

STATE OF NEW YORK

10339

IN ASSEMBLY

February 24, 2026

Introduced by M. of A. SIMONE, SEAWRIGHT, HYNDMAN -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to outdoor alcohol service for certain special events; and providing for the repeal of certain provisions upon the expiration thereof

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

1 Section 1. The alcoholic beverage control law is amended by adding a
2 new section 97-e to read as follows:

3 § 97-e. Outdoor alcohol service; special event. 1. Notwithstanding any
4 provisions of section one hundred eleven-a of this chapter, or any other
5 inconsistent provisions of law, rule or regulation:

6 (a) Subject to paragraph (d) of this subdivision and subdivision five
7 of this section, a city, town or county may request, and the board may
8 approve, expanded outdoor alcohol service for licensees within the whole
9 city, town, county, or within a specific area or areas of the city,
10 town, county, or as provided in paragraphs (b) and (c) of this subdivi-
11 sion for a period beginning June first, two thousand twenty-six and
12 ending July thirty-first, two thousand twenty-six.

13 (b) For licensees identified in paragraph (c) of this subdivision who
14 have requested approval from and been authorized by the board to conduct
15 outdoor alcohol service, and who are located within an area of a city,
16 town, or county that has been approved by the board for expanded outdoor
17 alcohol service, the following authorizations and requirements apply:

18 (i) all outdoor alcohol service areas may be enclosed, at the
19 licensee's discretion, by means of a permanent or movable barrier or by
20 means of a permanent fence-free demarcation;

21 (ii) for an outdoor alcohol service area enclosed by means of a perma-
22 nent or movable barrier of a minimum height specified by the board, the
23 permanent or movable barrier is not required to meet minimum height
24 requirements on sloped site conditions;

25 (iii) the openings into and out of an outdoor alcohol service area may
26 be up to a maximum distance apart as determined appropriate by the
27 applicable city, town, or county;

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

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1 (iv) licensees may share use of an outdoor alcohol service area with
2 other licensees and licensees may share use of an outdoor alcohol
3 service area with businesses that do not engage in the sale or service
4 of alcohol, subject to requirements of the board. All participating
5 licensees are jointly responsible for any violation or enforcement
6 issues unless it can be demonstrated that the violation or enforcement
7 issue was due to one or more licensee's specific conduct or action, in
8 which case the violation or enforcement applies only to those identified
9 licensees; and

10 (v) an employee of the licensee must be assigned to, but is not
11 required to be in, the outdoor alcohol service area at all times that
12 patrons are present. A direct line of sight is not required from inside
13 the licensed premises to the outdoor alcohol service area.

14 (c) The authorization in this section is available to the holder of a
15 retail on-premises license issued pursuant to sections fifty-five,
16 sixty-four, sixty-four-a, sixty-four-c, sixty-four-d, eighty-one, or
17 eighty-one-a of this chapter or a manufacturing license that includes a
18 privilege to sell and/or serve alcoholic beverages at retail for
19 on-premises consumption on the licensed premises issued pursuant to
20 section thirty, thirty-one, fifty-one, fifty-one-a, fifty-eight, fifty-
21 eight-c, subdivision two-c of section sixty-one, section seventy-six,
22 seventy-six-a, seventy-six-c, or seventy-six-d of this chapter.

23 (d) A city, town or county that requests and is approved for expanded
24 outdoor alcohol service shall provide, and document the provision of:

25 (i) adequate local resources, including law enforcement patrols in the
26 area, to ensure safe operations of activities and the safety of the
27 community; and

28 (ii) services to keep the area of the jurisdiction in which the activ-
29 ities occur clean and free of litter or other remnants of the use of
30 public spaces for expanded outdoor alcohol service.

31 2. (a) A city may request, and the board may approve, expanded alcohol
32 service during events on a publicly owned civic campus in the city for a
33 period beginning June first, two thousand twenty-six and ending July
34 thirty-first, two thousand twenty-six, as provided in this subdivision
35 and subject to subdivision five of this section. No more than twenty-
36 five events, up to seven of which may be multiday events, may be author-
37 ized for a city under this subdivision.

