

## Alcoholic Beverage Control, Division of

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### Mission

The Division of Alcoholic Beverage Control (ABC) operates under the direction of the State Liquor Authority (SLA), a three-member Board consisting of a Chairperson, who acts as the agency administrator, and two Commissioners, appointed by the Governor with the advice and consent of the Senate. The Division regulates and controls the manufacture, sale and distribution of alcoholic beverages within the State; issues licenses and permits to manufacturers, distributors, wholesalers and retailers; works with local law enforcement agencies and localities across the State to ensure compliance with the Alcoholic Beverage Control Law; and regulates trade and credit practices for the sale and distribution of alcoholic beverages.

The Office of Cannabis Management (OCM) is an independent state office established by the Marijuana Regulation and Taxation Act (MRTA) and located within the Division of Alcoholic Beverage Control. This office provides a unified and comprehensive regulatory structure to monitor and control the cultivation, processing, manufacturing, distribution, transportation, and sale of cannabis in New York State.

### Organization and Staffing

The ABC is organized into three major business units: Administration, Licensing and Compliance. These units are under the direction of an Executive Team including the Chairman's Office, Office of Public Affairs, Licensing Bureau, Wholesale Bureau, Enforcement Bureau, Office of Counsel, Hearing Bureau, Secretary's Office and Internal Audit. The Office of Cannabis Management is an independent state office within ABC.

### Budget Highlights

The FY 2023 Executive Budget recommends \$111.7 million in All Funds appropriations (\$15.7 million in General Fund and \$96.0 million in Special Revenue Funds - Other). This includes a year-to-year increase of \$2 million in General Fund appropriation for ABC's licensing unit to expedite the review of license applications.

Additionally, the FY 2023 Executive Budget includes an increase of \$50 million for the State's share of a \$200 million public-private fund to provide direct capital and startup support to social equity applicants, ensuring that New York's cannabis industry is the most diverse and inclusive in the nation.

The FY 2023 Executive Budget recommends a workforce of 361 FTEs, an increase of 39 FTEs from FY 2022 for additional staffing in ABC's licensing unit. Of the 361 FTEs, 208 are specifically utilized by the Office of Cannabis Management.

### Program Highlights

#### *Chairman's Office*

The Chair of the Authority is statutorily responsible and has sole authority for the administration of the State Liquor Authority/Division of Alcoholic Beverage Control. The Office coordinates daily agency operations, providing external support to a wide variety of public and licensed interests, as well as internal support to all agency program units.

#### *Office of Public Affairs*

The Office of Public Affairs fosters positive working relationships with federal, state and local legislators, community groups and their staffs. The Office engages in discussions in support of the SLA's annual legislative program and, where appropriate, Governor's Program Bills bearing on alcoholic beverage control policy. It also responds to media requests, distributes press releases, and coordinates press-related events and assists in the management of the content of the agency's website.

#### *Licensing Bureau*

The Licensing Bureau coordinates statewide licensing policies, standards and initiatives, and ensures that all license or permit applicants meet the statutory requirements. Staff reviews all license and permit applications, and prepares detailed reports to ensure either the Licensing Board or the Authority Members are able to make a proper determination on each application. This program also handles brand registrations for all alcoholic beverages sold in New York State.

#### *Wholesale Bureau*

The SLA regulates the distribution and sale of alcoholic beverages through a tiered system of three independent components: manufacturers, wholesalers and retailers. The Wholesale Bureau provides ongoing assistance

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and guidance to the industry on trade practices and policy issues.

**Enforcement Bureau**

The Enforcement Bureau is responsible for investigating possible violations of the Alcoholic Beverage Control Law which are rules and regulations relating to the manufacturing, wholesale, retail, transportation, and storage of alcoholic beverages. This program works with law enforcement agencies and community groups across the State; performs undercover investigations; and conducts training for police departments, licensees, servers and other beverage industry members on alcohol related issues.

**Hearing Bureau**

The Hearing Bureau is comprised of part-time Administrative Law judges. This program conducts all disciplinary proceedings when licensees are charged with violations and holds hearings to review Licensing Board decisions denying licenses.

**Secretary’s Office**

This program is responsible for implementing all disciplinary determinations made by the Board; collecting civil penalties and bond payments; and maintaining the repository of agency documentation.

**Internal Audit**

Internal Audit consists of a shared Special Counsel for Ethics, Risk, and Compliance and Director of Internal Audit. Both positions are shared with the Department of Agriculture and Markets. The Special Counsel position is also shared with the Roosevelt Island Operating Corporation. This program works with the SLA’s employees on identifying risks and ensuring compliance in policies and procedures through evaluations and testing processes.

**Office of Cannabis Management**

The Office of Cannabis Management (OCM) is responsible for establishing and maintaining a unified, comprehensive regulatory framework for medical cannabis, adult-use cannabis, and cannabinoid hemp in New York State.

OCM is to ensure public health and safety as it relates to regulated cannabis products while also developing a market structure that promotes both economic development and social justice opportunities to those from communities historically impacted by prohibition.

