



To: Persons holding a New York License to transport Alcoholic Beverages within New York State
Subject: Common Carrier Delivery of Direct Retail Wine Shipments from Wine Manufacturers to New York State Resident Customers for Personal Use and Not for Resale

Chapters 210¹ and 184² of the Laws of 2005 make a number of changes to the New York State Alcoholic Beverage Control Law (“ABCL” or “ABC Law”). The changes made by Chapters 210 and 184 go into effect on August 11, 2005.³ Among these changes is the addition of new sections 79-c and 79-d to the ABC Law.

The newly added ABCL §§ 79-c and 79-d require a common carrier – in connection with a direct delivery of wine from a wine manufacturer to a New York State resident customer for personal use and not for resale – to

- (i) require the recipient, at the delivery address, upon delivery, to demonstrate that the recipient is at least twenty-one years of age by providing a valid form of photographic identification authorized by Alcoholic Beverage Control Law § 65-b;
- (ii) require the recipient to sign an electronic or paper form or other *acknowledgement of receipt* as approved by the State Liquor Authority;
- (iii) refuse delivery when the proposed recipient appears to be under twenty-one years of age and refuses to present valid identification as required by subparagraph (i) of this paragraph.

In conformity with the statutory directive that a common carrier use an “acknowledgment of receipt” approved by the State Liquor Authority, the Authority has created a format “Acknowledgement of Receipt of a Wine Delivery” for use by common carriers. Please use the related link on the Authority website to access the format for the newly required “Acknowledgement of Receipt of a Wine Delivery.”

Common Carriers must use this format “Acknowledgement of Receipt of a Wine Delivery” when making a direct wine delivery from wine manufacturers to New York State resident customers for personal use and not for resale.

Alternatively, a common carrier may submit to the State Liquor Authority an “acknowledgement of receipt” in a different format with a request that the Authority approve this alternative format in connection with the carrier’s direct delivery of wine from a wine manufacturer to a New York State resident customer for personal use and not for resale. If the Authority approves the alternative format, the alternative format may be used by the carrier in place of the “Acknowledgement of Receipt of a Wine Delivery.” A common carrier may submit an alternative format “acknowledgement of receipt” to the Authority for Authority consideration at the following address:

New York State Liquor Authority
Director of Licensing
84 Holland Avenue
Albany, NY 12208

Attention: Common Carrier Unit

¹ Chapter 210 of the Laws of 2005 came into existence on July 12, 2005, when Assembly Bill 7379-C was signed into law.

² Chapter 184 of the Laws of 2005 also came into existence on July 12, 2005, when Senate Bill 5925 was signed into law. Senate Bill 5925 amends the text of Assembly Bill 7379-C.

³ Section 11 of Assembly Bill 7379-C originally directed that the provisions of Assembly Bill 7379-C should go into effect on the one hundred twentieth day after it shall have become a law. Senate Bill 5925 amended section 11 of Assembly Bill 7379-C to direct that its provisions should go into effect on the thirtieth day after it shall have become law. The thirtieth day after July 12, 2005 is August 11, 2005.