STATE OF NEW YORK

6931--A

2025-2026 Regular Sessions

IN ASSEMBLY

March 18, 2025

Introduced by M. of A. TAPIA, SHIMSKY -- read once and referred to the Committee on Economic Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the alcoholic beverage control law and the tax law, in relation to authorizing holders of certain licenses issued by the state liquor authority 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" means a beverage containing liquor which is added to concentrated or unconcentrated juice, flavoring material, water, citric acid, sugar, and/or carbon dioxide, that contains not more than eight and one-half percent alcohol by volume, and that is sold in single serving containers with a size no greater than sixteen ounces each.

§ 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 a holder of such license operating in the city of New York to sell ready-to-drink cocktails for consumption off premises from any premises located in the city of New York. 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

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

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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 62 of the alcoholic beverage control law, as amended by chapter 361 of the laws of 1994, is amended to read as follows:

§ 62. Wholesaler's liquor license. Any person may apply to the liquor authority for a license to sell liquor 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 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 liquors at wholesale in the premises therein specifically licensed to duly licensed wholesalers, retailers and permittees in this state, and to sell liquor in bulk to a licensed rectifier or to a permittee engaged in the manufacture of products which are unfit for beverage use, for use in the manufacture of products produced and sold by such rectifier or permittee, and to sell or deliver liquor to persons outside the state pursuant to the laws of the place of such sale or delivery. Such a license shall also include the privilege to sell wine and ready-to-drink cocktails at wholesale under the same terms and conditions without the payment of any additional fee.

§ 5. Section 63 of the alcoholic beverage control law is amended by adding a new subdivision 7 to read as follows:

7. A license issued pursuant to this section to a licensee in the city of New York shall authorize the sale of ready-to-drink cocktails for off-premises consumption, subject to the seven-day limitation of such licenses under this section; provided, however, that such cocktails are purchased from duly licensed wholesalers or manufacturers; and provided further, that such sales are made from a premises located in the city of New York.

§ 6. The alcoholic beverage control law is amended by adding a new section 70 to read as follows:

§ 70. Sale of ready-to-drink cocktails by retail licensees in the city of New York. Each retail licensee under this chapter located in the city of New York, including those licensed pursuant to section sixty-three of this article, shall have the right, by virtue of their license and without being required to pay any additional fee for the privilege, to sell at retail for consumption on or off the premises, as the case may be, ready-to-drink cocktails purchased from a person licensed to produce or sell liquor, wine, or beer at wholesale under this chapter. This section shall apply only to sales of ready-to-drink cocktails made within the city of New York.

§ 7. 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 beverage containing liquor which is added to concentrated or unconcentrated juice, flavoring material, water, citric acid, sugar, and/or carbon dioxide, that contains not more than eight and one-half percent alcohol by volume, and that is sold in single serving containers with a size no greater than sixteen ounces each.

§ 8. 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;

§ 9. 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.

§ 10. 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 3 of the alcoholic beverage control law, in accordance with the provisions of this act.

§ 11. 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.