NEW YORK STATE | Liquor Authority

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Governor

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ADVISORY #2026-1

Subject: Temporary Permits for Retail, Manufacturing, Wholesale, Importing and Brand Owner – eligibility, notice requirements, review, and conditions

This advisory replaces Advisory #2022-7, Advisory #2022-8, Advisory #2022-30, Advisory #2022-34

As a result of recent changes to the Alcoholic Beverage Control Law, this advisory is issued to provide guidance regarding eligibility for temporary permits. After an application is reviewed, it will either be approved, disapproved, or forwarded to the Full Board for determination. All sections of this advisory should be reviewed because certain temporary permits are subject to additional restrictions based on the type of license being applied for, where the premises is located, and if the premises is subject to the 500 Foot Law.

MANUFACTURING, WHOLESALE, IMPORTING, AND BRAND OWNER PERMITS

Manufacturing, Wholesale, Importing, and Brand Owner applicants are eligible to apply for temporary permits to operate while their manufacturing, wholesale, importing, or brand owner application is being reviewed. The manufacturer may also apply for a temporary manufacturer's permit to operate a manufacturer's branch office while the branch office application is pending.

Applicants for manufacturing licenses who are also applying for an on-premises retail license located on or adjacent to the manufacturing premises may apply for a temporary retail permit to exercise retail privileges while the on-premises license application is being reviewed. The temporary retail permit may be issued even if the manufacturing license is still pending, provided the applicant is operating under a temporary manufacturing permit and all other requirements for the permit are met.

Similarly, applicants for an on-premises retail license in or adjacent to a branch office may apply for a temporary retail permit while their on-premises license application is being reviewed. In this case, a temporary retail permit may only be issued if the branch office permit is either issued or the applicant is operating under a temporary manufacturing permit.

Important Note: A Federal Basic Permit issued from the Federal Alcohol and Tobacco Tax and Trade Bureau (TTB) or a (TTB) Brewer's Notice must be obtained and submitted to the authority before a manufacturing, wholesale, importing, or brand owner temporary permit can be obtained.

TEMPORARY RETAIL PERMITS

The following retail license applicants are eligible for a temporary permit:

- transfer applications (statewide).
- new grocery stores, drug stores and roadside farm markets (statewide).

- new on-premises beer licenses (statewide).
- new on-premises wine licenses (statewide).
- new on-premises liquor licenses that are not subject to 500 Foot Law (statewide).
- new off-premises catering establishment license.
- new on-premises liquor licenses outside of NYC that are subject to 500 Foot Law: (1) only after the 500 Foot Hearing; and (2) only if the ALJ finds that the applicant has demonstrated that it would be in the public interest to issue the license.
- new on-premises liquor licenses within NYC that are subject to 500 Foot Law and may only be issued: (1) after the 500 Foot Hearing and the ALJ finds that the applicant has demonstrated that it would be in the public interest to issue the license; and (2) if the location is not barred due to a history of enforcement. A temporary permit may not be issued if two consecutive retail licenses at the location were cancelled, suspended, or revoked at any point in the past—unless a subsequent license was issued and remained active without being cancelled, suspended, or revoked within the past five years.

Applicants not eligible for temporary permits

The following license applications are not eligible for a temporary permit:

- new package and wine stores (statewide).
- new on-premises liquor licenses outside of NYC that are subject to 500 Foot Law and the ALJ conducting the 500 Foot Hearing concludes that the applicant has not demonstrated that it would be in the public interest to issue the license.
- new on-premises liquor licenses within NYC that are subject to 500 Foot Law may not be issued if: (1) the ALJ conducting the 500 Foot Hearing concludes that the applicant has not demonstrated that it would be in the public interest to issue the license; or (2) two consecutive retail licenses at the location were cancelled, suspended, or revoked at any point in the past—unless a subsequent license was issued and remained active without being cancelled, suspended, or revoked within the past five years
- A location or applicant where a Name Stop or Proscription has been issued by the Members of the Authority.

Community Board Notice

Temporary permit applicants for any on-premises license (beer, wine, or liquor) in NYC must provide notice to its Community Board. Failure to provide this notice will result in disapproval of the temporary permit application. This notice is in addition to the notice of the license application that must also be sent to the Community Board, however:

- applicants can use one form to provide notice for both the license and temporary operating permit.

