



States' Biofuels Statutes

STATE OF NEW YORK

This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [States' Biofuels Statutory Citations](#).

Current through the 2013 Legislative Session of the New York General Assembly.

§ 91-a. Industrial alcohol manufacturers' permits

1. An industrial alcohol manufacturer's permit may be issued by the liquor authority entitling the applicant to manufacture alcohol intended for use and/or used for the following purposes:

For scientific, chemical, mechanical, industrial, medicinal and culinary purposes.

For use by those authorized to procure alcohol tax-free, as provided by the acts of congress and regulations promulgated thereunder.

In the manufacture of denatured alcohol as provided by the acts of congress and regulations promulgated thereunder.

In the manufacture of patented, patent, proprietary, medicinal, pharmaceutical, antiseptic, toilet, scientific, chemical, mechanical and industrial preparations or products, unfit for beverage purposes.

In the manufacture of flavoring extracts and syrups, unfit for beverage purposes.

In the manufacture of ethanol from biomass feedstock for use as fuel (including but not limited to motor fuel, heating fuel or fuel for process heat).

2. Such permit shall be in such form as prescribed by the rules of the liquor authority and shall permit the manufacturer to manufacture and distribute said alcohol to holders of industrial alcohol permits, alcohol permits, distributors' alcohol permits class A, distributors' alcohol permits class B and distributors' alcohol permits class C but nothing contained herein shall authorize the manufacturing and distribution of said alcohol for beverage purposes.

3. The annual fee for an industrial alcohol manufacturer's permit shall be eight hundred dollars, except that:

- (a) no holder of a class A distiller's license shall be required to obtain such permit or pay such fee;
- (b) no fee shall be required from any applicant who certifies that he will manufacture, solely from biomass feedstock, ethanol for his own use as fuel;
- (c) no fee shall be required from any applicant who certifies that he will manufacture, solely from biomass feedstock, less than one hundred thousand gallons of ethanol annually for use as a fuel;
- (d) no fee shall be required from any applicant who certifies that he will manufacture, solely from biomass feedstock other than food crops, ethanol for use as fuel; and
- (e) no fee shall be required from any applicant who certifies that he is the holder of an experimental distilled spirits plant permit, as provided by federal law and regulation, for the manufacture of ethanol for his own use as fuel.

Any permit issued pursuant to paragraph (b), (c), (d) or (e) of this subdivision shall clearly state the conditions upon which it is granted.

4. Such industrial alcohol manufacturer's permit shall be effective for a license year expiring on the thirty-first day of December following the date of issue, and the fee prescribed therefor by this section shall be the fee due and payable therefor, and shall be paid in advance at the time the application shall be made as provided by this section.

When application for any permit under this section is made, after the first day of January in any year, the fee therefor shall, for the balance of the year, be in proportion as the remainder of such year shall bear to the whole year, except, that it shall in no case be for less than one-half of such year.

Credits: (Added L.1942, c. 779, § 2. Amended L.1963, c. 204, § 19; L.1980, c. 554, §§ 2, 3; L.2002, c. 85, pt. Z, § 9, eff. Aug. 1, 2002.)