S T A T E O F N E W Y O R K

1515--A

2011-2012 Regular Sessions

I N S E N A T E

January 10, 2011

Introduced by Sens. KLEIN, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the alcoholic beverage control law, in relation to the state policy with regard to alcoholic beverages

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

Section 1. Section 2 of the alcoholic beverage control law, as amended by chapter 111 of the laws of 1978, is amended to read as follows:

S 2. Policy of state and purpose of chapter. It is hereby declared as the policy of the state that it is necessary to regulate and control the manufacture, sale and distribution within the state of alcoholic beverages for the purpose of fostering and promoting temperance in their consumption and respect for and obedience to law. THIS CHAPTER SHALL BE DEEMED AN EXERCISE OF THE POLICE POWER OF THE STATE, FOR THE PRIMARY PURPOSE OF PROMOTING THE HEALTH, WELFARE AND SAFETY OF THE PEOPLE OF THE STATE, PROMOTING TEMPERANCE IN THE CONSUMPTION OF ALCOHOLIC BEVERAGES; AND, TO THE EXTENT POSSIBLE, SUPPORTING ECONOMIC GROWTH, JOB DEVELOPMENT, AND THE STATE'S ALCOHOLIC BEVERAGE PRODUCTION INDUSTRIES AND ITS TOURISM AND RECREATION INDUSTRY; AND WHICH PROMOTES THE CONSERVATION AND ENHANCEMENT OF STATE AGRICULTURAL LANDS; PROVIDED THAT SUCH ACTIVITIES DO NOT CONFLICT WITH THE PRIMARY REGULATORY OBJECTIVES OF THIS CHAPTER. It is hereby declared that such [policy] POLICIES will best be carried out by empowering the liquor authority of the state to determine whether public convenience and advantage will be promoted by the issuance of licenses to traffic in alcoholic beverages, the increase or decrease in the number thereof and the location of premises licensed thereby, subject only to the right of judicial review [hereinafter] provided for

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

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IN THIS CHAPTER. It is the purpose of this chapter to carry out [that policy] THESE POLICIES in the public interest. [The restrictions, regulations and provisions contained in this chapter are enacted by the legislature for the protection, health, welfare and safety of the people of the state.]

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.