# STATE OF NEW YORK

8010

2025-2026 Regular Sessions

# IN SENATE

May 15, 2025

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

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:**

Section 1. Legislative findings and intent. The legislature finds and declares that the increasing popularity of spirit-based ready-to-drink (RTD) cocktails has led to a significant rise in the number of single-use beverage containers sold throughout New York state. Although malt-based RTD beverages are already covered under the returnable container act, spirit-based RTDs are excluded from the law. This exclusion has contributed to disproportionate levels of litter and improper disposal.

It is estimated that over 100 million spirit-based RTD containers are sold annually in New York state, and without a redemption incentive, a large portion of these containers are discarded improperly, ending up in parks, streets, waterways, and landfills. Including spirit-based RTDs in the state's bottle deposit system will reduce litter, support recycling efforts, and bring consistency and fairness to how all single-serve beverages are regulated.

§ 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 premixed beverage containing distilled spirits, not exceeding six percent alcohol by volume, that is packaged for sale in sealed containers for off-premises consumption. The term "ready-to-drink cocktail" or "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.

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

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

§ 4. This act shall take effect on the one hundred eightieth 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 and completed on or before such effective date.