

STATE OF NEW YORK

4412

2023-2024 Regular Sessions

IN SENATE

February 8, 2023

Introduced by Sen. RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the alcoholic beverage control law, in relation to establishing a license to sell liquor at retail for consumption on premises in a cigar lounge; and to amend the labor law, in relation to requiring cigar lounges to provide written notification warning employees of the dangers of exposure to tobacco smoke

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 3 of the alcoholic beverage control law is amended by adding a new subdivision 7-e to read as follows:

7-e. "Cigar lounge" means any bona fide retail store that: (a) caters to patrons who purchase and smoke premium cigars; (b) generates sixty percent of its quarterly adjusted gross revenue from the sale of cigar-related products, which is limited to cigars, humidors, cigar cutters, cigar cases, lighters and ashtrays. Revenue from state lottery, mail order, and internet sales, as well as revenue generated from other tobacco sales in store, including cigarettes and loose tobacco sales, shall not be used to determine whether an establishment satisfies the definition of a cigar lounge; (c) has a humidor on the premises; (d) is open to the public on a regular basis; (e) has seating for a minimum of fifteen patrons; (f) does not allow any person under the age of twenty-one on the premises unless accompanied by a parent, legal guardian, or adult spouse; (g) does not allow service of food and the smoking of cigarettes, e-cigarettes, hookah or shisha; and (h) holds a current New York retail dealer certificate of registration for cigarettes and tobacco products and such business was issued their first certificate prior to June first, two thousand eighteen at any address. A cigar lounge shall be a permanent structure where stock is displayed and offered for

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

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1 sale and that has facilities to properly secure any stock of alcoholic
2 beverages.

3 § 2. The alcoholic beverage control law is amended by adding a new
4 section 64-f to read as follows:

5 § 64-f. License to sell liquor at retail for consumption on premises
6 in a cigar lounge. 1. A cigar lounge means a business which meets the
7 requirements of a cigar lounge as defined in section three of this chap-
8 ter.

9 2. Any person currently licensed in New York with a retail dealer
10 certificate of registration for cigarettes and tobacco products who was
11 first issued such certificate prior to June first, two thousand eighteen
12 at any address and who does not currently or did hold prior a club
13 liquor or club beer license at the same location of the cigar lounge may
14 make an application to the appropriate board for a license to sell
15 liquor at retail to be consumed on the premises where sold and such
16 license shall be issued to all applicants except for good cause shown.

17 3. Such application shall be in such form and shall contain such
18 information as shall be required by the rules of the liquor authority
19 and shall be accompanied by a check or draft in the amount required by
20 this article for such license.

21 4. Such license shall, in form and in substance, be a license to the
22 person specifically licensed to sell liquor at retail to be consumed
23 upon the premises. Such license shall also be deemed to include a
24 license to sell wine and beer at retail to be consumed under the same
25 terms and conditions without the payment of any additional fee.

26 5. Such license shall waive any requirement of prepared or non-pre-
27 pared food to be available on premises. Food cannot be prepared or
28 served by a licensee.

29 6. Such license shall require that a cigar lounge stock liquor, beer
30 and wine products produced in New York state as at least five percent of
31 its liquor, beer and wine selections, provided that these products are
32 readily available to the cigar lounge.

33 7. All applicants for employment at a cigar lounge shall be presented
34 with a written notice that states that working in a cigar lounge has
35 serious and permanent negative health effects, including, but not limit-
36 ed to, an increased risk of cancer and heart disease, and that no level
37 of exposure to second-hand smoke is safe.

38 § 3. Section 66 of the alcoholic beverage control law is amended by
39 adding a new subdivision 11 to read as follows:

40 11. The annual fee for a license to sell liquor at retail for consump-
41 tion on premises in a cigar lounge shall be one thousand seven hundred
42 ninety-two dollars per year.

43 § 4. The labor law is amended by adding a new section 202-n to read as
44 follows:

45 § 202-n. Cigar lounge employees; tobacco smoke exposure notification.
46 A cigar lounge, as defined in section three of the alcoholic beverage
47 control law, shall provide written notice to all employees and appli-
48 cants for employment that working in a cigar lounge may cause serious
49 negative health effects, including an increased risk of cancer and heart
50 disease and that no level of exposure to environmental tobacco smoke is
51 safe.

52 § 5. This act shall take effect immediately.