NYS

State Liquor Authority
HANDBOOK
for Retail Licensees

Division of Alcoholic Beverage Control
State Liquor Authority

Kathy Hochul
Governor

Lily Fan
Chair

Edgar De Leon
Commissioner

John Maya
Commissioner

July 2025

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New York State

Kathy Hochul, Governor

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State Liquor Authority
Division of Alcoholic Beverage Control

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Prompts will direct you to the appropriate bureau.

Visit our website at: www.sla.ny.gov

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WHAT IS THE STATE LIQUOR AUTHORITY?

In 1934, after the prohibition against the sale and distribution of alcoholic beverages was repealed by the 21st Amendment to the United States Constitution, New York State enacted the Alcoholic Beverage Control Law ("ABCL") which created the State Liquor Authority ("SLA"). The SLA consists of three Commissioners, or Members, appointed by the Governor for three year terms. One of the Commissioners is designated by the Governor to serve as the Chair.

The provisions of the ABCL were designed to protect the health, safety and welfare of the people of New York State and to promote temperance and respect for the law. Those considerations continue to play an important role in the enforcement of the law today.

The SLA is responsible for issuing licenses and permits to eligible applicants to allow them to manufacture, sell (at wholesale or retail), store and/or transport alcoholic beverages in this state. It is also responsible for ensuring that licensees and permittees comply with the ABCL. In addition, the SLA promulgates regulations and issues advisories to provide licensees and permittees with further guidance regarding their duties and responsibilities under the ABCL.

The purpose of this booklet is to acquaint you, as a retail licensee, with information you need to know to operate your business in compliance with the ABCL. It is not intended to be all inclusive, but rather will offer a summary of important information. Please note that the ABCL is amended regularly and this booklet reflects the law at the time it was printed. For additional information or any questions you may have, please write, call or email the SLA.

New York State recognizes the contributions made to the State's economy through the production and sale of alcoholic beverages. The SLA's goal is to maintain a positive working relationship with those in the alcoholic beverage industry. There are more than 60,000 active alcoholic beverage licenses and permits in the State, with the vast majority held by law-abiding, hard-working people. Our intent in this pamphlet is to help you achieve success with your business operations through compliance with the ABCL.

WHAT TYPE OF LICENSE DO YOU HAVE?

Retail licenses are divided between "on-premises" and "off-premises" licenses. If you have an on-premises license, you can sell or serve alcoholic beverages to be consumed at your licensed premises. This is sometimes referred to as "sale by the glass". If you have an off-premises license, you can sell alcoholic beverages to be consumed someplace other than your licensed premises. This is sometimes referred to as "sales by the bottle" or "sales to go".

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WHAT TYPES OF ALCOHOLIC BEVERAGES CAN YOU SELL?

If you have an off-premises beer license, you can sell beer and cider "to go". The license is identified with an "A" (for grocery stores) or "D" (for drug stores) before the serial number.

If you have an off-premises beer and wine products license, you can sell beer, wine products and cider "to go". The license is identified with an "AX" (for grocery stores) or "DX" before the serial number.

If you have an off-premises liquor license, commonly called a package store license, you can sell liquor, wine and cider "to go". The license is identified with an "L" before the serial number.

If you have an off-premises wine license, commonly called a wine store license, you can sell wine and cider "to go". The license is identified with a "W" before the serial number.

If you have an on-premises beer license, you can sell beer, wine products and cider to be consumed in your establishment. You can also sell beer "to go". The license is identified with an "EB" before the serial number.

If you have an on-premises wine license, you can sell wine, beer, wine products and cider to be consumed in your establishment. You can also sell wine, beer, wine products and cider "to go". The license is identified with either a "RW" or "TW" (depending on the type of business) before the serial number.

If you have an on-premises liquor license, you can sell liquor, wine, beer, wine products and cider to be consumed in your establishment. You can also sell liquor, wine, beer, wine products and cider "to go". The license is usually identified with an "OP" before the serial number. However, depending on the type of business, the license may be identified with "CR", "CT", "EL", "HL" "RL", or "TL" before the serial number.

- On-premises liquor and wine "to go" became law on April 9, 2022 and will expire and be deemed repealed three years from that date.

CAN YOU ALLOW ANYONE ELSE TO USE YOUR LICENSE?

