

# STATE OF NEW YORK

7398--A

2025-2026 Regular Sessions

## IN SENATE

April 14, 2025

Introduced by Sen. BORRELLO -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:
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6 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~~[-]~~;
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9 5. Roadside farm market license~~[-]~~;
- 10 6. Grocery store wine license.
- 11 § 2. The alcoholic beverage control law is amended by adding a new section 79-e to read as follows:
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13 § 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.
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18 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.
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21 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.
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EXPLANATION--Matter in italics (underscored) is new; matter in brackets ~~[-]~~ is old law to be omitted.

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1 4. (a) Notwithstanding any other provision of this chapter, except for  
2 good cause shown, the authority shall issue a grocery store wine license  
3 to the holder of a license to sell beer at retail for consumption off  
4 the premises pursuant to section fifty-four of this chapter, or beer and  
5 wine products at retail for consumption off the premises pursuant to  
6 section fifty-four-a of this chapter, or to the holder of a wholesalers  
7 license issued pursuant to section fifty-three of this chapter, at the  
8 request of such licensee and thereafter renewed or transferred, which  
9 authorizes the holder thereof to sell beer at retail to a person for  
10 consumption in their home.

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

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

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

28 5. Such application shall be in such form and shall contain such  
29 information as shall be required by the rules of the authority and shall  
30 be accompanied by a check or draft in the amount required by this arti-  
31 cle for such license.

32 6. Notwithstanding any other provisions of this chapter, any person  
33 receiving a license pursuant to this section shall not be subject to the  
34 provisions of subdivision two, three or four of section seventy-nine of  
35 this article.

36 7. 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 paragraph (a) of subdivision three and subdivision four-  
39 teen of section one hundred five of this chapter.

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

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

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

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

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

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

1 10. The annual fee for a grocery store wine license pursuant to  
2 section seventy-nine-e of this article shall be at a rate of one-half  
3 (0.5) percent of sales of wine sold.

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

7 2-a. No retailer shall employ, or permit to be employed, or shall  
8 suffer to work, on any premises licensed for retail sale hereunder, any  
9 person under the age of eighteen years[~~, as a hostess, waitress, waiter,~~  
10 ~~or~~] in any [~~other~~] capacity where the duties of such person require or  
11 permit such person to sell, dispense or handle alcoholic beverages;  
12 except that: (1) any person under the age of eighteen years and employed  
13 by any person holding a grocery or drug store beer license shall be  
14 permitted to handle and deliver beer and wine products for such licen-  
15 see, (2) any person under the age of eighteen employed as a cashier by a  
16 person holding a grocery or drug store beer license shall be permitted  
17 to record and receive payment for beer and wine product sales when in  
18 the presence of and under the direct supervision of a person eighteen  
19 years of age or over, (2-a) any person under the age of eighteen years  
20 and employed by a person holding a grocery store or drug store beer  
21 license as either a cashier or in any other position to which handling  
22 of containers which may have held alcoholic beverages is necessary,  
23 shall be permitted to handle the containers if such have been presented  
24 for redemption in accordance with the provisions of title ten of article  
25 twenty-seven of the environmental conservation law, [~~and~~] (3) any person  
26 under the age of eighteen years employed as a dishwasher, busboy, or  
27 other such position as to which handling of containers which may have  
28 held alcoholic beverages is necessary shall be permitted to do so under  
29 the direct supervision of a person of legal age to purchase alcoholic  
30 beverages in the state, (4) any person under the age of eighteen years  
31 and employed by any person holding a grocery store wine license shall be  
32 permitted to handle and deliver wine for such licensee, and (5) any  
33 person under the age of eighteen employed as a cashier by a person hold-  
34 ing a grocery store wine license shall be permitted to record and  
35 receive payment for wine when in the presence of and under the direct  
36 supervision of a person eighteen years of age or over.

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

40 3-a. No licensee or permittee shall purchase or agree to purchase any  
41 alcoholic beverages from any person within the state who is not duly  
42 licensed to sell such alcoholic beverage as the case may be, at the time  
43 of such agreement and sale nor give any order for any alcoholic beverage  
44 to any individual who is not the holder of a solicitor's permit, except  
45 as provided for in section eighty-five [~~or~~], ninety-nine-g, or seventy-  
46 nine-e of this chapter.

47 3-b. No retail licensee shall purchase, agree to purchase or receive  
48 any alcoholic beverage except from a person duly licensed within the  
49 state by the liquor authority to sell such alcoholic beverage at the  
50 time of such agreement and sale to such retail licensee, except as  
51 provided for in section eighty-five [~~or~~], ninety-nine-g, or seventy-  
52 nine-e of this chapter.

53 § 6. Severability clause. If any clause, sentence, paragraph, subdivi-  
54 sion, section or part of this act shall be adjudged by any court of  
55 competent jurisdiction to be invalid, such judgment shall not affect,  
56 impair, or invalidate the remainder thereof, but shall be confined in

1 its operation to the clause, sentence, paragraph, subdivision, section  
2 or part thereof directly involved in the controversy in which such judg-  
3 ment shall have been rendered. It is hereby declared to be the intent of  
4 the legislature that this act would have been enacted even if such  
5 invalid provisions had not been included herein.

6 § 7. This act shall take effect immediately.