

STATE OF NEW YORK

4961

2023-2024 Regular Sessions

IN SENATE

February 17, 2023

Introduced by Sens. JACKSON, COMRIE -- 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
penalties for violations of the alcoholic beverage control law,
requirements for certain retail licensees for on-premises consumption
and labeling of disposable cups and similar to-go containers

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

1 Section 1. Subdivisions 2 and 3 of section 119 of the alcoholic bever-
2 age control law, subdivision 2 as amended by chapter 83 of the laws of
3 1995, and subdivision 3 as amended by chapter 658 of the laws of 1989,
4 are amended and a new subdivision 6 is added to read as follows:

5 2. The liquor authority may on its own initiative or on complaint of
6 ~~[any person]~~ a government agency institute proceedings to revoke, cancel
7 or suspend any retail license and may impose a civil penalty against the
8 licensee after a hearing at which the licensee shall be given an oppor-
9 tunity to be heard. Such hearing shall be held within fourteen days of
10 the alleged violation of the provisions of this chapter in such manner
11 and upon such notice as may be prescribed by the rules of the liquor
12 authority.

13 3. All other licenses or permits issued under this chapter may be
14 revoked, cancelled, suspended and/or made subject to the imposition of a
15 civil penalty by the liquor authority after a hearing to be held in the
16 manner to be determined by the rules of the liquor authority. The liquor
17 authority shall establish a fixed civil penalty fee schedule which shall
18 be based on the severity of the violation of the provisions of this
19 chapter. Such fee schedule shall be provided to each licensee upon the
20 issuance of renewal of such licensee's license pursuant to the
21 provisions of this chapter.

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

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1 6. Notwithstanding any provision of law to the contrary, the liquor
2 authority shall only suspend the license of a licensee without notice
3 where such licensee has received notice by the authority or another
4 regulatory agency in the preceding thirty days that such licensee is in
5 violation of a provision of this chapter or a rule or regulation promul-
6 gated thereunder which has been in effect no less than forty-five days
7 prior to such violation.

8 § 2. The alcoholic beverage control law is amended by adding a new
9 section 106-c to read as follows:

10 § 106-c. Frontage responsibility in cities with a population of one
11 million or more. 1. A retail licensee for on-premises consumption in a
12 city with a population of one million or more shall only be responsible
13 for violations which occur in licensed areas.

14 2. (a) As used in this section, the term "licensed area" shall mean:

15 (i) indoor premises;

16 (ii) outdoor sidewalk cafes licensed by the city of New York; and

17 (iii) outdoor seating areas authorized and inspected by the city of
18 New York.

19 (b) As used in this section, the term "licensed area" shall not
20 include:

21 (i) sidewalk space which is considered a right of way or pedestrian
22 clear path; and

23 (ii) open street restaurant areas that are not currently being used or
24 have not been used by the licensee in the preceding thirty minutes.

25 § 3. The alcoholic beverage control law is amended by adding a new
26 section 107-b to read as follows:

27 § 107-b. Labeling of disposable cups and similar to-go containers
28 containing alcoholic beverages. The liquor authority shall promulgate
29 rules and regulations governing the labeling of disposable cups and
30 similar to-go containers containing alcoholic beverages. Such rules and
31 regulations shall include, but not be limited to, a requirement that all
32 retail licensees for on-premises consumption that have outdoor licensed
33 space and are within one hundred feet of a licensed premises are
34 required to have disposable cups that have markings which include the
35 name of the business of the licensee in a font greater than one inch and
36 the last four numbers of the licensee's license number.

37 § 4. This act shall take effect on the thirtieth day after it shall
38 have become a law. Effective immediately, the addition, amendment
39 and/or repeal of any rule or regulation necessary for the implementation
40 of this act on its effective date are authorized to be made and
41 completed on or before such effective date.