Your license has been issued either to you individually, or as a principal in a partnership, corporation or limited liability company. You may not allow anyone but the entity named on the license and the principals disclosed to the SLA in the application to use the license without the SLA's approval. You cannot allow any person, other than the principals disclosed to the SLA, to exercise control over or profit from the sale of alcoholic beverages in your licensed premises.

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ONCE YOU HAVE A LICENSE, DO YOU HAVE TO FILE ANY OTHER APPLICATIONS?

As discussed below, there are some situations that require you to obtain the approval of the SLA in advance. There are other situations that do not require SLA approval, but you must notify the SLA so that your licensing record is accurate and complete. The forms and applications referenced below can be found on the SLA's website.

Alterations

If you are making any renovations to your licensed premises, you may need to notify, or obtain the approval of, the SLA before going forward with the changes. A minor alteration is anything that costs less than $10,000 that does not "materially affect the character of the premises or the physical structure that existed at the time of licensing." You must notify the SLA in advance of minor alterations but you do not need to obtain the SLA's approval.

If you are making a substantial alteration to the licensed premises, you must file an application in advance and obtain the SLA's approval. Substantial alterations include adding or deleting space (including outside areas) from the licensed premises; physical changes that reduces visibility; physical changes to interior that materially affect the character of premises; relocating the entrance; enlarging or relocating the bar; converting a room for food/beverage service; installing a bandstand, stage, dance floor; and sealing off or creating a public entrance or window.

If you have an on-premises beer, wine or liquor license in New York City, you must notify your Community Board of your intent to apply for approval of a substantial alteration. The notice must be in writing, using the form approved and provided by the Authority. This must be done thirty days before you file the alteration application, using either: certified mail; an overnight delivery service; or personal delivery to the Community Board.

You do not need to notify the SLA, or obtain approval, for renovations such as painting, carpeting, replacement of electrical, plumbing, refrigeration, air conditioning and heating fixtures and equipment, replacement of booths with tables and chairs, or vice versa, as long as the booths do not exceed 42 inches in height.

Corporate Changes

If your license has been issued in the name of a corporation or limited liability company, you must obtain the approval of the SLA before making any of the following changes to the corporate structure: (a) adding or removing an officer or director of the corporation; or (b) adding or removing a managing member of a limited liability company.

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In addition, you must also obtain the approval of the SLA before there is a change in the stockholders of the corporation or the members of the limited liability company, or any change in the stock held by an existing stockholder (of the corporation) or the ownership interest of an existing member (of the limited liability company) has in the business. Please note that no approval is needed if there are ten or more stockholders or members and: (a) the change involves less than 10% of the stock or ownership interest; and (b) none of the existing stockholders or members with less than a 10% interest have their interest increased to 10% or more.

If you have an on-premises license in New York City, you must notify your Community Board before filing an application to approve a corporate change if you are making a "substantial corporate change." The notice must be in writing, using the form approved and provided by the Authority. This must be done thirty days before you file the corporate change application, using either: certified mail; an overnight delivery service; or personal delivery to your municipality. For a corporation, a "substantial corporate change" means a change of 80% or more of the officers and/or directors, or a transfer of 80% or more of stock of the corporation, or an existing stockholder obtaining 80% or more of the stock of such corporation. For a limited liability company, a "substantial corporate change" means a change of 80% or more of the managing members of the company, or a transfer of 80% or more of ownership interest in the company, or an existing member obtaining a cumulative of 80% or more of the ownership interest in the company.

Fiduciaries

On occasion, a court may give someone (such as an administrator or executor of an estate, a bankruptcy trustee, or a receiver in a mortgage foreclosure) power to run your business pending the outcome of the court proceeding. In such cases, that person must advise the SLA of the court appointment and that person will become the only person recognized by the SLA to act for the licensee until the court directs otherwise.

Method of Operation

When you submitted your application, you provided the SLA with information regarding how you would operate your business. For example, if you are an on-premises licensee, you may have advised the SLA that you would be open during certain hours and would have background music without any dancing. This is referred to as your method of operation. You may not change your method of operation without applying to the SLA for approval.

Please note that your method of operation is different than the type of business that the SLA approved when you obtained your license. For example, if you applied as a restaurant but now wish to operate as a tavern or nightclub that is not a change in the method of operation. That is a change in the type of business being licensed and requires a new license application.

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Name Changes

If your name has changed due to marriage, divorce, or any other reason, you must file an endorsement application so that the SLA's records can be updated. You may also use an endorsement application if you are changing the name of the corporation that holds the license as long as there is no change in ownership and the federal employer information number remains the same.

