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I N S E N A T E

June 13, 2012

Introduced by Sen. LIBOUS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the alcoholic beverage control law, in relation to licenses to sell liquor at retail for consumption on certain premises

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

1 Section 1. Paragraphs (c) and (d-1) of subdivision 7 of section 64 of
2 the alcoholic beverage control law, as amended by chapter 463 of the
3 laws of 2009, are amended to read as follows:
4 (c) the measurements in paragraphs (a) and (b) of this subdivision are
5 to be taken in straight lines from the center of the nearest entrance of
6 the premises sought to be licensed to the center of the nearest entrance
7 of such school, church, synagogue or other place of worship or to the
8 center of the nearest entrance of each such premises licensed and oper-
9 ating pursuant to this section and sections sixty-four-a, sixty-four-b,
10 sixty-four-c, and/or sixty-four-d of this article; except, however, that
11 no renewal license shall be denied because of such restriction to any
12 premises so located which were maintained as a bona fide hotel, restau-
13 rant, catering establishment or club on or prior to December fifth,
14 nineteen hundred thirty-three; and, except that no license shall be
15 denied to any premises at which a license under this chapter has been in
16 existence continuously from a date prior to the date when a building on
17 the same street or avenue and within two hundred feet of said premises
18 has been occupied exclusively as a school, church, synagogue or other
19 place of worship; and except that no license shall be denied to any
20 premises, which is within five hundred feet of three or more existing
21 premises licensed and operating pursuant to this section and sections
22 sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this
23 article, at which a license under this chapter has been in existence
24 continuously on or prior to November first, nineteen hundred ninety-
25 three; and except that this subdivision shall not be deemed to restrict
26 the issuance of a hotel liquor license to a building used as a hotel and
27 in which a restaurant liquor license currently exists for premises which
28 serve as a dining room for guests of the hotel and a caterer's license

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

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1 to a person using [the permanent] catering facilities [of] LOCATED IN a
2 BUILDING OCCUPIED AS A church, synagogue or other place of worship
3 pursuant to a written agreement between such person and the [authori-
4 ties] RELIGIOUS ORGANIZATION in charge of such [facilities] BUILDING,
5 WHERE THE RELIGIOUS ORGANIZATION RETAINS BENEFICIAL OWNERSHIP OF THE
6 PREMISES. The liquor authority, in its discretion, may authorize the
7 removal of any such licensed premises to a different location on the
8 same street or avenue, within two hundred feet of said school, church,
9 synagogue or other place of worship, provided that such new location is
10 not within a closer distance to such school, church, synagogue or other
11 place of worship.

12 (d-1) Within the context of PARAGRAPH (A) OF this subdivision, a
13 building occupied as a place of worship does not cease to be "exclusive-
14 ly" occupied as a place of worship by incidental uses that are not of a
15 nature to detract from the predominant character of the building as a
16 place of worship, such uses which include, but which are not limited to:
17 the conduct of legally authorized games of bingo or other games of
18 chance held as a means of raising funds for the not-for-profit religious
19 organization which conducts services at the place of worship or for
20 other not-for-profit organizations or groups; use of the building for
21 fund-raising performances by or benefitting the not-for-profit religious
22 organization which conducts services at the place of worship or other
23 not-for-profit organizations or groups; the use of the building by other
24 religious organizations or groups for religious services or other
25 purposes; the conduct of social activities by or for the benefit of the
26 congregants; the use of the building for meetings held by organizations
27 or groups providing bereavement counseling to persons having suffered
28 the loss of a loved one, or providing advice or support for conditions
29 or diseases including, but not limited to, alcoholism, drug addiction,
30 cancer, cerebral palsy, Parkinson's disease, or Alzheimer's disease; the
31 use of the building for blood drives, health screenings, health informa-
32 tion meetings, yoga classes, exercise classes or other activities
33 intended to promote the health of the congregants or other persons; and
34 use of the building by [non-congregant members of the community]
35 NON-CONGREGANTS for private social, CORPORATE OR CHARITABLE functions
36 REGARDLESS OF WHETHER THOSE FUNCTIONS HAVE A NEXUS WITH THE ACTIVITIES
37 OF THE RELIGIOUS ORGANIZATION OTHER THAN PROVIDING FINANCIAL SUPPORT FOR
38 THAT ORGANIZATION. The building occupied as a place of worship does not
39 cease to be "exclusively" occupied as a place of worship where the not-
40 for-profit religious organization occupying the place of worship accepts
41 the payment of funds to defray costs related to another party's use of
42 the building OR FOR THE BENEFIT OF THE RELIGIOUS ORGANIZATION.

43 S 2. This act shall take effect immediately.