- the notice for the temporary permit has the same time restrictions as the regular notice, it must be delivered in the same manner – proof of such notification must be provided at the time the application is filed, the Authority "may not act to approve" any application prior to the passage of 30 days from the date such notification was provided to the municipality and no more than 270 days before.

- if the application is already filed and the applicant is now requesting a temporary permit, the 30-day period starts on the date that the notice for the license was sent to the Community Board/Municipality (for example, an applicant delivered the standard notice on November 1st, then filed its license application on December 1st. Now that it is eligible for a temporary permit, it sends the notice for the temporary permit to the Community Board/Municipality on December 31st. The 30-day period for the temporary permit notice starts on November 1st, so the temporary permit application can be filed and reviewed immediately).

Applications subject to the 500 Foot Law

A temporary permit for a new license application subject to the 500 Foot Law can only be issued after the 500 Foot Hearing is complete and only if the ALJ finds that the applicant has demonstrated that it would be in the public interest to issue the license. If there is opposition for the license application and the ALJ finds public interest, the temporary permit may still be issued, however the license application will be forwarded to the Members of the Authority for determination. If the ALJ does not find public interest, the temporary permit application will be disapproved by the Licensing Board and the license application will be forwarded to the Members of the Authority for consideration. If the license application is approved, the applicant may request the reactivation of the temporary permit application for approval.

If the application is for a premises subject to the 500 Foot Law and in the City of New York, the Licensing Board will determine whether the applicant qualifies for a temporary permit. A temporary permit may not be issued if two consecutive retail licenses at the location were cancelled, suspended, or revoked at any point in the past—unless a subsequent license was issued and remained active without being cancelled, suspended, or revoked within the past five years.

If the application is for a premises subject to the 500 Foot Law and a transfer application, the temporary permit may be issued prior to the determination of the 500 Foot Hearing.

If the premises is in NYC, the temporary permit will be subject to the following conditions: 1) closing time no later than 12 AM any night; (2) any outdoor space closes at 10 PM Sundays through Thursdays and 11 PM on Fridays and Saturdays; (3) no outdoor music; and (4) recorded background music only indoors- no live music, DJs, karaoke, or dancing.

Transfer applications

To be considered a "transfer application," the seller's license at the location must have been active and the business open and operating within 30 days of the filing of the temporary permit application.

If the applicant is expanding the size of the premises or changing the class of license, the application will be treated as a "new" application to determine eligibility for a temporary permit. A class change includes not only going from one type of alcoholic beverage (for example: wine store to package store or on-premises wine to on-premises liquor), but also includes changing from one type of on-premises liquor (or wine) license to another type (for example: changing from a restaurant license to a tavern license).

If the transfer application is for a premises subject to the 500 Foot Law, the temporary permit may be considered prior to the determination of the 500 Foot Hearing.

Applicants are reminded that, if the seller is also applying for a liquidator's permit, that application will be denied if the seller is on the C.O.D. list. Only unopened containers of alcohol may be sold to a purchasing licensee or permittee. If the transfer involves only the sale of alcoholic beverage inventory, the license application will not be processed as a transfer application.

Removal and class change applications

Applications to move the licensed premises to a new location (removal applications) or switch from one class of licensee to another (class change applications) are considered "new" applications for determining eligibility for a temporary permit. A class change includes not only going from one type of alcoholic beverage (for example: wine store to package store or on-premises wine to on-premises liquor), but also includes changing from one type of on-premises liquor (or wine) license to another type (for example: changing from a restaurant license to a tavern license).

Method of Operation under the ST Permit

Except for applications for premises in NYC that are subject to the 500 Foot Law, the applicant must operate under the temporary permit using the method of operation described in the license application. This applies to new and transfer applications. Temporary permits for premises in NYC that are subject to the 500 Foot Law will have the following conditions: 1) closing time no later than 12 AM any night; 2) any outdoor space closes at 10 PM Sundays through Thursdays and 11 PM on Fridays and Saturdays; 3) no outdoor music; and 4) recorded background music only indoors- no live music, DJs, karaoke, or dancing.

Applications subject to the 200 Foot Law

If the applicant's premises is subject to the 200 Foot Law, a temporary permit cannot be issued to the applicant. The license application itself will also be disapproved.

Additional Bars

If the applicant has applied for an additional bar (or bars) with the license application, it must also apply for a temporary permit for each additional bar in use while the license application is under review.

