

# STATE OF NEW YORK

7860

2025-2026 Regular Sessions

## IN ASSEMBLY

April 11, 2025

Introduced by M. of A. ALVAREZ -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the alcoholic beverage control law, in relation to including spirit-based ready-to-drink cocktails in the definition of beverage; and to amend the environmental conservation law, in relation to including ready-to-drink cocktail containers under the state's bottle deposit system

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

1 Section 1. Legislative findings and intent. The legislature finds and  
2 declares that the increasing popularity of spirit-based ready-to-drink  
3 (RTD) cocktails has led to a significant rise in the number of single-  
4 use beverage containers sold throughout New York state. Although malt-  
5 based RTD beverages are already covered under the returnable container  
6 act, spirit-based RTDs are excluded from the law. This exclusion has  
7 contributed to disproportionate levels of litter and improper disposal.  
8 It is estimated that over 100 million spirit-based RTD containers are  
9 sold annually in New York state, and without a redemption incentive, a  
10 large portion of these containers are discarded improperly, ending up in  
11 parks, streets, waterways, and landfills. Including spirit-based RTDs in  
12 the state's bottle deposit system will reduce litter, support recycling  
13 efforts, and bring consistency and fairness to how all single-serve  
14 beverages are regulated.

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

17 23-a. "Ready-to-drink cocktail" or "RTD cocktail" shall mean a  
18 premixed beverage containing distilled spirits, not exceeding six  
19 percent alcohol by volume, that is packaged for sale in sealed contain-  
20 ers for off-premises consumption. The term "ready-to-drink cocktail" or  
21 "RTD cocktail" shall not include malt-based beverages or wine products.

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

LBD11558-01-5

1 § 3. Subdivision 1 of section 27-1003 of the environmental conserva-  
2 tion law, as amended by section 2 of part SS of chapter 59 of the laws  
3 of 2009, is amended to read as follows:

4 1. "Beverage" means carbonated soft drinks, water, beer, other malt  
5 beverages, ready-to-drink cocktails, as defined in subdivision twenty-  
6 three-a of section three of the alcoholic beverage control law, and a  
7 wine product as defined in subdivision thirty-six-a of section three of  
8 the alcoholic beverage control law. "Malt beverages" means any beverage  
9 obtained by the alcoholic fermentation or infusion or decoction of  
10 barley, malt, hops, or other wholesome grain or cereal and water includ-  
11 ing, but not limited to ale, stout or malt liquor. "Water" means any  
12 beverage identified through the use of letters, words or symbols on its  
13 product label as a type of water, including any flavored water or nutri-  
14 tionally enhanced water, provided, however, that "water" does not  
15 include any beverage identified as a type of water to which a sugar has  
16 been added.

17 § 4. This act shall take effect on the one hundred eightieth day after  
18 it shall have become a law. Effective immediately, the addition, amend-  
19 ment and/or repeal of any rule or regulation necessary for the implemen-  
20 tation of this act on its effective date are authorized to be made and  
21 completed on or before such effective date.