If you hold a license in your individual name, the SLA will also allow you to change the licensee to a corporation or limited liability company using an endorsement application. You can only use this application if you remain the sole owner of the business.

Partnership Changes

If your license is issued to a partnership, you must obtain the approval of the SLA if you are adding or removing any partners. You also need SLA approval if you are dissolving the partnership and want to continue with the license in your name only.

Removals (Changing Locations)

You may not move your licensed business to another location without obtaining the SLA's approval. If you move without getting the approval you will be subject to disciplinary action by the SLA. If you have an on-premises beer, wine or liquor license, you will have to notify your municipality (the clerk of the city, town or village where premises is located, or in the case of a premises located in New York City, your Community Board) of your plans to obtain a license at the new location. The notice must be in writing, using the form approved and provided by the Authority. This must be done thirty days before you file the removal application, using either: certified mail; an overnight delivery service; or personal delivery to your municipality.

Please note that a removal application is much like an application for a brand new license. While you are already licensed, the SLA must determine whether a license can, or should, be issued for your new location. Do not move until the SLA has issued you a temporary retail permit or a license certificate for the new location.

Renewals

The term of your license depends on the type of license you have. If you have a retail license to sell only beer, either for on-premises or off-premises consumption, your license lasts for three years. Off-premises liquor and wine licenses (package and wine stores) are also issued for three years. On-premises wine and liquor licenses are issued for two years. If you have a seasonal license, it must be renewed every year.

A renewal application must be filed before the expiration of the current license period. You will receive a notice approximately three months prior to the expiration of your license as a reminder that the renewal application needs to be filed. If you file a

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complete renewal application before the expiration of your current license period, you will receive either: 1) a new license certificate for the next licensing period; 2) a letter explaining why your application was denied; or 3) a letter from the SLA allowing you to sell alcoholic beverages while your application is being reviewed.

If your application is not complete, or you do not file it before the expiration of the current license period, you will not be able to sell alcoholic beverages once your current license expires unless and until the SLA renews the license. If you have an on-premises license, you cannot allow your customers to bring their own alcoholic beverages into your establishment during this period of time. You are also prohibited from giving away alcoholic beverages to your customers during this time.

If you have an on-premises beer, wine or liquor license in New York City, you must notify your Community Board of your intent to renew your license. The notice must be in writing, using the form approved and provided by the Authority. This must be done thirty days before you file the renewal application, using either: certified mail; an overnight delivery service; or personal delivery to the Community Board.

It is important that you report in your renewal application any changes of information, such as a change in your residential address or any arrests or convictions that have not already been reported to the SLA. Please keep in mind, however, that if the change requires SLA approval, merely including it in the renewal application is not sufficient. You must obtain the necessary approval for the change.

HOW MANY BARS CAN YOU OPERATE IN YOUR PREMISES?

If you have an on-premises beer, wine or liquor license, you may operate one "stand-up" bar for the sale of alcoholic beverages directly to patrons. Your license also entitles you to operate one "service bar", from which wait staff can obtain alcoholic beverages to serve to patrons seated at tables. You may also apply to obtain approval to operate no more than two additional stand-up bars in your premises. The cost for each additional bar is the same as your license fee.

If you are licensed as a hotel, restaurant or not-for-profit club, you may use temporary stand-up bars without any additional approval or fee in ballrooms, meeting rooms or private dining rooms during private events where the general public is not admitted. If your establishment has an occupancy of at least 1000 persons, or if you operate a theatre or concert hall, you may apply for more than two additional stand-up bars. The cost of each bar is the same as your license fee.

DO YOU HAVE TO SERVE FOOD AT YOUR ON-PREMISES ESTABLISHMENT?

If you are licensed as a restaurant, you must have suitable kitchen facilities to prepare and serve a full menu of food commonly served at various hours of the day. If you have a hotel license, there must be a restaurant in your building available to your guests,

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although you do not have to operate the restaurant yourself. If you operate a catering establishment, you must have adequate facilities (at your location) to prepare food for, and serve, an event with at least 50 people.

If you have another type of on-premises business, such as a tavern, nightclub or lounge, you must have food available for your patrons. You can meet this requirement by providing sandwiches, soups or similar items. Snack foods (chips, pretzels, etc.) are not sufficient to meet this requirement. The food can be fresh, pre-cooked, or frozen, but it must be kept at your licensed premises to be available for your patrons. You cannot have patrons order food to be delivered by other businesses.

