

# STATE OF NEW YORK

5396--A

Cal. No. 529

2025-2026 Regular Sessions

## IN SENATE

February 21, 2025

Introduced by Sens. SCARCELLA-SPANTON, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

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

3 23-a. "Private label" means an alcoholic beverage with a brand name or  
4 trade name label that is exclusively owned by a licensed retailer, or  
5 owned by an entity that has granted a retailer the legal right to use  
6 such brand name or trade name, and such alcoholic beverage is sold at  
7 retail within the state exclusively by such retailer; provided, however,  
8 that private label wine may also be sold by licensees that are commonly  
9 owned affiliates of such retailer unless the licensed premises includes  
10 any opening or means of entrance or passageway for persons or things  
11 between the licensed premises and any premises licensed under section  
12 fifty-four or fifty-four-a of this chapter.

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

16 (c) Provided however, nothing contained in this section shall require  
17 any manufacturer or wholesaler to list any private label in any schedule  
18 to be filed pursuant to this section [~~any item offered for sale to a~~

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

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1 ~~retailer under a brand which is owned exclusively by one retailer and~~  
2 ~~sold at retail within the state exclusively by such retailer~~].

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

6 3. No retail licensee for on-premises consumption shall sell, deliver  
7 or give away, or cause or permit or procure to be sold, delivered or  
8 given away any liquors and/or wines for consumption off the premises  
9 where sold; provided, however, notwithstanding any law to the contrary,  
10 a restaurant licensed to sell wine under this chapter may sell sealed  
11 bottles of private label wine for off-premises consumption with the  
12 purchase of a substantial food item. The provisions of this subdivision  
13 shall not prohibit a licensed winery or farm winery from allowing a  
14 patron to leave the winery or farm winery with a partially consumed  
15 bottle of wine provided that the removal of the bottle is done in  
16 accordance with subdivision four of section eighty-one of this chapter.

17 § 4. This act shall take effect immediately.