**ALL FUNDS  
APPROPRIATIONS  
(dollars)**

Category	Available FY 2022	Appropriations Recommended FY 2023	Change From FY 2022	Reappropriations Recommended FY 2023
State Operations	59,668,000	61,711,000	2,043,000	44,573,000
Aid To Localities	0	50,000,000	50,000,000	0
<b>Total</b>	<b>59,668,000</b>	<b>111,711,000</b>	<b>52,043,000</b>	<b>44,573,000</b>

**ALL FUND TYPES  
PROJECTED LEVELS OF EMPLOYMENT BY PROGRAM  
FILLED ANNUAL SALARIED POSITIONS**

Program	FY 2022 Estimated FTEs 03/31/22	FY 2023 Estimated FTEs 03/31/23	FTE Change
Administration			
General Fund	15	15	0
Cannabis Management			
Special Revenue Funds - Other	208	208	0
Compliance			
General Fund	49	49	0
Licensing and Wholesaler Services			

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General Fund	50	89	39
<b>Total</b>	<b>322</b>	<b>361</b>	<b>39</b>

**STATE OPERATIONS  
ALL FUNDS FINANCIAL REQUIREMENTS BY FUND TYPE  
APPROPRIATIONS  
(dollars)**

Fund Type	Available FY 2022	Recommended FY 2023	Change
General Fund	13,668,000	15,711,000	2,043,000
Special Revenue Funds - Other	46,000,000	46,000,000	0
<b>Total</b>	<b>59,668,000</b>	<b>61,711,000</b>	<b>2,043,000</b>
Adjustments:			
Transfer(s) From			
Special Pay Bill			
General Fund	(355,000)		
<b>Appropriated FY 2022</b>	<b>59,313,000</b>		

**STATE OPERATIONS  
ALL FUNDS FINANCIAL REQUIREMENTS BY PROGRAM  
APPROPRIATIONS  
(dollars)**

Program	Available FY 2022	Recommended FY 2023	Change
Administration			
General Fund	2,851,000	2,901,000	50,000
Cannabis Management			
Special Revenue Funds - Other	46,000,000	46,000,000	0
Compliance			
General Fund	5,914,000	5,824,000	(90,000)
Licensing and Wholesaler Services			
General Fund	4,903,000	6,986,000	2,083,000
<b>Total</b>	<b>59,668,000</b>	<b>61,711,000</b>	<b>2,043,000</b>

**STATE OPERATIONS - GENERAL FUND  
SUMMARY OF PERSONAL SERVICE APPROPRIATIONS AND CHANGES  
FY 2023 RECOMMENDED  
(dollars)**

Program	Total		Personal Service Regular (Annual Salaried)	
	Amount	Change	Amount	Change
Administration	1,432,000	50,000	1,417,000	50,000
Compliance	4,779,000	(90,000)	3,964,000	(90,000)
Licensing and Wholesaler Services	5,003,000	2,083,000	4,802,000	2,083,000
<b>Total</b>	<b>11,214,000</b>	<b>2,043,000</b>	<b>10,183,000</b>	<b>2,043,000</b>

Program	Temporary Service (Nonannual Salaried)		Holiday/Overtime Pay	
	Amount	Change	Amount	Change
Administration	5,000	0	10,000	0
Compliance	800,000	0	15,000	0
Licensing and Wholesaler Services	151,000	0	50,000	0
<b>Total</b>	<b>956,000</b>	<b>0</b>	<b>75,000</b>	<b>0</b>

**STATE OPERATIONS - GENERAL FUND  
SUMMARY OF NONPERSONAL SERVICE AND MAINTENANCE UNDISTRIBUTED  
APPROPRIATIONS AND CHANGES  
FY 2023 RECOMMENDED  
(dollars)**

Program	Total		Supplies and Materials	
	Amount	Change	Amount	Change
Administration	1,469,000	0	176,000	0
Compliance	1,045,000	0	108,000	0
Licensing and Wholesaler Services	1,983,000	0	60,000	0
<b>Total</b>	<b>4,497,000</b>	<b>0</b>	<b>344,000</b>	<b>0</b>

Program	Travel		Contractual Services	
	Amount	Change	Amount	Change
Administration	27,000	0	1,214,000	0
Compliance	32,000	0	732,000	0
Licensing and Wholesaler Services	20,000	0	1,848,000	0
<b>Total</b>	<b>79,000</b>	<b>0</b>	<b>3,794,000</b>	<b>0</b>

Program	Equipment	
	Amount	Change
Administration	52,000	0
Compliance	173,000	0
Licensing and Wholesaler Services	55,000	0
<b>Total</b>	<b>280,000</b>	<b>0</b>

**STATE OPERATIONS - OTHER THAN GENERAL FUND  
SUMMARY OF APPROPRIATIONS AND CHANGES  
FY 2023 RECOMMENDED  
(dollars)**

Program	Total		Personal Service	
	Amount	Change	Amount	Change
Cannabis Management	46,000,000	0	13,482,000	0
<b>Total</b>	<b>46,000,000</b>	<b>0</b>	<b>13,482,000</b>	<b>0</b>

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Program	Nonpersonal Service	
	Amount	Change
Cannabis Management	32,518,000	0
<b>Total</b>	<b>32,518,000</b>	<b>0</b>

**AID TO LOCALITIES  
ALL FUNDS FINANCIAL REQUIREMENTS BY FUND TYPE  
APPROPRIATIONS  
(dollars)**

Fund Type	Available FY 2022	Recommended FY 2023	Change
Special Revenue Funds - Other	0	50,000,000	50,000,000
<b>Total</b>	<b>0</b>	<b>50,000,000</b>	<b>50,000,000</b>

**AID TO LOCALITIES  
ALL FUNDS FINANCIAL REQUIREMENTS BY PROGRAM  
APPROPRIATIONS  
(dollars)**

Program	Available FY 2022	Recommended FY 2023	Change
Cannabis Management			
Special Revenue Funds - Other	0	50,000,000	50,000,000
<b>Total</b>	<b>0</b>	<b>50,000,000</b>	<b>50,000,000</b>

Note: Most recent estimates as of 05/11/2020