

7149--B

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I N S E N A T E

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Introduced by Sens. SAVINO, KENNEDY, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the alcoholic beverage control law, in relation to alcohol in certain motion picture theatres

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

1 Section 1. Subdivision 4 of section 64-a of the alcoholic beverage
2 control law, as added by chapter 531 of the laws of 1964, is amended to
3 read as follows:
4 4. Section fifty-four shall control so far as applicable the procedure
5 in connection with such application, EXCEPT MOTION PICTURE THEATRES
6 APPLYING FOR A LICENSE PURSUANT TO SUBDIVISION SIX OF THIS SECTION SHALL
7 ALSO BE REQUIRED TO:
8 (A) AT EVERY PURCHASE OF BEER, WINE, SPIRITS, OR OTHER INTOXICATING
9 BEVERAGE, THE PURCHASER MUST PRESENT VALID PHOTO IDENTIFICATION CONFIRM-
10 ING THAT THE INDIVIDUAL PURCHASER IS OVER TWENTY-ONE YEARS OF AGE, AND A
11 VALID TICKET OR TICKET STUB FOR A MOTION PICTURE AT THE MOTION PICTURE
12 THEATRE;
13 (B) PERMIT THE PURCHASE OF ONLY ONE BEER, WINE, SPIRITS, OR OTHER
14 INTOXICATING BEVERAGE PER TRANSACTION; AND
15 (C) PERMIT THE SALE OF BEER, WINE, SPIRITS, OR OTHER INTOXICATING
16 BEVERAGE ONE HOUR PRIOR TO THE FIRST MOTION PICTURE, AND SALES SHALL NOT
17 BE PERMITTED AFTER THE CONCLUSION OF THE FINAL MOTION PICTURE.
18 S 2. Subdivision 6 of section 64-a of the alcoholic beverage control
19 law, as amended by chapter 475 of the laws of 2011, is amended to read
20 as follows:
21 6. No special on-premises license shall be granted except for premises
22 in which the principal business shall be (a) the sale of food or beverages
23 at retail for consumption on the premises or (b) the operation of a

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

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1 legitimate theatre, INCLUDING A MOTION PICTURE THEATRE THAT IS A BUILD-
2 ING OR FACILITY WHICH IS REGULARLY USED AND KEPT OPEN PRIMARILY FOR THE
3 EXHIBITION OF MOTION PICTURES FOR AT LEAST FIVE OUT OF SEVEN DAYS A
4 WEEK, OR ON A REGULAR SEASONAL BASIS OF NO LESS THAN SIX CONTIGUOUS
5 WEEKS, TO THE GENERAL PUBLIC WHERE ALL AUDITORIUM SEATING IS PERMANENTLY
6 AFFIXED TO THE FLOOR AND AT LEAST SIXTY-FIVE PERCENT OF THE MOTION
7 PICTURE THEATRE'S ANNUAL GROSS REVENUES IS THE COMBINED RESULT OF ADMIS-
8 SION REVENUE FOR THE SHOWING OF MOTION PICTURES AND THE SALE OF FOOD AND
9 NON-ALCOHOLIC BEVERAGES, or such other lawful adult entertainment or
10 recreational facility as the liquor authority, giving due regard to the
11 convenience of the public and the strict avoidance of sales prohibited
12 by this chapter, shall by regulation classify for eligibility. Nothing
13 contained in this subdivision shall be deemed to authorize the issuance
14 of a license to a motion picture theatre, except those meeting the defi-
15 nition of restaurant and meals, and where all seating is at tables where
16 meals are served.

17 S 3. Subdivision 8 of section 64-a of the alcoholic beverage control
18 law, as added by chapter 531 of the laws of 1964, is amended to read as
19 follows:

20 8. Every special on-premises licensee shall regularly keep food avail-
21 able for sale to its customers for consumption on the premises. The
22 availability of sandwiches, soups or other foods, whether fresh, proc-
23 essed, pre-cooked or frozen, shall be deemed compliance with this
24 requirement. FOR MOTION PICTURE THEATRES LICENSED UNDER PARAGRAPH (B) OF
25 SUBDIVISION SIX OF THIS SECTION, FOOD THAT IS TYPICALLY FOUND IN A
26 MOTION PICTURE THEATRE, INCLUDING BUT NOT LIMITED TO: POPCORN, CANDY,
27 AND LIGHT SNACKS, SHALL BE DEEMED TO BE IN COMPLIANCE WITH THIS REQUIRE-
28 MENT. The licensed premises shall comply at all times with all the regu-
29 lations of the local department of health. Nothing contained in this
30 subdivision, however, shall be construed to require that any food be
31 sold or purchased with any liquor, nor shall any rule, regulation or
32 standard be promulgated or enforced requiring that the sale of food be
33 substantial or that the receipts of the business other than from the
34 sale of liquor equal any set percentage of total receipts from sales
35 made therein.

36 S 4. Subdivision 9 of section 64-a of the alcoholic beverage control
37 law, as added by chapter 531 of the laws of 1964, is amended to read as
38 follows:

39 9. IN THE CASE OF A MOTION PICTURE THEATRE APPLYING FOR A LICENSE
40 UNDER THIS SECTION, ANY MUNICIPALITY REQUIRED TO BE NOTIFIED UNDER
41 SECTION ONE HUNDRED TEN-B OF THIS CHAPTER MAY EXPRESS OPPOSITION TO AN
42 INDIVIDUAL APPLICATION, AND SUCH OPPOSITION MAY SERVE AS BASIS FOR
43 REJECTION OF SUCH APPLICATION BY THE LIQUOR AUTHORITY.

44 10. The liquor authority may make such rules as it deems necessary to
45 carry out the provisions of this section.

46 S 5. This act shall take effect immediately.