

2330

2009-2010 Regular Sessions

I N   S E N A T E

February 18, 2009

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Introduced by Sen. PADAVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the alcoholic beverage control law, in relation to authorizing the imposition of certain terms and conditions as part of certain licenses for on-premises consumption

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 55 of the alcoholic beverage control law is amended  
2     by adding a new subdivision 4 to read as follows:  
3     4. THE AUTHORITY MAY, WITH THE CONSENT OF THE APPLICANT, INCLUDE, AS  
4     PART OF A LICENSE UNDER THIS SECTION TERMS AND CONDITIONS FOR THE  
5     PURPOSE OF ASSURING THAT THE LICENSED PREMISES ARE OPERATED IN ACCORD-  
6     ANCE WITH APPLICABLE LAW AND CONSISTENT WITH THE PUBLIC INTEREST. PRIOR  
7     TO INCLUDING TERMS AND CONDITIONS IN A LICENSE, THE AUTHORITY SHALL  
8     CONSULT WITH THE APPLICANT AND ANY PARTY ENTITLED TO RECEIVE NOTICE OF  
9     THE APPLICATION. THE TERMS AND CONDITIONS SHALL BE LEGALLY ENFORCEABLE  
10    IN THE SAME MANNER AS APPLICABLE PROVISIONS OF THIS CHAPTER OR REGU-  
11    LATIONS OF THE AUTHORITY.  
12    S 2. Section 64 of the alcoholic beverage control law is amended by  
13    adding a new subdivision 10 to read as follows:  
14    10. THE AUTHORITY MAY, WITH THE CONSENT OF THE APPLICANT, INCLUDE, AS  
15    PART OF A LICENSE UNDER THIS SECTION TERMS AND CONDITIONS FOR THE  
16    PURPOSE OF ASSURING THAT THE LICENSED PREMISES ARE OPERATED IN ACCORD-  
17    ANCE WITH APPLICABLE LAW AND CONSISTENT WITH THE PUBLIC INTEREST. PRIOR  
18    TO INCLUDING TERMS AND CONDITIONS IN A LICENSE, THE AUTHORITY SHALL  
19    CONSULT WITH THE APPLICANT AND ANY PARTY ENTITLED TO RECEIVE NOTICE OF  
20    THE APPLICATION. THE TERMS AND CONDITIONS SHALL BE LEGALLY ENFORCEABLE  
21    IN THE SAME MANNER AS APPLICABLE PROVISIONS OF THIS CHAPTER OR REGU-  
22    LATIONS OF THE AUTHORITY.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD00794-01-9

1 S 3. Section 64-a of the alcoholic beverage control law is amended by  
2 adding a new subdivision 5-a to read as follows:

3 5-A. THE AUTHORITY MAY, WITH THE CONSENT OF THE APPLICANT, INCLUDE, AS  
4 PART OF A LICENSE UNDER THIS SECTION TERMS AND CONDITIONS FOR THE  
5 PURPOSE OF ASSURING THAT THE LICENSED PREMISES ARE OPERATED IN ACCORD-  
6 ANCE WITH APPLICABLE LAW AND CONSISTENT WITH THE PUBLIC INTEREST. PRIOR  
7 TO INCLUDING TERMS AND CONDITIONS IN A LICENSE, THE AUTHORITY SHALL  
8 CONSULT WITH THE APPLICANT AND ANY PARTY ENTITLED TO RECEIVE NOTICE OF  
9 THE APPLICATION. THE TERMS AND CONDITIONS SHALL BE LEGALLY ENFORCEABLE  
10 IN THE SAME MANNER AS APPLICABLE PROVISIONS OF THIS CHAPTER OR REGU-  
11 LATIONS OF THE AUTHORITY.

12 S 4. Section 64-b of the alcoholic beverage control law is amended by  
13 adding a new subdivision 5-a to read as follows:

14 5-A. THE AUTHORITY MAY, WITH THE CONSENT OF THE APPLICANT, INCLUDE, AS  
15 PART OF A LICENSE UNDER THIS SECTION TERMS AND CONDITIONS FOR THE  
16 PURPOSE OF ASSURING THAT THE LICENSED PREMISES ARE OPERATED IN ACCORD-  
17 ANCE WITH APPLICABLE LAW AND CONSISTENT WITH THE PUBLIC INTEREST. PRIOR  
18 TO INCLUDING TERMS AND CONDITIONS IN A LICENSE, THE AUTHORITY SHALL  
19 CONSULT WITH THE APPLICANT AND ANY PARTY ENTITLED TO RECEIVE NOTICE OF  
20 THE APPLICATION. THE TERMS AND CONDITIONS SHALL BE LEGALLY ENFORCEABLE  
21 IN THE SAME MANNER AS APPLICABLE PROVISIONS OF THIS CHAPTER OR REGU-  
22 LATIONS OF THE AUTHORITY.

23 S 5. Section 64-c of the alcoholic beverage control law is amended by  
24 adding a new subdivision 5-a to read as follows:

25 5-A. THE AUTHORITY MAY, WITH THE CONSENT OF THE APPLICANT, INCLUDE, AS  
26 PART OF A LICENSE UNDER THIS SECTION TERMS AND CONDITIONS FOR THE  
27 PURPOSE OF ASSURING THAT THE LICENSED PREMISES ARE OPERATED IN ACCORD-  
28 ANCE WITH APPLICABLE LAW AND CONSISTENT WITH THE PUBLIC INTEREST. PRIOR  
29 TO INCLUDING TERMS AND CONDITIONS IN A LICENSE, THE AUTHORITY SHALL  
30 CONSULT WITH THE APPLICANT AND ANY PARTY ENTITLED TO RECEIVE NOTICE OF  
31 THE APPLICATION. THE TERMS AND CONDITIONS SHALL BE LEGALLY ENFORCEABLE  
32 IN THE SAME MANNER AS APPLICABLE PROVISIONS OF THIS CHAPTER OR REGU-  
33 LATIONS OF THE AUTHORITY.

34 S 6. Section 64-d of the alcoholic beverage control law is amended by  
35 adding a new subdivision 5-a to read as follows:

36 5-A. THE AUTHORITY MAY, WITH THE CONSENT OF THE APPLICANT, INCLUDE, AS  
37 PART OF A LICENSE UNDER THIS SECTION TERMS AND CONDITIONS FOR THE  
38 PURPOSE OF ASSURING THAT THE LICENSED PREMISES ARE OPERATED IN ACCORD-  
39 ANCE WITH APPLICABLE LAW AND CONSISTENT WITH THE PUBLIC INTEREST. PRIOR  
40 TO INCLUDING TERMS AND CONDITIONS IN A LICENSE, THE AUTHORITY SHALL  
41 CONSULT WITH THE APPLICANT AND ANY PARTY ENTITLED TO RECEIVE NOTICE OF  
42 THE APPLICATION. THE TERMS AND CONDITIONS SHALL BE LEGALLY ENFORCEABLE  
43 IN THE SAME MANNER AS APPLICABLE PROVISIONS OF THIS CHAPTER OR REGU-  
44 LATIONS OF THE AUTHORITY.

45 S 7. This act shall take effect immediately.