

STATE OF NEW YORK

1328

2025-2026 Regular Sessions

IN ASSEMBLY

January 9, 2025

Introduced by M. of A. HUNTER, HYNDMAN, WILLIAMS, CUNNINGHAM, PAULIN, EPSTEIN, SEPTIMO, REYES, RAMOS, ZINERMAN, MIKULIN, WALKER -- read once and referred to the Committee on Economic Development

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

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

1 Section 1. Section 3 of the alcoholic beverage control law is amended
2 by adding a new subdivision 13-a to read as follows:

3 13-a. "Supermarket" shall mean any retail establishment (a) whose
4 primary business is the sale of foodstuffs for off-premises consumption,
5 and (b) which is at least five thousand square feet, in total floor
6 area. There shall be a rebuttable presumption that a retail establish-
7 ment is primarily engaged in the sale of foodstuffs where such sales of
8 foodstuffs constitutes greater than sixty-five percent of the total
9 revenue of such establishment in the twelve months preceding submission
10 of an application.

11 § 2. Subdivisions 3 and 5 of section 75 of the alcoholic beverage
12 control law, subdivision 3 as amended by section 4 of part K of chapter
13 60 of the laws of 2004 and subdivision 5 as added by chapter 355 of the
14 laws of 2013, are amended and a new subdivision 6 is added to read as
15 follows:

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

19 5. Roadside farm market license[-];

20 6. Supermarket wine license.

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

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

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1 § 79-e. Supermarket wine license. 1. Any person may apply to the
2 authority for a license to sell from the licensed premises wine in
3 sealed containers for consumption off such premises.

4 2. No such license shall be issued, however, to any person for any
5 premises other than a supermarket, as defined in subdivision thirteen-a
6 of section three of this chapter.

7 3. (a) Notwithstanding any other provision of this chapter, except for
8 good cause shown, the authority shall issue a supermarket license to the
9 holder of a license to sell beer at retail for consumption off the prem-
10 ises pursuant to section fifty-four of this chapter, or beer and wine
11 products at retail for consumption off the premises pursuant to section
12 fifty-four-a of this chapter, at the request of such licensee and there-
13 after renewed or transferred, which authorizes the holder thereof to
14 sell beer at retail to a person for consumption in their home.

15 (b) For the purposes of this section, the premises of the supermarket
16 wine licensee shall be the same as the premises licensed under section
17 fifty-four or fifty-four-a of this chapter.

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

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

32 4. Such application shall be in such form and shall contain such
33 information as shall be required by the rules of the authority and shall
34 be accompanied by a check or draft in the amount required by this arti-
35 cle for such license.

36 5. Notwithstanding any other provisions of this chapter, any person
37 receiving a license pursuant to this section shall not be subject to the
38 provisions of subdivision two, three or four of section seventy-nine of
39 this article.

40 6. Notwithstanding any other provisions of this chapter, any person
41 receiving a license pursuant to this section shall not be subject to the
42 provisions of subdivision two, paragraph (a) of subdivision three, and
43 subdivision fourteen of section one hundred five of this chapter.

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

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

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

53 8. Any person licensed to sell wine at retail for consumption off the
54 premises under section seventy-nine of this article is authorized to
55 sell wine to persons licensed to sell wine under this article and this
56 section who operate the premises of the supermarket wine licensee.

1 9. The state liquor authority may make such rules as it deems neces-
2 sary to carry out the provisions of this section.

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

5 10. The annual fee for a supermarket wine license pursuant to section
6 seventy-nine-e of this article shall be at a rate of one-half (0.5)
7 percent of sales of wine sold, less the amount from sales of wines sold
8 that were produced in New York state.

9 § 5. Subdivision 2-a of section 100 of the alcoholic beverage control
10 law, as amended by chapter 249 of the laws of 2002, is amended to read
11 as follows:

12 2-a. No retailer shall employ, or permit to be employed, or shall
13 suffer to work, on any premises licensed for retail sale hereunder, any
14 person under the age of eighteen years[~~, as a hostess, waitress, waiter,~~
15 ~~or~~] in any [~~other~~] capacity where the duties of such person require or
16 permit such person to sell, dispense or handle alcoholic beverages;
17 except that: (1) any person under the age of eighteen years and employed
18 by any person holding a grocery or drug store beer license shall be
19 permitted to handle and deliver beer and wine products for such licen-
20 see, (2) any person under the age of eighteen employed as a cashier by a
21 person holding a grocery or drug store beer license shall be permitted
22 to record and receive payment for beer and wine product sales when in
23 the presence of and under the direct supervision of a person eighteen
24 years of age or over, (2-a) any person under the age of eighteen years
25 and employed by a person holding a grocery store or drug store beer
26 license as either a cashier or in any other position to which handling
27 of containers which may have held alcoholic beverages is necessary,
28 shall be permitted to handle the containers if such have been presented
29 for redemption in accordance with the provisions of title ten of article
30 twenty-seven of the environmental conservation law, [~~and~~] (3) any person
31 under the age of eighteen years employed as a dishwasher, busboy, or
32 other such position as to which handling of containers which may have
33 held alcoholic beverages is necessary shall be permitted to do so under
34 the direct supervision of a person of legal age to purchase alcoholic
35 beverages in the state, (4) any person under the age of eighteen years
36 and employed by any person holding a supermarket wine license shall be
37 permitted to handle and deliver wine for such licensee, and (5) any
38 person under the age of eighteen employed as a cashier by a person hold-
39 ing a supermarket wine license shall be permitted to record and receive
40 payment for wine when in the presence of and under the direct super-
41 vision of a person eighteen years of age or over.

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

45 3-a. No licensee or permittee shall purchase or agree to purchase any
46 alcoholic beverages from any person within the state who is not duly
47 licensed to sell such alcoholic beverage as the case may be, at the time
48 of such agreement and sale nor give any order for any alcoholic beverage
49 to any individual who is not the holder of a solicitor's permit, except
50 as provided for in section eighty-five [~~or~~], ninety-nine-g, or seventy-
51 nine-e of this chapter.

52 3-b. No retail licensee shall purchase, agree to purchase or receive
53 any alcoholic beverage except from a person duly licensed within the
54 state by the liquor authority to sell such alcoholic beverage at the
55 time of such agreement and sale to such retail licensee, except as

1 provided for in section eighty-five [~~ex~~], ninety-nine-g, or seventy-
2 nine-e of this chapter.

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

12 § 8. This act shall take effect immediately.