DO YOU HAVE TO NOTIFY THE SLA OF ANY CHANGES IN YOUR PERSONAL INFORMATION?

All licensees are required to notify the SLA in writing of any changes to the information that was contained in the original application. This includes any change in your residential address. Such changes must be reported to the SLA within ten days. If you are arrested or convicted of a crime, you must report this fact in writing to the SLA within forty-eight hours.

ARE THERE ANY RESTRICTIONS ON WHOM YOU CAN EMPLOY?

Felons

If you have an off-premises license, or an on-premises license for a catering establishment, hotel, restaurant, not-for-profit club or recreational facility, you may employ someone with a felony conviction. If you have any other on-premises license, you are prohibited from employing someone with a felony conviction unless you obtain the SLA's approval or the person has: a pardon; certificate of relief from civil disabilities; certificate of good conduct; or other relief from disabilities provided for in the law.

Minors

There is a general prohibition against a retail licensee employing a person under the age of 18 in a position that requires the person to sell, dispense or handle alcoholic beverages. Please note: there is no exception for minors who are related to the licensee.

However, if you are an on-premises licensee, you may employ persons under the age of 18 to work as dishwashers, busboys or in other positions involving the handling of alcoholic beverages when they are in the presence of and under the direct supervision of someone who is at least 18 years old.

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If you are an off-premises beer licensee, you may employ persons under the age of 18 in the following positions: to handle and deliver beer; and to work as a cashier when they are in the presence of and under the direct supervision of someone who is at least 18 years old.

As a retail licensee you are also prohibited from employing a person under the age of 18 to appear as an entertainer in your licensed premises. There are two exceptions: (1) if the minor has obtained a permit issued by the Authority; or (2) the minor's parent or guardian consent; the appearance is for a special event; the appearance is approved by and under the sponsorship of the minor's primary or secondary school; the appearance takes place under the direct supervision of the minor's teacher; and the appearance does not take place in a tavern.

Police Officers

If you are an on-premises licensee, you may not employ a police officer to work for you. You may arrange with your local police department for it to provide a special detail for your business, or for a group of area businesses, as long as the officers are not paid by you or other licensees.

Package and wine store licensees cannot employ police officers. However, off-premises beer licensees may employ police officers if the officer has the permission of his/her commanding officer.

Security Guards/Bouncers

Employees who provide security and/or check identification of patrons are considered to be performing a security function. Therefore, they must be registered with the New York State Department of State as security guards. On-premises licensees who employ unregistered security guards are not only violating the law, but failing to adequately supervise the conduct of the licensed premises. If the security guards work for the licensee, the licensee must also be registered with the Department of State. If you contract with another company to provide security services, you should require that company to provide proof that it is registered with the Department of State.

CAN YOU ALLOW GAMBLING AT YOUR LICENSED PREMISES?

In general, you cannot allow any form of gambling to take place or be promoted in your licensed premises. This includes both professional and social gambling. Football pools, dice games, sign-in drawings, etc., are all prohibited. It does not matter whether you, as the licensee, are involved in any fashion in the gambling. Certain types of gambling authorized by the state, such as the sale of New York State lottery tickets, simulcast betting facilities, and games of chance by not-for-profit groups are permitted.

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The SLA has issued declaratory rulings addressing whether specific types of activities are considered gambling under the ABCL. For example, under certain conditions you, as a licensee, can allow a "Texas Hold Em" tournament to be held at your licensed premises. These declaratory rulings can be found on the SLA's website.

WHAT ARE YOUR OBLIGATIONS AS A CLUB LICENSEE?

Club licenses are only issued to not-for-profit organizations. If you have a club license, you may only serve alcoholic beverages to members of your organization and to guests that accompany the member to the licensed premises. Club licensees affiliated with certain national veterans' organizations may also serve members of other clubs affiliated with the national organization.

As a club licensee, you cannot cater or conduct events where alcoholic beverages are served to the general public. In addition, you cannot rent or hire out your premises for an event where alcoholic beverages will be served to the general public. If you wish to serve the general public, you must obtain a separate on-premises license or permit for the portion of your location that will be used to sell or serve alcoholic beverages to the general public.

WHAT SHOULD YOU DO IF YOU ARE SELLING YOUR BUSINESS?

