STATE OF NEW YORK

6931

2025-2026 Regular Sessions

IN ASSEMBLY

March 18, 2025

Introduced by M. of A. TAPIA -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law and the tax law, in relation to authorizing holders of certain licenses authorizing the sale or wholesale of beer to engage in the sale or wholesale of ready-to-drink cocktails

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

Section 1. Short title. This act shall be known and may be cited as the "ready-to-drink cocktail retail sales act".

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

23-a. "Ready-to-drink cocktail" or "RTD cocktail" shall mean a pre-mixed beverage containing distilled spirits, not exceeding six percent alcohol by volume, that is packaged for sale in sealed containers for off-premises consumption.

§ 3. Section 54 of the alcoholic beverage control law is amended by adding a new subdivision 6 to read as follows:

6. A license to sell beer at retail for consumption off premises issued under this section shall authorize the holder of such license to sell ready-to-drink cocktails for consumption off premises. Any use of the term "beer" as used in this section shall be deemed to apply also to ready-to-drink cocktails; provided, however, that such application of the term "beer" shall be limited to the provisions of this section and shall not apply to the use of the term "beer" in any other section of law, rule or regulation, unless such rule or regulation relates specifically to the issuance of a license under this section.

§ 4. Section 420 of the tax law is amended by adding a new subdivision 17 to read as follows:

17. "Ready-to-drink cocktail" or "RTD cocktail" shall mean a pre-mixed beverage containing distilled spirits, not exceeding six percent alcohol

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

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by volume, that is packaged for sale in sealed containers for off-premises consumption.

§ 5. Paragraph (b) of subdivision 1 of section 424 of the tax law, as amended by section 1 of part X-1 of chapter 57 of the laws of 2009, is amended to read as follows:

(b) Thirty cents per gallon upon still wines **and ready-to-drink cocktails**, except cider containing more than three and two-tenths per centum of alcohol by volume, upon which the tax shall be three and seventy-nine hundredths cents per gallon;

§ 6. Section 53 of the alcoholic beverage control law, as amended by chapter 3 of the laws of 2021, is amended to read as follows:

§ 53. Wholesaler's license. Any person may apply to the liquor authority for a license to sell beer at wholesale. Such application shall be in writing and verified and shall contain such information as the liquor authority shall require. Such application shall be accompanied by a check or draft for the amount required by this article for such license. If the liquor authority shall grant the application it shall issue a license in such form as shall be determined by its rules. Such a license shall contain a description of the licensed premises and in form and in substance shall be a license to the person therein specifically designated to sell beer **and ready-to-drink cocktails** at wholesale in the premises therein specifically licensed to duly licensed wholesalers, retailers and permittees in this state, and to sell or deliver beer to persons outside the state pursuant to the laws of the place of such sale or delivery. A wholesaler's license issued or renewed prior to July first, nineteen hundred sixty, and thereafter renewed or transferred, shall authorize the holder thereof to sell beer **and ready-to-drink cocktails** at retail to a person for consumption in [~~his~~] **such person's** home; provided, however, that regardless of the date issued, renewed or transferred, a wholesaler's license issued to a brewer or to the wholly-owned subsidiary of a brewer, shall authorize the holder thereof to sell beer at retail to a person for consumption in [~~his~~] **such person's** home.

§ 7. The state liquor authority is authorized to promulgate any rules or regulations necessary to regulate the sale and distribution of ready-to-drink cocktails, as defined by section three of the alcoholic beverage control law, in accordance with the provisions of this act.

§ 8. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made, including by emergency, and completed on or before such effective date.