

Wine Store/Liquor Store Quick Reference

LICENSING

Do I need a wine store/liquor store license?

If you intend to sell wine and/or liquor for off premises consumption, you need a wine store or liquor store license.¹

Can I be a licensed wine store/liquor store owner in New York State?

Statutory Disqualifiers

The following are the five categories of person who cannot hold an SLA license:

- (1) persons who have been convicted of any felony, or promoting or permitting prostitution, or sale of liquor without an alcoholic beverage license;²
- (2) persons under the age of 21;
- (3) persons who are not a United State citizen, an alien admitted to the United State for permanent lawful residence, or a citizen of a reciprocal trade nation (see [SLA Advisory #2015-21](#));
- (4) persons whose alcoholic beverage license was revoked for cause within the past 2 years;
- (5) persons who are police officers/police officials.

Tied House

The “tied house law” prohibits any person who holds a direct or indirect interest in any manufacturing or wholesale business (whether in New York State, another state, or abroad) from holding a wine or liquor store license in New York State.

200 Foot Law

The “200 Foot Law” prohibits the Authority from issuing a wine store or liquor store license to any premises which is within 200 feet of and on the same street as a building exclusively used as a school or place of worship.

One Store

A licensed wine store or liquor store owner may only own or have an interest (direct or indirect) in one wine store or liquor store in New York State.

Must I have a physical location in New York State to be licensed? Or can I be strictly an internet business?

¹ Note that cider, and mead, and wine products can be sold in a wine store or liquor store.

² The ABC Law provides that a pardon, certificate of good conduct, or a certificate of relief from disabilities may be obtained to allow a person convicted of a disqualifying crime to hold a license.

In order to be licensed as a wine store or liquor store in New York State, you must have a brick and mortar store in the state that is regularly open to the public. You may sell to consumers over the internet, but not exclusively.

What type of license should I apply for?

Wine Store License – A wine store may sell wine, wine products, cider, and mead; other items that may be sold are limited to corkscrews, ice, non-flavored/non-carbonated water, etc.³ The license is good for 3 years.

Liquor Store License – A liquor store may sell wine, wine products, cider, and liquor; other items that may be sold are limited to corkscrews, ice, non-flavored/non-carbonated water, etc.⁴ The license is good for 3 years

How much does a wine store/liquor store license cost?

Retail licensing fees are dependent on what county the establishment will do business in. See the schedule of retail license fees [here](#).

What steps should I take before applying?

If time is of the essence in opening your doors (and we know it usually is), you should first check with SLA to understand processing times and to be able to plan accordingly. Email licensing.information@sla.ny.gov. Additionally, before applying you should get a filing receipt from the Secretary of State after registering your corporation or LLC or obtain a business certificate from your county clerk for your sole proprietorship or partnership.

Where do I find the wine store/liquor store application?

From our homepage: www.sla.gov, visit [Licenses -- Get a License](#). From there you will find the [Application Wizard](#), which will guide you to the correct application.

Is a temporary retail operating permit available while my application is pending review?

If you are purchasing the business of a current licensee (the business assets and not just the real property), and will operate in the same location, you are eligible for a temporary retail operating permit.

If you are opening a business in a currently unlicensed location, you are not eligible for a temporary retail operating permit.

Where do I find the temporary retail permit application?

³ For the full list of items, see ABC Law §63 (4).

⁴ For the full list of items, see ABC Law §63 (4).

From our homepage: www.sla.gov, visit [Forms Quick Find](#) in the footer. Use the search function to find [the application](#). Please include the temporary retail permit application with your main retail license application.

What must I submit with my license application?

Once you have downloaded (or emailed yourself) the correct application and instructions, you will also be given a checklist of all necessary items and a coversheet including the correct amount to submit along with the application.

What is “public convenience and advantage?”

In order to grant a wine store or liquor store license, the Authority must find that granting the license would provide public convenience and advantage. In evaluating whether public convenience and advantage will be served by issuing the license, the Authority generally considers whether the area is adequately served by existing wine stores or liquor stores. As part of that review, the Authority looks at, among other things, the proximity of the existing licensed stores to the applicant’s location, the gross sales of the nearest liquor stores (see below), populations of demographic changes, and whether the applicant will offer products or services not currently provided by the existing licensees.

What are gross sales letters?

A gross sales letter is a request by the SLA for sales data that is sent to the four licensed wine stores and/or liquor stores which are nearest to the proposed location of a wine store or liquor store applicant. The data is used by the Authority in helping to determine sales trends and local demand.

When can I open my store to sell alcoholic beverages?

Once you’ve received approval of your application and your license certificate. A conditional approval is not sufficient – as you must meet the conditions set forth before final approval may be granted.

LICENSEES

PRIVILEGES

What alcoholic beverages may I sell at my wine store or liquor store?

A wine store may sell wine, wine products, cider, and mead.

A liquor store may sell liquor, wine, wine products, cider, and mead.

What other products may I sell at my wine store or liquor store?

A wine store or liquor store may also sell:

- Lottery tickets, when duly authorized

- Corkscrews
- Ice
- Publications/audio cassettes/seminars to educate consumers
- Non-carbonated, non-flavored mineral waters, spring waters, and drinking waters
- Wine glasses
- Wine storage racks
- Devices meant to minimize oxidation of wine after opening
- Gift bags/boxes/wrapping

This list is exhaustive and constitutes the only items other than alcoholic beverages that may be sold at a wine store or liquor store. This means that you cannot sell mixers or have an ATM, for instance.

Can I sell alcoholic beverages on the internet?