If you are selling your business to another person or company, you cannot let the buyer have any interest or control over your business, or share in the profits, while the establishment is being operated under your license. The buyer must have its own license, or have a temporary permit while its application is being reviewed by the SLA. You are responsible for any violations committed while the business is operated under your license, even if the buyer commits the violations.

If you are going out of business, you may sell your inventory of alcoholic beverages to the buyer, to your wholesalers, or to other licensed retailers. However, before doing so you must obtain a liquidator's permit from the SLA. If you are on the delinquent list because of unpaid bills with a wholesaler, you will not be able to get a liquidator's permit.

WHAT IS MEANT BY "NON BONA FIDE"?

You are required to operate your business as contemplated by the type of license that you received from the SLA. If you fail to operate in that manner, you are considered to be "non bona fide" and you will be subject to disciplinary action. For example, if you obtained a license as a restaurant, you must continue to operate as a restaurant. You cannot change your business to a tavern, nightclub, etc., without obtaining a new license.

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If you have a retail license (other than a club license, as discussed above or catering establishment) you must be open to the general public. You cannot restrict entry into your establishment to a select list of persons, or require customers to provide a college identification to enter.

If you have an off-premises beer license for a grocery store, you are required to maintain a certain inventory of food and certain household goods. When you applied for your license you submitted a stipulation agreeing to set aside a specified level of display area for these products.

If you are licensed as a catering establishment, your location is supposed to be used to cater events taking place at your premises. You can only serve alcoholic beverages to persons who are invited to and are attending those events. You cannot be open to the general public.

If you close your business (either temporarily or permanently) you are also considered to be "non bona fide" if you do not take appropriate action regarding your license certificate. See below regarding what you should do if you close your business.

WHAT SHOULD YOU DO IF YOU CLOSE YOUR BUSINESS?

All retailers are required to keep their business open. If you are going to close for any reason for more than one week, you should place your license certificate in safekeeping with the SLA until you are prepared to re-open. The SLA will allow you to keep your license certificate in safekeeping for a reasonable period of time.

When you are ready to re-open, you can have the SLA return your license certificate to you. If you do not plan on re-opening your business, you should return ("surrender") your license certificate to the SLA. You will then be entitled to a refund of any unused portion of your license fee. Once you surrender your license, you will have to apply for a new license if you wish to go back into business.

WHERE DO YOU NEED TO POST YOUR LICENSE AND REQUIRED WARNING SIGNS?

You must keep your license certificate in a wood or metal frame with a clear glass front. The entire certificate must be visible. You cannot use a copy of your license certificate. As framed, the license certificate must be posted up and displayed at all times. It must be posted in a location where it can easily be seen by anyone visiting your business. The license certificate does not have to be posted at the point of sale.

The ABCL also requires you to post two warning signs. One is a sign warning about sales of alcoholic beverages to minors and patrons who appear to be intoxicated. The second sign contains a warning regarding the consumption of alcoholic beverages while pregnant. There are approved versions of each of these signs that are distributed to licensees by the SLA.

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The warning sign regarding sales of alcoholic beverages to minors and patrons who appear to be intoxicated must be posted in a location where it can easily be seen by anyone visiting your business. A warning sign regarding pregnancy must be posted as close as possible to each point of sale.

WHEN CAN YOU SELL ALCOHOLIC BEVERAGES?

If you are a package or wine store, the ABCL requires that you must be closed to the public: every day between midnight and 8 am; and Sundays before noon and after 9 pm. If you have an off-premises beer license, you may sell beer at any time except on Sundays from 3:00 am until 8:00 am. If you have an on-premises beer, wine or liquor license, you may not sell alcoholic beverages: between 4 am and 8 am on Mondays through Saturdays; and between 4 am until noon on Sundays. You must not allow any patron to consume alcoholic beverages more than 30 minutes after you are required to stop sales.

Please note that many counties have further restricted the hours that you may sell alcoholic beverages. Those restrictions are available on the SLA's website. In addition, there may be specific restrictions placed on your license by the SLA regarding your hours of operation or sale of alcoholic beverages. You must comply with those restrictions even if the hours of sale are longer in the county where your establishment is located.

WHERE AND HOW CAN YOU BUY ALCOHOLIC BEVERAGES?

As a licensed retailer, you may only purchase alcoholic beverages from wholesalers and manufacturers who are licensed in this state. You cannot buy from another retailer in this state unless the retailer is selling its inventory with a liquidator's permit. You cannot purchase alcoholic beverages from any entity located outside of this state.

