumption at outdoor gatherings of no more than 50 people | Yes | Yes | No | With separate permit issued under ABCL §64-c(12) |