Yes, in addition to the sales which take place at your store, you may also take orders over the internet. Those internet orders may be picked up at the store by the customer, or they may be delivered to a customer's New York State residence - they may not be delivered to a commercial business location. If delivery is made by motor vehicle, that vehicle must either be registered to the licensee (in the same name as the license) and a copy of the license should be in the vehicle, or that vehicle must have a trucking permit issued by the SLA.

Can I sell alcoholic beverages to out of state residents?

It depends on the laws of the other state.

Can I conduct tastings at my store?

Yes, you may conduct tastings of any product you can sell at your wine store or liquor store. Tastings for liquor are limited to three ¼ ounce samples per day, per person.

Additionally, you may have a licensed winery, wine wholesaler, distiller, or liquor wholesaler, or an entity with marketing permit conduct a tasting at your store of any product you may yourself sell.

COMPLIANCE

Can I employ:

Someone who has been convicted of a felony?

Yes, a felony conviction is not a bar to employment for off premises retail licensees.

A minor?

A minor (person under the age of 18) cannot be employed in a position that requires him or her to sell, dispense or handle alcoholic beverages.

A police officer?

No, a police officer cannot work in a licensed wine store or liquor store.

Who can I buy alcoholic beverages from?

You must purchase all of your inventory from either a licensed wholesaler or a licensed manufacturer, or from a private collection. A wine or liquor purchased from a private collection must have a permanently affixed label indicating that it is from a private collection.

What form of payment must I use and when is payment due?

Payment must come in the form of cash and be made at the time of delivery or during a credit period of up to 30 days from delivery (if offered by the seller).

What is the COD (cash on delivery) list?

Retailers that do not make payment for alcoholic beverages when due are required to be reported by the wholesaler or manufacturer to the Authority and the Authority is required to place them on the COD list. Retailers on the COD list are not entitled to a credit period and must make payment at the time of delivery.

Who can I sell alcoholic beverages to?

Anyone who is at least 21 years of age and is not intoxicated.

Must I ask for ID from all patrons?

You are not required to ask for ID from anyone. However, since it is your legal obligation not to sell to anyone under the age of 21, proper policies with regard to IDing will prevent you from being fined and/or losing your license.

What are acceptable forms of ID?

The following photographic documents can be accepted as proof of age for the purchase of alcoholic beverages: (a) a valid driver's license or non-driver identification card issued by: New York State; the Federal Government; any State Government within the United States; the District of Columbia; any Commonwealth, Possession or Territory of the United States; or a Provincial Government of Canada; (b) a valid U.S. passport; (c) a valid passport of any other country; or (d) a valid military ID from the U.S.

College identifications, employee identification cards or any other form of identification not listed above cannot be accepted as the primary proof of age, but can be used as a secondary means to verify the identity of the person.

Can I sell to another retailer (package stores, restaurants, bars, etc.)?

No, you may only sell to an end consumer.

Must I notify the Authority before making a change in ownership?

Yes, if you plan to take on or remove owners/investors, change shares of ownership, or appoint or remove officers/directors/members, *before* making those changes, you must submit and wait for the approval of a corporate change application. A corporate change application can be found [here](#).

Are there any exceptions?

Yes, where a corporation/LLC or has 10 or more stockholders/members and a change involves less than 10% of the stock holdings/ownership of the corporation/LLC and no stockholders/members total holdings/ownership are increased to 10% or more.

Can another business entity operate on my licensed premises?

No, you must have exclusive control of the premises, you cannot allow another business entity to operate there.

What do I do if I need to close for some period of time?

If any circumstance keeps you from operating the licensed premises for 2 weeks or more, you should return your physical license certificate to the nearest SLA zone office for safekeeping for the time which your business will not be operating. Failure to place your license in safekeeping could result in disciplinary charges. [SLA Advisory #2015-5](#).

Must I notify the Authority before I make changes to the store?

Yes, any significant change requires the filing of an alteration application *before* renovations begin. The form may be found [here](#). A significant change includes:

- Any enlargement or contraction of the premises
- Any physical change that reduces visibility
- Any other change that materially affects the character of the premises

Must I notify the Authority about minor changes?

Yes, you must file an affidavit request for any change costing less than \$10,000 which does not affect the character or structure of the premises. If the request is not denied within 20 days, it is deemed approved on the 25th day from after filing.

How do I notify the Authority of minor changes in the business?

An endorsement application is used for minor changes such as the following:

- Name or Address corrections on the license certificate
- Court appointments of representative
- Dissolution of partnership or addition of partner
- Principal name changes due to marriage or divorce

- Amendment to the corporate name of the licensed premises when there is no change in ownership or corporate entity.

An endorsement application may be found [here](#).

Where do I need to post my license and warning signs?

Your original license certificate must be enclosed in a frame and behind glass and placed in a conspicuous location at the licensed premises. Your pregnancy warning sign must be placed as close as possible to where alcoholic beverages are being sold. Your sale to minors and intoxicated persons sign must be displayed in a conspicuous location at the licensed premises.

How do I request a replacement license certificate or warning sign?

Submit a written request for a replacement certificate or signs signed by an authorized principal. For a license, the request must contain a statement as to what may have happened to the license, e.g. lost, stolen, damaged. The request should be emailed to: licensing.information@sla.ny.gov

What hours can I sell?

Please visit [here](#) to see the hours in your county.

Where can I store my product?

You may store your product at your licensed premises or at an SLA permitted warehouse (belonging to you or a third party).

Must I post my prices in the store?

Yes, you must either post on the product or its adjacent shelf space.

Must I provide a customer a bag in which to place his/her alcoholic beverage?

The ABC Law does not require an alcoholic beverage to be placed in a bag when being carried out of an off premises retail establishment.