

New York Laws & Regulations Summary

Contact Information

Contact	Counsel's OfficeState Liquor Authority80 South Swan St., Ste. 900Albany, NY 12210-8002 <i>Last validated on 11/13/2013 2:54:30PM, last updated on 6/21/2006 2:14:29PM</i>
Phone	518-474-6750 <i>Last validated on 11/13/2013 2:54:30PM, last updated on 6/21/2006 2:13:20PM</i>
Email address	albanycounsel@abc.state.ny.us <i>Last validated on 11/13/2013 2:54:30PM, last updated on 6/21/2006 2:13:03PM</i>
Web URL Address	http://www.state.ny.us <i>Last validated on 11/13/2013 2:54:30PM, last updated on 2/11/2004 2:44:14PM</i>

Coupons

Cents off coupons	Cents off coupons are not allowed. See 9 NYCRR sec 86.1 & 86.9. <i>Last validated on 11/13/2013 2:54:27PM, last updated on 6/17/2004 4:45:13PM</i>
Refund coupons	Refund coupons are allowed, suppliers may offer if there is no retailer participation. Advertising may include but not limited to POS ads, entry forms, etc. at retail premise. 9 NYCRR sec 86.9. <i>Last validated on 11/13/2013 2:54:27PM, last updated on 6/17/2004 4:45:33PM</i>

General Regulations

Age to Consume	21 <i>Last validated on 11/13/2013 2:53:21PM, last updated on 1/25/2005 10:33:21AM</i>
Age to Pour	18 <i>Last validated on 11/13/2013 2:53:21PM, last updated on 1/25/2005 10:34:44AM</i>
Age to Sell	18 <i>Last validated on 11/13/2013 2:53:21PM, last updated on 1/25/2005 10:35:23AM</i>
Age to Serve	18 <i>Last validated on 11/13/2013 2:53:21PM, last updated on 1/25/2005 10:35:40AM</i>
Notes on Selling and/or Serving	Information is not available at this time. <i>Last validated on 11/13/2013 2:53:21PM, last updated on 5/23/2005 11:18:57AM</i>
DUI and DWI Limit	.08 <i>Last validated on 11/13/2013 2:53:21PM, last updated on 1/25/2005 10:36:07AM</i>
DUI and DWI Limit Under 21	.02The state has zero tolerance for under 21 drinking but the BAC is still .02 because of some medications may make a person .01 <i>Last validated on 11/13/2013 2:53:21PM, last updated on 1/13/2011 8:56:37AM</i>
Maximum Alcohol per Drink	Not Regulated <i>Last validated on 11/13/2013 2:53:21PM, last updated on 1/25/2005 10:36:50AM</i>
Number of Drinks at One Time	Not regulated. <i>Last validated on 11/13/2013 2:53:21PM, last updated on 3/1/2005 3:31:03PM</i>
Dram Shop Liability Laws	Yes <i>Last validated on 11/13/2013 2:53:21PM, last updated on 1/25/2005 10:37:37AM</i>
Social Host Liability Laws	Yes <i>Last validated on 11/13/2013 2:53:21PM, last updated on 1/25/2005 10:37:56AM</i>
Notes on Liability Laws	Information is not available at this time. <i>Last validated on 11/13/2013 2:53:21PM, last updated on 5/23/2005 11:18:42AM</i>
Server Training Regulated	Yes <i>Last validated on 11/13/2013 2:53:21PM, last updated on 1/25/2005 10:38:34AM</i>

New York Laws & Regulations Summary

Notes on Server/Seller Training Regulations	<p>New York has a voluntary Responsible Vendor Program that sets standards for licensees to meet in order to be considered a responsible vendor. As of September 29, 2010, as amended in the Alcoholic Beverage Control Law (8645A), if a licensee, who is found in an alcohol-related violation, holds a current/renewed certificate of completion from a State Liquor Authority-approved alcohol awareness training program and has had zero violations within the last five years, the civil penalty will be a bond revocation and no additional penalties will be assessed. If a licensee who is found in an alcohol-related violation, agrees that all employees involved in the direct sale or service of alcoholic beverages to the public at the licensed premises where the violation occurred will obtain a valid certificate of completion or renewal from a State Liquor Authority-approved alcohol awareness training program within ninety (90) days of the violation, and no other violation has occurred within the last five years, the civil penalty shall be reduced by twenty-five (25%) percent.</p> <p><i>Last validated on 11/13/2013 2:53:21PM, last updated on 10/5/2010 11:50:52AM</i></p>
Seller Training Regulated	<p>Yes.</p> <p><i>Last validated on 11/13/2013 2:53:21PM, last updated on 12/19/2006 3:34:59PM</i></p>
Corkage/Merlot Laws	<p>Customers may bring alcoholic beverages into the establishment, with the approval of the licensee, and as long as the alcohol product is covered under the license in effect and the patron removes the unconsumed alcoholic beverage upon departing the licensed premises.</p> <p>Customers may remove one partially consumed bottle of wine from a restaurant provided the restaurant has a license to sell wine, the wine was purchased and consumed with a meal, the bottle is securely resealed and placed in a securely sealed transparent bag designed to be used only once, and a dated receipt is enclosed with the bottle.</p> <p><i>Last validated on 11/13/2013 2:53:21PM, last updated on 4/4/2008 10:44:10AM</i></p>

