

Subject: Urgent Alert: Legislative Update

Date: Tuesday, July 17, 2018 at 12:10:14 PM Eastern Daylight Time

From: NYWIA

To: Sam Filler



Legislative Update

Action Required

Legislation passed in June by the New York State Legislature may close many winery tasting rooms.

Wine industry associations were not asked for input when the bills were introduced on the last days of the 2018 legislation session.

Bill Summary: "AN ACT to amend the Tax Law, in relation to clarifying alcoholic beverage tastings sales tax exemptions." The provisions specify how much wine, beer, cider, and distilled liquor can be poured to qualify for the sales tax exemption for tasting samples.

Buried at the end of the Bill is the provision: **(G) No person under the age of twenty-one shall be permitted to serve a sample or handle an open container of beer, cider, distilled liquor or wine.**

If you care - you need to take action **NOW**. Contact your State Senator and Assembly member, the Governor's office, the Deputy Secretary for Food and Agriculture, the Commissioner of Ag & Markets and the SLA. Tell them Assembly Bill A11203/S9040 must be vetoed by Governor Cuomo **NOW**.

The compromise that we've heard so far, "This will be amended when the Governor signs it," is not acceptable since it leaves wineries hanging in limbo. A11203 must be vetoed and new legislation, acceptable to the industry, written in the next session.

By law, the Bill must be sent to Governor Cuomo to sign or veto. He has 30-days to sign or veto it. But the Assembly can choose to not send it to him until after the election. So if he won't get the Bill from the Assembly and veto it **NOW**, that can indicate that he will sign it after the election, presuming he is re-elected. Governor Cuomo has historically been supportive of the New York wine industry and other craft beverage sectors and we hope that support will continue with a veto of this damaging legislation.

If he doesn't veto it, it will devastate the wine industry statewide, college students, and youth job market since it makes it illegal for us to hire anyone under the age of 21 to work in our tasting rooms and even our wineries— even those who need to work in the business for credit to graduate. The restriction applies to farm family members; meaning your 20-year old son or daughter could not work in your tasting room or winery.

There is also a provision in A11203 that will make your sales tax accounting a nightmare.

The bill was sponsored by Assemblywoman Donna Lupardo/A11203 (D, Binghamton) and by Senator Patrick Gallivan/S9040 (R-C-I, Elma).

To stop this legislation from becoming Law:

1 – Contact your NYS Senator and Assembly member and ask them to tell the Governor to get and veto this legislation (A11203/S9040) **NOW**.

2 - Contact the Governor's office and tell him to get (A11203/S9040) and veto it **NOW**. Call his office: 518-474-8390. Send a letter to him: The Capitol, Albany NY 12224. Email: <https://www.governor.ny.gov/content/governor-contact-form>

3 – Contact the NYS Department of Agriculture and Markets Commissioner Richard Ball (800-554-4501) Richard.Ball@agriculture.ny.gov and ask him to advise the Governor to get and veto this bill **NOW!**

4- Contact the Deputy Secretary for Food and Agriculture Patrick Hooker (518-486-3960) Patrick.Hooker@exec.ny.gov and ask him to advise the Governor to get and veto this bill **NOW!**

5- Contact the New York State Liquor Authority (SLA) Executive Deputy Commissioner Sharif A. Kabir (518-474-3114) sharif.kabir@sla.ny.gov and voice your opposition to this legislation.

Let the New York Wine Industry Association know what you have done so we can track the effort. Do all of this **NOW**.

Harvest will be upon us and the Bill will still be active unless the Governor vetoes it **NOW**.

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