

# STATE OF NEW YORK

6931--A

2025-2026 Regular Sessions

## IN ASSEMBLY

March 18, 2025

Introduced by M. of A. TAPIA, SHIMSKY -- read once and referred to the Committee on Economic Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the alcoholic beverage control law and the tax law, in relation to authorizing holders of certain licenses issued by the state liquor authority to engage in the sale or wholesale of ready-to-drink cocktails

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "ready-to-drink cocktail retail sales act".

3 § 2. Section 3 of the alcoholic beverage control law is amended by  
4 adding a new subdivision 23-a to read as follows:

5 23-a. "Ready-to-drink cocktail" or "RTD cocktail" means a beverage  
6 containing liquor which is added to concentrated or unconcentrated  
7 juice, flavoring material, water, citric acid, sugar, and/or carbon  
8 dioxide, that contains not more than eight and one-half percent alcohol  
9 by volume, and that is sold in single serving containers with a size no  
10 greater than sixteen ounces each.

11 § 3. Section 54 of the alcoholic beverage control law is amended by  
12 adding a new subdivision 6 to read as follows:

13 6. A license to sell beer at retail for consumption off premises  
14 issued under this section shall authorize a holder of such license oper-  
15 ating in the city of New York to sell ready-to-drink cocktails for  
16 consumption off premises from any premises located in the city of New  
17 York. Any use of the term "beer" as used in this section shall be deemed  
18 to apply also to ready-to-drink cocktails; provided, however, that such  
19 application of the term "beer" shall be limited to the provisions of  
20 this section and shall not apply to the use of the term "beer" in any

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 other section of law, rule or regulation, unless such rule or regulation  
2 relates specifically to the issuance of a license under this section.

3 § 4. Section 62 of the alcoholic beverage control law, as amended by  
4 chapter 361 of the laws of 1994, is amended to read as follows:

5 § 62. Wholesaler's liquor license. Any person may apply to the liquor  
6 authority for a license to sell liquor at wholesale. Such application  
7 shall be in writing and verified and shall contain such information as  
8 the liquor authority shall require. Such application shall be accompa-  
9 nied by a check or draft for the amount required by this article for  
10 such license. If the liquor authority shall grant the application it  
11 shall issue a license in such form as shall be determined by its rules.  
12 Such license shall contain a description of the licensed premises and in  
13 form and in substance shall be a license to the person therein specif-  
14 ically designated to sell liquors at wholesale in the premises therein  
15 specifically licensed to duly licensed wholesalers, retailers and  
16 permittees in this state, and to sell liquor in bulk to a licensed  
17 rectifier or to a permittee engaged in the manufacture of products which  
18 are unfit for beverage use, for use in the manufacture of products  
19 produced and sold by such rectifier or permittee, and to sell or deliver  
20 liquor to persons outside the state pursuant to the laws of the place of  
21 such sale or delivery. Such a license shall also include the privilege  
22 to sell wine and ready-to-drink cocktails at wholesale under the same  
23 terms and conditions without the payment of any additional fee.

24 § 5. Section 63 of the alcoholic beverage control law is amended by  
25 adding a new subdivision 7 to read as follows:

26 7. A license issued pursuant to this section to a licensee in the city  
27 of New York shall authorize the sale of ready-to-drink cocktails for  
28 off-premises consumption, subject to the seven-day limitation of such  
29 licenses under this section; provided, however, that such cocktails are  
30 purchased from duly licensed wholesalers or manufacturers; and provided  
31 further, that such sales are made from a premises located in the city of  
32 New York.

33 § 6. The alcoholic beverage control law is amended by adding a new  
34 section 70 to read as follows:

35 § 70. Sale of ready-to-drink cocktails by retail licensees in the city  
36 of New York. Each retail licensee under this chapter located in the city  
37 of New York, including those licensed pursuant to section sixty-three of  
38 this article, shall have the right, by virtue of their license and with-  
39 out being required to pay any additional fee for the privilege, to sell  
40 at retail for consumption on or off the premises, as the case may be,  
41 ready-to-drink cocktails purchased from a person licensed to produce or  
42 sell liquor, wine, or beer at wholesale under this chapter. This section  
43 shall apply only to sales of ready-to-drink cocktails made within the  
44 city of New York.

45 § 7. Section 420 of the tax law is amended by adding a new subdivision  
46 17 to read as follows:

47 17. "Ready-to-drink cocktail" or "RTD cocktail" shall mean a beverage  
48 containing liquor which is added to concentrated or unconcentrated  
49 juice, flavoring material, water, citric acid, sugar, and/or carbon  
50 dioxide, that contains not more than eight and one-half percent alcohol  
51 by volume, and that is sold in single serving containers with a size no  
52 greater than sixteen ounces each.

53 § 8. Paragraph (b) of subdivision 1 of section 424 of the tax law, as  
54 amended by section 1 of part X-1 of chapter 57 of the laws of 2009, is  
55 amended to read as follows:

1 (b) Thirty cents per gallon upon still wines and ready-to-drink cock-  
2 tails, except cider containing more than three and two-tenths per centum  
3 of alcohol by volume, upon which the tax shall be three and seventy-nine  
4 hundredths cents per gallon;

5 § 9. Section 53 of the alcoholic beverage control law, as amended by  
6 chapter 3 of the laws of 2021, is amended to read as follows:

7 § 53. Wholesaler's license. Any person may apply to the liquor author-  
8 ity for a license to sell beer at wholesale. Such application shall be  
9 in writing and verified and shall contain such information as the liquor  
10 authority shall require. Such application shall be accompanied by a  
11 check or draft for the amount required by this article for such license.  
12 If the liquor authority shall grant the application it shall issue a  
13 license in such form as shall be determined by its rules. Such a license  
14 shall contain a description of the licensed premises and in form and in  
15 substance shall be a license to the person therein specifically desig-  
16 nated to sell beer and ready-to-drink cocktails at wholesale in the  
17 premises therein specifically licensed to duly licensed wholesalers,  
18 retailers and permittees in this state, and to sell or deliver beer to  
19 persons outside the state pursuant to the laws of the place of such sale  
20 or delivery. A wholesaler's license issued or renewed prior to July  
21 first, nineteen hundred sixty, and thereafter renewed or transferred,  
22 shall authorize the holder thereof to sell beer and ready-to-drink cock-  
23 tails at retail to a person for consumption in [~~his~~] such person's home;  
24 provided, however, that regardless of the date issued, renewed or trans-  
25 ferred, a wholesaler's license issued to a brewer or to the wholly-owned  
26 subsidiary of a brewer, shall authorize the holder thereof to sell beer  
27 at retail to a person for consumption in [~~his~~] such person's home.

28 § 10. The state liquor authority is authorized to promulgate any rules  
29 or regulations necessary to regulate the sale and distribution of read-  
30 y-to-drink cocktails, as defined by section 3 of the alcoholic beverage  
31 control law, in accordance with the provisions of this act.

32 § 11. This act shall take effect on the ninetieth day after it shall  
33 have become a law. Effective immediately, the addition, amendment and/or  
34 repeal of any rule or regulation necessary for the implementation of  
35 this act on its effective date are authorized to be made, including by  
36 emergency, and completed on or before such effective date.