Hours of Sale

On Premise	<p>All counties EXCEPT the 5 boroughs or counties of NYC may write up their own closing hours. Establishments in NYC must abide by the NY state mandated closing hours of:</p> <ul style="list-style-type: none"> ·Sunday, from four a.m. to twelve Noon ·On any other day between four a.m and eight a.m. <p>Visit http://www.sla.ny.gov/provisions-for-county-closing-hours to reference your county</p> <p><i>Last validated on 11/13/2013 2:53:23PM, last updated on 6/18/2013 4:40:26PM</i></p>
Off Premise	<p>Varies by County. Visit http://www.sla.ny.gov/provisions-for-county-closing-hours to reference your county</p> <p><i>Last validated on 11/13/2013 2:53:23PM, last updated on 1/7/2013 10:48:12AM</i></p>

ID's/Underage Persons

Acceptable Forms of ID	<p>A valid driver's license or non-driver identification card issued by the New York State Commissioner of Motor Vehicles, the federal government, any United States territory, commonwealth or possession, the District of Columbia, a state government within the United States or a provincial government of the dominion of Canada. A valid passport issued by the United States government or any other country, or valid passport card (US only). An identification card issued by the Armed Forces of the United States. Green Cards not permitted.</p> <p><i>Last validated and updated on 11/13/2013 2:53:40PM</i></p>
Recommended age for carding	<p>None.</p> <p><i>Last validated and updated on 11/13/2013 2:53:46PM</i></p>
ID Confiscation Allowed	<p>No</p> <p><i>Last validated and updated on 11/13/2013 2:53:50PM</i></p>
Notes on ID Confiscation	<p>Licensees are not authorized to confiscate IDs they recognize as false. Licensees should notify the police or local law enforcement officials and refuse sale.</p> <p><i>Last validated and updated on 11/13/2013 2:53:53PM</i></p>
Policies Regarding Underage Persons	<p>It is unlawful to serve or sell alcohol to anyone under the age of 21. Minors under the age of 16 are not permitted in establishments that serve alcohol unless accompanied by a parent or guardian. A parent may serve their underage minor child alcohol in their own home, but never to intoxication. A parent may never serve their underage child alcohol in a licensed premises. Minimum Ages for Employment: On Premise: Bartender: 18 Bus Person: 16 (Must be directly supervised by someone 21 or older.) Dishwasher: 16 (Must be directly supervised by someone 21 or older.) Entertainer: 18 (Except under certain circumstances, contact NYSLA for details.) Off Premise Grocery/Convenience/Drug store Clerk/Cashier: 16 (Must be directly supervised by someone 18 or older.) Liquor Store Clerk/Cashier: 18</p> <p><i>Last validated and updated on 11/13/2013 2:54:01PM</i></p>

New York Laws & Regulations Summary

Interior/Exterior Signage

Displays Product displays may be furnished if within per brand cost limitation (intended to be identical to BATF cost limitation). Inside signs (posters, placards, mechanical devices, window decorations) with no secondary value may be furnished if used only in windows or interior, no payment/credit to retailer, not exceeding 1,200 square inches. 9 NYCRR sec 86.1-86.4, 88.3.

Last validated on 11/13/2013 2:54:09PM, last updated on 6/17/2004 4:40:35PM

Point of Sale (POS) Advertising Product displays may be furnished if within per brand cost limitation (intended to be identical to BATF cost limitation). Inside signs (posters, placards, mechanical devices, window decorations) with no secondary value may be furnished if used only in windows or interior, no payment/credit to retailer, not exceeding 1,200 square inches. 9 NYCRR sec 86.1-86.4, 88.3.

