STATE OF NEW YORK

8588

IN SENATE

February 16, 2024

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the alcoholic beverage control law, in relation to private label wine

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

Section 1. Section 3 of the alcoholic beverage control law is amended by adding a new subdivision 23-a to read as follows:

23-a. "Private label" means an alcoholic beverage with a brand name or trade name label that is exclusively owned by a licensed retailer, or owned by an entity that has granted a retailer the legal right to use such brand name or trade name, and such alcoholic beverage is sold at retail within the state exclusively by such retailer; provided, however, that private label wine may also be sold by licensees that are commonly owned affiliates of such retailer.

§ 2. Paragraph (c) of subdivision 3 of section 101-b of the alcoholic beverage control law, as amended by chapter 531 of the laws of 1964, is amended to read as follows:

(c) Provided however, nothing contained in this section shall require any manufacturer or wholesaler to list **any private label** in any schedule to be filed pursuant to this section [~~any item offered for sale to a retailer under a brand which is owned exclusively by one retailer and sold at retail within the state exclusively by such retailer~~].

§ 3. Subdivision 3 of section 106 of the alcoholic beverage control law, as amended by chapter 297 of the laws of 2016, is amended to read as follows:

3. No retail licensee for on-premises consumption shall sell, deliver or give away, or cause or permit or procure to be sold, delivered or given away any liquors and/or wines for consumption off the premises where sold**; provided, however, notwithstanding any law to the contrary, a restaurant licensed to sell wine under this chapter may sell sealed bottles of private label wine for off-premises consumption with the purchase of a substantial food item**. The provisions of this subdivision

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

LBD11655-01-3

shall not prohibit a licensed winery or farm winery from allowing a patron to leave the winery or farm winery with a partially consumed bottle of wine provided that the removal of the bottle is done in accordance with subdivision four of section eighty-one of this chapter.

§ 4. This act shall take effect immediately.