

STATE OF NEW YORK

8205

2025-2026 Regular Sessions

IN ASSEMBLY

May 5, 2025

Introduced by M. of A. TAGUE -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to establishing grocery store wine licenses

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

1 Section 1. Subdivisions 3 and 5 of section 75 of the alcoholic beverage control law, subdivision 3 as amended by section 4 of part K of chapter 60 of the laws of 2004 and subdivision 5 as added by chapter 355 of the laws of 2013, are amended and a new subdivision 6 is added to read as follows:

2 3. Seven day license to sell wine at retail for consumption off the premises subject to paragraph (a) of subdivision fourteen of section one hundred five of this chapter[~~-~~];

3 5. Roadside farm market license[~~-~~];

4 6. Grocery store wine license.

5 § 2. The alcoholic beverage control law is amended by adding a new section 79-e to read as follows:

6 § 79-e. Grocery store wine license. 1. Any person may apply to the authority for a grocery store wine license as provided for in this section to sell from the licensed premises wine produced in New York state or produced from ingredients grown or produced in New York state, in sealed containers for consumption off such premises.

7 2. A grocery store wine license shall permit the licensee to sell only wine produced in New York state or produced from ingredients grown or produced in New York state.

8 3. No such license shall be issued, however, to any person for any premises other than a grocery store, as defined in subdivision thirteen of section three of this chapter.

9 4. (a) Notwithstanding any other provision of this chapter, except for good cause shown, the authority shall issue a grocery store wine license to the holder of a license to sell beer at retail for consumption off the premises pursuant to section fifty-four of this chapter, or beer and wine products at retail for consumption off the premises pursuant to

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

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1 section fifty-four-a of this chapter, at the request of such licensee
2 and thereafter renewed or transferred, which authorizes the holder ther-
3 eof to sell beer at retail to a person for consumption in their home.

4 (b) For the purposes of this section, the premises of the grocery
5 store wine licensee shall be the same as the premises licensed under
6 section fifty-four or fifty-four-a of this chapter.

7 (c) Notwithstanding any other provisions of this chapter, any license
8 issued pursuant to this section shall run concurrently with the underly-
9 ing license under section fifty-four or fifty-four-a of this chapter,
10 and shall be deemed expired at such time as the underlying license
11 expires.

12 (d) Any person licensed to sell wine pursuant to this article shall be
13 permitted to conduct wine tastings. Wine tastings which are conducted
14 under the auspices of an official agent of a farm winery, winery, whole-
15 saler, or importer and where such agent is physically present at all
16 times during the conduct of the tasting, then, in that event, any
17 liability stemming from a right of action resulting from a wine tasting
18 as authorized pursuant to this section, and in accordance with the
19 provisions of sections 11-100 and 11-101 of the general obligations law,
20 shall accrue to the farm winery, winery, wholesaler, or importer.

21 5. Such application shall be in such form and shall contain such
22 information as shall be required by the rules of the authority and shall
23 be accompanied by a check or draft in the amount required by this arti-
24 cle for such license.

25 6. Notwithstanding any other provisions of this chapter, any person
26 receiving a license pursuant to this section shall not be subject to the
27 provisions of subdivision two, three or four of section seventy-nine of
28 this article.

29 7. Notwithstanding any other provisions of this chapter, any person
30 receiving a license pursuant to this section shall not be subject to the
31 provisions of paragraph (a) of subdivision three and subdivision four-
32 teen of section one hundred five of this chapter.

33 8. (a) A one-time franchise fee shall be paid for by each licensee to
34 the state liquor authority. This franchise fee is hereby imposed at a
35 rate of ten thousand dollars.

36 (b) No license shall be issued pursuant to this section until the
37 franchise fee or estimated franchise fee required by paragraph (a) of
38 this subdivision has been paid in full.

39 (c) The franchise fee shall be deposited and disposed of in the same
40 manner as any license fee as provided in section one hundred twenty-five
41 of this chapter.

42 9. Any person licensed to sell wine at retail for consumption off the
43 premises under section seventy-nine of this article is authorized to
44 sell wine to persons licensed to sell wine under this article and this
45 section who operate the premises of the grocery store wine licensee.

46 10. The state liquor authority may make such rules as it deems neces-
47 sary to carry out the provisions of this section.

48 § 3. Section 83 of the alcoholic beverage control law is amended by
49 adding a new subdivision 10 to read as follows:

50 10. The annual fee for a grocery store wine license pursuant to
51 section seventy-nine-e of this article shall be at a rate of one-half
52 (0.5) percent of sales of wine sold.

53 § 4. Subdivision 2-a of section 100 of the alcoholic beverage control
54 law, as amended by chapter 249 of the laws of 2002, is amended to read
55 as follows:

2-a. No retailer shall employ, or permit to be employed, or shall suffer to work, on any premises licensed for retail sale hereunder, any person under the age of eighteen years[~~, as a hostess, waitress, waiter, or~~] in any [~~other~~] capacity where the duties of such person require or permit such person to sell, dispense or handle alcoholic beverages; except that: (1) any person under the age of eighteen years and employed by any person holding a grocery or drug store beer license shall be permitted to handle and deliver beer and wine products for such licensee, (2) any person under the age of eighteen employed as a cashier by a person holding a grocery or drug store beer license shall be permitted to record and receive payment for beer and wine product sales when in the presence of and under the direct supervision of a person eighteen years of age or over, (2-a) any person under the age of eighteen years and employed by a person holding a grocery store or drug store beer license as either a cashier or in any other position to which handling of containers which may have held alcoholic beverages is necessary, shall be permitted to handle the containers if such have been presented for redemption in accordance with the provisions of title ten of article twenty-seven of the environmental conservation law, [~~and~~] (3) any person under the age of eighteen years employed as a dishwasher, busboy, or other such position as to which handling of containers which may have held alcoholic beverages is necessary shall be permitted to do so under the direct supervision of a person of legal age to purchase alcoholic beverages in the state, (4) any person under the age of eighteen years and employed by any person holding a grocery store wine license shall be permitted to handle and deliver wine for such licensee, and (5) any person under the age of eighteen employed as a cashier by a person holding a grocery store wine license shall be permitted to record and receive payment for wine when in the presence of and under the direct supervision of a person eighteen years of age or over.

§ 5. Subdivisions 3-a and 3-b of section 102 of the alcoholic beverage control law, as amended by chapter 458 of the laws of 1993, are amended to read as follows:

3-a. No licensee or permittee shall purchase or agree to purchase any alcoholic beverages from any person within the state who is not duly licensed to sell such alcoholic beverage as the case may be, at the time of such agreement and sale nor give any order for any alcoholic beverage to any individual who is not the holder of a solicitor's permit, except as provided for in section eighty-five [~~or~~], ninety-nine-g, or seventy-nine-e of this chapter.

3-b. No retail licensee shall purchase, agree to purchase or receive any alcoholic beverage except from a person duly licensed within the state by the liquor authority to sell such alcoholic beverage at the time of such agreement and sale to such retail licensee, except as provided for in section eighty-five [~~or~~], ninety-nine-g, or seventy-nine-e of this chapter.

§ 6. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 7. This act shall take effect immediately.