Last validated on 11/13/2013 2:54:09PM, last updated on 6/17/2004 4:41:15PM

Liability and Legal Info

Non-alcoholic beer and wine None

Last validated on 11/13/2013 2:53:30PM, last updated on 2/11/2004 2:44:14PM

Liquor Liability Administrative penalties. The maximum administrative penalty which the State Liquor Authority may impose for a violation of the Alcoholic Beverage Control Law is a two-year revocation of the license, a \$10,000 civil money penalty, a \$1,000 bond forfeiture, and a two-year ban against the future licensure of the building which contains the licensed premises. The penalty to be imposed is within the reasonably exercised discretion of the Authority. For less serious violations, a financial penalty together with a suspension or an indefinite cancellation may be imposed in place of a revocation. Depending upon the seriousness of attendant circumstances, a license may be revoked for a first offense. Criminal penalties. Except for distilling alcohol without a license (which is a felony), most violations of the Alcoholic Beverage Control Law are misdemeanors, in accordance with ABCL § 130. Those who engage in the unlicensed manufacture or sale of alcoholic beverages may be fined up to four times the cost of a special on-premises liquor license. The annual fee for a special on-premises liquor license may be as high as \$1,700 per year, depending upon the population of the community in which the licensed premises is located. With respect to other misdemeanors in the Alcoholic Beverage Control Law, a New York misdemeanor conviction may carry a term of imprisonment of one year or less, together with a fine up to \$1,000 (NY Penal Law §§ 10.00, 55.10, 80.05). Civil money damages. GOL § 11-100 establishes a cause of action by which an injured party may obtain compensation for injury or damage caused by the intoxication of a person under the age of twenty-one years. GOL § 11-101 establishes a cause of action by which an injured party may obtain compensation for injury caused by the illegal sale of intoxicating liquor. The civil money damages deemed appropriate to compensate an injured party are dependent upon the seriousness of the injury.

Last validated on 11/13/2013 2:53:30PM, last updated on 2/11/2004 2:44:14PM

Statute of Limitations There is no simple answer because the actual period during which a liquor liability case may commence varies as well as the situation surrounding the case.

Last validated on 11/13/2013 2:53:30PM, last updated on 2/11/2004 2:44:14PM

Happy Hour Laws No licensee shall offer, sell, serve, or deliver to any person or persons an unlimited number of drinks during any set period of time for a fixed price. This section does not apply to private functions not opened to the public, such as weddings, banquets, or receptions, or other similar functions.

Last validated on 11/13/2013 2:53:30PM, last updated on 5/17/2011 11:52:47AM

Promo Items

Promo Items to Retailer Retailer advertising specialties (e.g. trays, coasters, mats, menu cards, meal checks, paper napkins, foam scrapers, thermometers, clocks, calendars) may be furnished if primarily valuable as advertising and within cost limitation (intended to be identical to BATF cost limitation, but BATF no longer has cost limitations for these specialties); may include retailer name or address. 9 NYCRR sec 86.1, 86.2, 86.5, & 86. Suppliers may furnish equipment and related services, dummy display bottles and education seminars; and may include names and addresses of 2 or more retailers on advertising, pursuant to 9 NYCRR sec 86.12 to 86.14 & 86.8

Last validated on 11/13/2013 2:54:21PM, last updated on 6/17/2004 4:43:36PM

New York Laws & Regulations Summary

Promo items to Consumers

Consumer advertising specialties (e.g. ashtrays, bottle or can openers, cork screws, shopping bags, matches, printed recipes, pamphlets, cards, leaflets, blotters, postcards, pencils) for unconditional retailer distribution to public may be furnished to off-premise; no payment/credit to retailer. Wine lists or wine menus may be furnished to on-premise; may include retail name. 9 NYCRR sec 86.1, 86.2, 86.5, & 86. Suppliers may furnish equipment and related services, dummy display bottles and education seminars; and may include names and addresses of 2 or more retailers on advertising, pursuant to 9 NYCRR sec 86.12 to 86.14 & 86.8

Last validated on 11/13/2013 2:54:21PM, last updated on 6/17/2004 4:43:54PM

Solicitor Permit

Solicitor Permit

Information is not available at this time.

Last validated on 11/13/2013 2:54:25PM, last updated on 2/12/2007 2:00:16PM

Tastings

Consumer Tastings - On Premise

Consumer tastings are not allowed at on-premise establishments.

Last validated on 11/13/2013 2:54:19PM, last updated on 6/25/2007 9:12:10AM

Consumer Tastings - Off Premise

Consumer tastings are allowed at off-premise establishments. Distiller or wholesaler licensee may conduct through official agent present at liquor store. There is a maximum of 3 tastings of .25 oz per person per day. Sponsoring distiller or wholesaler subject to dram shop liability. NY Alco. Bev Cont Law sec 63-a.

Last validated on 11/13/2013 2:54:19PM, last updated on 6/17/2004 4:42:43PM

Staff Training Tastings

Information is not available at this time.

Last validated on 11/13/2013 2:54:19PM, last updated on 2/12/2007 2:00:22PM

This information has been provided to us by the regulating agency and is believed to be correct. However, laws and regulations may change at any time, and the information provided should not be relied upon in place of official documents. For more information or clarification, consult the regulatory body for this jurisdiction directly.