38 (b) Multiple licensees located on a publicly owned civic campus in a
39 city that has been approved under paragraph (a) of this subdivision may
40 share an alcohol service area encompassing the entire publicly owned
41 civic campus, or part of the publicly owned civic campus, so long as:

42 (i) the board approves of the event perimeter enclosing the alcohol
43 service area;

44 (ii) security and physical barriers are provided at all entry points
45 to the event;

46 (iii) the campus operator notifies the board within a minimum time
47 required by the board in rule before the event begins;

48 (iv) signage is conspicuously posted during the event notifying the
49 public that the area is in use as an expanded alcohol service area and
50 public notice of the upcoming use of the area as an expanded alcohol
51 service area was conspicuously posted at least seven days in advance;
52 and

53 (v) all participating licensees submit a joint operating plan to the
54 board for approval, in a format designated by the board, that describes:
55 (A) how the licensees will prevent the sale and service of alcohol to
56 persons under twenty-one years of age and those who appear to be intoxi-

1 cated; (B) the ratio of alcohol service staff and security staff to the
2 anticipated number of attendees, subject to a ratio requirement that may
3 be set by the board; (C) training provided to staff who serve, regulate,
4 or supervise the service of alcohol including that alcohol awareness
5 training is required for all such staff; (D) the licensees' policy on
6 the number of alcoholic beverages that will be served to an individual
7 patron during one transaction, subject to a limit determined by the
8 board; (E) an explanation of the alcoholic beverage containers that will
9 be used to ensure they are significantly different from containers used
10 from nonalcoholic beverages; (F) the barriers or demarcations to be used
11 for an alcohol service area or event perimeter; and (G) other informa-
12 tion required by the board in rule.

13 (c) At the board's discretion, violations of subparagraph (iii) or
14 (iv) of paragraph (b) of this subdivision can be cause for denial of
15 approval of events conducted under this subdivision and violations of
16 subparagraph (iv) of paragraph (b) of this subdivision can also be cause
17 for denial of a license of the participating licensees or denial of
18 participation in future events under this section.

19 (d) Multiple licensees located on a publicly owned civic campus in a
20 city, town or county that has been approved under paragraph (a) of this
21 subdivision may share an indoor alcohol service area at certain times
22 authorized by the campus operator, so long as:

23 (i) the campus operator notifies the board at least seven days in
24 advance of the date licensees intend to begin operating the shared
25 indoor alcohol service area;

26 (ii) the campus operator ensures security and physical barriers are
27 provided at all entry points to the indoor alcohol service area; and

28 (iii) the licensees submit a joint operating plan to the board for
29 approval meeting the requirements of subparagraph (v) of paragraph (b)
30 of this subdivision.

31 (e) With respect to multiple licensees sharing an alcohol service area
32 as authorized under paragraph (b) or (d) of this subdivision, all
33 participating licensees are jointly responsible for any violation or
34 enforcement issues unless it can be demonstrated that the violation or
35 enforcement issue was due to one or more licensee's specific conduct or
36 action, in which case the violation or enforcement applies only to those
37 identified licensees.

38 (f) During the times a licensee is operating under the authorization
39 in this subdivision or subdivision four of this section, the licensee
40 may:

41 (i) operate without a permit from their local jurisdiction that may
42 otherwise be required to allow the business to use the public space as
43 an alcohol service area;

44 (ii) share an alcohol service area with another licensee: (A) without
45 individually requesting approval from the board's licensing division;
46 and (B) regardless of whether the licensees' property parcels or build-
47 ings are located in direct physical proximity to one another; and

48 (iii) sell and serve alcohol to customers from an alcohol service area
49 without offering food service menu options, except that any required
50 food service must still be provided within the licensed premises, and in
51 any preexisting alcohol service area operated by the licensee under the
52 board's rules that does not rely on the authorization in this section,
53 if the preexisting alcohol service area remains in place during an
54 event.