If you have a wine or liquor license, manufacturers and wholesalers may only sell to you at the prices that have been posted with the SLA. The schedules containing those prices are available on the SLA's website.

You must pay for alcoholic beverages you purchase in cash (which includes checks drawn on your business account and electronic funds transfers, but not credit cards). The wholesaler may, but does not have to, offer payment on credit. The amount of time you have to pay for credit purchases depends on whether you are buying from a beer wholesaler or a liquor/wine wholesaler.

If you purchase on credit and fail to pay the bill on time, you will be placed on the delinquent list, also referred to as the "C.O.D." list. You will remain on the delinquent list until you pay that bill. While you are on the delinquent list, no wholesaler can sell you alcoholic beverages on credit.

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CAN YOU CONDUCT TASTINGS IF YOU HAVE AN OFF-PREMISES LICENSE?

If you have an off-premises beer license, you cannot conduct any tastings on your licensed premises. However, brewers with a permit can conduct beer tastings at your establishment.

If you have a package or wine store license, you can conduct wine tastings in your establishment but not liquor tastings. Licensed distillers and liquor wholesalers can conduct liquor tastings in package stores without a permit. Manufacturers, importers and wholesalers can conduct tastings if they have a permit.

DO YOU NEED TO FILE A SURETY BOND, AND WHAT IS IT FOR?

The SLA requires all licensees to file a surety bond. You must file a bond when you apply for your original license and each time you renew your license. These bonds are used to insure payment of any penalties that may be imposed against you because of disciplinary violations.

The amount of the bond varies depending on the type of license. As a retailer, you must have a $1,000 bond. Please note that if the SLA makes a claim against your bond in a disciplinary proceeding, you must obtain a new bond and file it with the SLA within 10 days of the claim.

WHAT CAN YOU DO WITH YOUR LICENSE AWAY FROM THE LICENSED PREMISES?

Your ability to sell alcoholic beverages is restricted to the licensed premises. However, as a retail on-premises licensee, you may obtain permits to cater events that take place at other locations. To obtain a caterer's permit, you must be serving the food and beverages for the events. You can only serve alcoholic beverages that can be sold at your licensed premises.

HOW DO YOU STORE AND DELIVER YOUR ALCOHOLIC BEVERAGES?

You can store alcoholic beverages on your licensed premises. If you need additional space for your inventory, you can store the alcoholic beverages at a location that has a warehouse permit issued by the SLA. This could be a site that belongs to you, or a third-party's storage facility.

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If you are storing alcoholic beverages in your establishment's basement or a building, storage unit, etc. next to or near your business, make sure that the area was included as part of your licensed premises in your application. If the area is not part of the licensed premises, that storage space needs a warehouse permit.

If you are an off-premises licensee, you can deliver alcoholic beverages to your customers using either a delivery service that has a trucking permit issued by the SLA, or in one of your own vehicles. If you are using your own vehicle, it must be a vehicle owned or leased, and operated by the entity that is named on the license certificate. You cannot deliver alcoholic beverages using an employee's vehicle. Keep a copy of the license certificate in the vehicle while deliveries are being made.

WHAT ARE YOUR OBLIGATIONS AS A LICENSEE?

You as the licensee are responsible for the activities of employees and patrons in all parts of the licensed premises (even if you are not always physically present) to ensure that the business is operating in accordance with the ABCL. The following are common issues faced by retailers that could subject you to disciplinary action if you do not meet your responsibilities as a licensee.

Beer Taps

If you have an on-premises license, you must have a sign/card/plate identifying the name of the brewer of the beer being dispensed from each tap. The sign/card/plate must be annexed or affixed to the tap. A symbol or logo commonly used or associated with the brewer is not sufficient.

Books and Records

As a licensee, you are required to maintain adequate books and records of all the transactions involving your licensed business. This includes records recording your employees, whether full or part-time. Your books and records must be kept at your licensed premises and be made available for inspection by SLA investigators. You should keep your records for at least two years.

If two or more licensed on-premises establishments have common ownership, the SLA may allow centralized bookkeeping and accounting for the records of the licensed businesses. For more information about whether you meet the conditions for common ownership, and the procedures to be followed for centralized bookkeeping, please contact the SLA's Licensing Bureau.

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Consumption On or Off Your Licensed Premises

If you have an on-premises license you cannot allow anyone to leave your licensed premises with liquor or wine. The only exception is for those with a Restaurant Wine license. Those licensees may allow a patron to leave with an unfinished bottle of wine that was purchased with a meal. You may sell beer "to go" but you must not allow patrons to leave your premises with an unsealed container if your municipality has an "open container" law.