Seasonal licensees

A temporary retail permit for a seasonal license will only cover the time frame of the season specified in the license application. Temporary permits cannot be issued to allow operation outside of the approved season.

For example, if a summer seasonal license is applied for with an operating period from April 1st to October 31st, a temporary permit may only authorize operation during this same period (April 1st to October 31st) and will not allow operation before April 1st or after October 31st.

Extension of Temporary Permit

The original temporary permit is valid for 180 days. The applicant can request extensions of the temporary permit, each extension can be for 30, 60 or 90 days. If an applicant's temporary permit expires the applicant has 15

days from the date of the expiration to request an extension. If granted, the extension takes effect on the date it is issued. If more than 15 days has passed since the temporary permit expired, the applicant must file for a new 180-day permit. Applicants must apply for their extension at least 15 days prior to expiration of their current temporary permit for timely consideration. Should the permit expire without the extension being granted, the applicant must cease the sale of alcohol until the new permit is received.

Applicants are reminded that while they may continue to operate under an active temporary permit after receiving a conditional approval, no extensions of the temporary permit will be granted if the applicant requires an extension of the conditional approval. Temporary operating permits will only be issued for 6 months from when the conditional approval letter was issued.

Purchasing Alcoholic Beverages from a Distributor

Pursuant to Section 97-a(6) of the Alcoholic Beverage Control Law: “The holder of a temporary retail permit shall purchase alcoholic beverages only by payment in currency or check for such alcoholic beverages on or before the day such alcoholic beverages are delivered, provided, however, that the holder of a temporary permit issued pursuant to this section who also holds one or more retail licenses and is operating under such retail license or licenses in addition to the temporary retail permit, and who is not delinquent under the provisions of section one hundred one-aa of this chapter as to any retail license under which he operates, may purchase alcoholic beverages on credit under the temporary permit.”

Retail to Retail Sales

Chapter 613 of the Laws of 2025 permits on-premises retailers to purchase “up to six bottles of wine or liquor in the aggregate per week” from off-premises retail licensees. The on-premises retailer “may resell any wine and liquor so purchased for consumption on the premises licensed therefor.” Both the off-premises and on-premises retailers are required to maintain proper records of such purchases “in the form of a purchase receipt showing the name of the retailer, the date of purchase, a description of the alcohol beverages purchased, and the price paid for the alcohol beverages.” The statute takes effect on March 5, 2026.

FULL BOARD DETERMINATION FOR TEMPORARY PERMITS

If the applicant, any of the applicant’s principals, or the location had an application disapproved for cause within the last two years, the application for the temporary permit will be forwarded to the Members of the Authority for review and determination.

The Licensing Board has the discretion to forward a temporary permit application to the Members for determination where the adverse history of the premises or the applicant is deemed particularly significant. Examples include but are not limited to an adverse history of focal point for police activity, prior summary suspension, and past serious violations related to public health and safety.

COMPLIANCE WHILE OPERATING UNDER TEMPORARY PERMIT

Temporary permits are subject to disciplinary action with potential penalties to include license application disapproval, suspension, and cancellation. This includes but is not limited to violations of the Alcoholic Beverage Control Law and the Rules of the Authority.

Temporary permit holders must ensure their business operates in compliance with the Alcoholic Beverage Control Laws; State Liquor Authority rules, regulations, and guidance documents; and all other local, state, and federal laws. Permits, certificates and licenses issued by local, state and federal agencies including but not limited to Zoning, Building and Codes Departments, Department of Health, Agriculture and Markets, Tax and Finance, and Alcohol and Tobacco Tax and Trade Bureau that are required for lawful operation of your business must be obtained **before** a temporary permit holder can operate.

Temporary permit holders must operate in accordance with the method of operation described in the pending license application or the conditions required by the Alcoholic Beverage Control Law if the application is subject to the 500 Foot Law. Temporary permit holders can only allow sales and consumption of alcohol in areas of the business that were identified as licensed in their application. This includes additional parts of the building and outside areas. Permit holders are subject to inspection by peace and police officers during the hours and days they are open for business.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on January 7, 2026 before Chair Lily Fan, Commissioner Edgar De Leon, and Commissioner John Maya. The above written advisory was approved by the Members of the Authority on January 7, 2026.

Dated: 1/8/26

Donald Roper
Secretary to the Authority