If you have an off-premises license, you cannot let anyone consume alcoholic beverages in your licensed premises unless it is an authorized tasting. Package or wine store licensees can conduct wine tastings. A manufacturer or wholesaler with the proper permit can conduct tastings at an off-premises establishment. Additional information about tastings at your establishment can be found in the "Can you conduct tastings if you have an off-premises license?" section of this handbook.

Conditions on Your License

When you received your license, you agreed to comply with certain stipulations or conditions regarding the operation of your business. The SLA may have also imposed certain conditions on the operation of your business to address concerns raised during the review of your application. Those conditions may have included such things as whether you would have music or dancing, the hours you would operate, etc. You are required to comply with those conditions unless and until you obtain the SLA's approval to operate in a different manner.

Contaminated Bottles

If you have an on-premises license, you must keep liquor and wine in the original containers as received from the manufacturer or wholesaler. You are also prohibited from reusing, refilling, tampering with, adulterating, diluting or fortifying the contents of those containers. This includes the violation referred to as "contaminated bottles", where the licensee allows foreign substances into the containers.

Disorder

If you are an on-premises licensee, you must not allow your establishment to become disorderly. Disorder includes fights, disturbances, the use or sale of controlled substances, prostitution, lewd and indecent conduct and excessive noise. You have an obligation to exercise reasonable diligence and provide adequate supervision over the conduct of your licensed premises and your patrons. The SLA strongly recommends that you contact your local police agency to respond to any disorderly incidents at your establishments. The fact that you call for police assistance will typically not be held against you when the SLA considers whether you exercised reasonable diligence and provided adequate supervision.

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Extension of Your Premises

As a licensee, you are required to confine the service and consumption of alcoholic beverages to the area that is licensed. When you submitted your application you provided the SLA with a description and diagram of that premises. You cannot use any unlicensed area for the sale or consumption of alcoholic beverages.

If you want to use an area that is not already part of your licensed premises, you must submit an alteration application and obtain the SLA's approval. Additional information about alteration applications can be found in the "Once you have a license, do you have to file any other applications?" section of this handbook.

Inspections

Your licensed premises is subject to inspection by SLA investigators, police officers and peace officers during the hours that you are open for business. This includes your entire licensed premises, even those areas that are not open to the general public. If you refuse to allow the inspection, or interfere in any manner, you will be subject to disciplinary action by the SLA.

Intoxicated Patrons

It is a crime to sell, deliver or give away alcoholic beverages to a person who is visibly intoxicated. As the licensee, you are subject to disciplinary action by the SLA whether you or your employee served a person who is visibly intoxicated. This applies to both on-premises and off-premises licenses. The SLA recommends that you have all employees who serve or sell alcoholic beverages take an Alcohol Training Awareness Program. The SLA's website contains a list of approved providers of such training.

Local Regulations

If you are an on-premises licensee, the SLA expects you to comply with all local and state laws and regulations governing the operation of your business. This includes health, fire and building codes. If you are in violation of a state or local law or regulation, you could face disciplinary action by the SLA as well as the agency that enforces the particular provision.

Nudity

Generally, you are prohibited from allowing anyone to appear nude, or partially nude, in your licensed premises. However, you may allow female entertainers to perform "topless" provided that they are on a stage that is at least 6 feet from the nearest patron and at least 18 inches above the floor immediately surrounding the stage.

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Premixing

If you are an on-premises licensee, you must keep all of your liquor and wine in the original containers as received from the wholesaler or manufacturer. You are prohibited from adding anything to the container to mix with the liquor or wine. You are also prohibited from pouring liquor or wine into another container, whether or not you mix it with something else.

There is one exception to the ban against premixing. You can premix beverages using a dispensing machine that has a capacity of at least one gallon that continuously mixes the combination of beverages.

Refilling

If you are an on-premises licensee, you must keep all of your liquor and wine in the original containers as received from the wholesaler or manufacturer. You cannot reuse or refill the container. You cannot use larger bottles to refill smaller bottles. You cannot combine the contents of two or more bottles into one bottle. You also may not pour one brand of alcoholic beverages into a bottle for another brand of alcoholic beverages.

Untaxed Cigarettes and Tobacco Products

If you are found to be in possession of untaxed cigarettes or other tobacco products at your licensed premises, the New York State Department of Taxation & Finance may suspend your registration to sell tobacco products. The Department of Taxation & Finance will send a notice to the SLA advising us that your registration to sell cigarettes has been suspended. The law provides that the notice alone is sufficient reason for the SLA to bring disciplinary action against you.

HOW CAN YOU PREVENT SALES TO MINORS?

It is a crime to sell, deliver or give away alcoholic beverages to a person under the age of 21. As the licensee, you are subject to disciplinary action by the SLA whether you or your employee served the minor. It does not matter whether you thought the person was at least 21, if they lied about their age, or if they appeared to be at least 21 years old.

You are responsible for sales made directly to the minor. You are also responsible for "indirect deliveries," when another person gives the alcoholic beverage to the minor, if you could have prevented the indirect delivery using reasonable diligence.

Although you are not required to ask for proof of age, the SLA strongly recommends that you do so. Requiring customers to produce valid photo identification, together with verifying that the person providing you with the identification is the same person shown on the identification, may help you avoid any sanctions being imposed by the SLA.

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Only the following forms of identification may be accepted: 1) Valid New York State driver's license or a valid driver's license from any other state or Canada; 2) Valid identification issued by the New York Department of Motor Vehicles (Non-Driver ID card); 3) Valid United States military identification; or 4) Valid passport or visa from the United States government or any other country.

College or Sheriff's Department identification cards are not acceptable as the primary means to determine the customer's age. However, they can be used in addition to one of the acceptable forms of identification to verify information. You should ask for identification every time, even from a customer that has previously provided you with some proof of age.

When reviewing identification offered by a customer, you or your employees should be checking: 1) for tampered or fake documents; 2) the date of birth; and 3) whether the person has the same eye color, hair color, height, etc., as set forth in the identification.

The SLA recommends that you have all employees who serve or sell alcoholic beverages take an Alcohol Training Awareness Program. These training programs are not only an effective way to prevent underage sales from taking place but, in the event the SLA charges you with a violation, proof that your staff has participated in training may reduce the penalty that will be imposed by the SLA. The SLA's website contains a list of approved providers of such training.

In addition, you should take the following steps to help prevent sales to minors: post "Date Born After" signs in close proximity to all points of sale and service; have a written policy on what you expect from employees when making alcoholic beverage sales; establish an ongoing training and education program for all employees; encourage responsible drinking when advertising your establishment; and support your employees when they refuse to make a sale. You should also consider the purchase of a scanner device to verify that the identifications presented to you are valid.

A sale to a minor is considered one of the most serious violations of the ABCL. The SLA and law enforcement agencies throughout the state routinely conduct operations to monitor your compliance with the law. These operations may consist of investigators observing sales made to the general public in your establishment. They may also involve the use of underage agents to test whether you have sufficient safeguards in place to prevent sales to minors.

Do not assume that because a customer looks old enough to purchase alcoholic beverages, or lies about his/her age, that you are not responsible if the person is, in fact, a minor. The law imposes the obligation on you and your employees to make sure that the customer is at least 21. You should refuse to make any sale unless you are prepared to accept responsibility if the customer is underage.

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HOW DOES THE SLA ENFORCE THE LAW?

Licensees who violate the ABCL or the Rules of the Authority may be subject to a disciplinary proceeding. These proceedings are based on referrals from other law enforcement agencies or investigations conducted by the SLA's Enforcement Bureau. These referrals and investigations are reviewed by the SLA's Office of Counsel to determine whether there is sufficient evidence to charge a licensee with a violation of the ABCL or the Rules of the Authority.

A disciplinary proceeding starts with the issuance of a pleading that contains the alleged violations committed by the licensee. If you are the subject of a disciplinary proceeding, the SLA will mail a copy of the pleading, by certified mail, to your business address. Another copy will be mailed to the primary residential address that you provided in your application.

Disciplinary proceedings are resolved by either: an administrative hearing; a "no contest" plea to the charges; or an offer negotiated between the licensee and the SLA prosecutor that must be reviewed by the Members of the Authority. If you receive a pleading, you will be provided with additional information about your rights and the process.

If you are found to have committed a violation, the SLA can suspend, cancel or revoke your license. In addition to, or instead of, a suspension, cancellation or revocation, the SLA can also impose a fine. For retailers, the maximum fine for each violation is $10,000. A claim can also be made against the surety bond that you filed with your application.

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