55 3. (a) The authorization in subdivisions two and four of this section
56 is available to the holder of a retail on-premises license issued pursu-

1 ant to sections fifty-five, sixty-four, sixty-four-a, sixty-four-c,
2 sixty-four-d, eighty-one, or eighty-one-a of this chapter or a manufac-
3 turing license that includes a privilege to sell and/or serve alcoholic
4 beverages at retail for on-premises consumption on the licensed premises
5 issued pursuant to section thirty, thirty-one, fifty-one, fifty-one-a,
6 fifty-eight, fifty-eight-c, subdivision two-c of section sixty-one,
7 section seventy-six, seventy-six-a, seventy-six-c, or seventy-six-d of
8 this chapter.

9 (b) A caterer's license shall be issued to an eligible applicant for
10 an event open to the public and held on a publicly owned civic campus in
11 a city under subdivision two of this section or in an area or areas of a
12 jurisdiction approved under subdivision four of this section, even if
13 the sponsor of the event for which catering services are being provided
14 is not otherwise authorized under this chapter, if license and regulato-
15 ry requirements are otherwise met.

16 4. (a) A city, town or county may request, and the board may approve,
17 expanded outdoor and indoor alcohol service for licensees within an area
18 or areas of the jurisdiction for a period beginning June first, two
19 thousand twenty-six and ending July thirty-first, two thousand twenty-
20 six. The authorization in this subdivision may be used to allow expanded
21 alcohol sales and service only during a single multiday event in each
22 approved jurisdiction in either of the months of June or July of two
23 thousand twenty-six.

24 (b) Multiple licensees located within an area of a city, town or coun-
25 ty approved under this subdivision for expanded alcohol service may
26 share an alcohol service area encompassing the entire approved area or
27 areas, during the event, so long as:

28 (i) the board approves of the event perimeter enclosing the alcohol
29 service area;

30 (ii) security and physical barriers are provided at all entry points
31 to the event;

32 (iii) the applicable city, town or county through a designated offi-
33 cial notifies the board within a minimum time required by the board in
34 rule before the event begins;

35 (iv) signage is conspicuously posted during the event notifying the
36 public that the area is in use as an expanded alcohol service area and
37 public notice of the upcoming use of the area as an expanded alcohol
38 service area was conspicuously posted at least seven days in advance;
39 and

40 (v) all participating licensees submit a joint operating plan to the
41 board for approval, in a format designated by the board, that meets the
42 requirements of subparagraph (v) of paragraph (b) of subdivision two of
43 this section.

44 (c) Licensees operating under this subdivision may share use of an
45 alcohol service area with other licensees and licensees may share use of
46 an alcohol service area with businesses that do not engage in the sale
47 or service of alcohol, subject to requirements of the board. All partic-
48 ipating licensees are jointly responsible for any violation or enforce-
49 ment issues unless it can be demonstrated that the violation or enforce-
50 ment issue was due to one or more licensee's specific conduct or action,
51 in which case the violation or enforcement applies only to those identi-
52 fied licensees.

53 (d) During the times a licensee is operating under the authorization
54 in this subdivision the licensee may operate as provided in paragraph
55 (f) of subdivision two of this section.

1 5. (a) The board shall impose a fee on any or all of the following
2 licensees and local governments in order to cover, but not exceed, the
3 board's administrative and enforcement costs related to activities
4 authorized under this section:

5 (i) a licensee seeking to operate under the authorization in this
6 section, as a condition to exercising privileges in this section;

7 (ii) a city, town or county applying for expanded outdoor alcohol
8 service privileges for licensees under subdivision one of this section;

9 (iii) a city applying for expanded alcohol service privileges for
10 licensees during events on a publicly owned civic campus under subdivi-
11 sion two of this section; and

12 (iv) a city, town or county applying for expanded alcohol service
13 privileges for licensees during an event under subdivision four of this
14 section in an approved area or areas of the jurisdiction.

15 (b) The board may establish an additional daily fee for each day of
16 operation at an event conducted under subdivision two or four of this
17 section.

18 6. A licensee may not sell wine in original, unopened containers for
19 on-premises consumption at events conducted under subdivision two or
20 four of this section.

21 7. The following definitions shall apply to this section, unless the
22 context clearly requires otherwise:

23 (a) "Alcohol service area" means an area in which liquor may be sold,
24 served, and consumed as authorized under this title and rules of the
25 board.

26 (b) "Board" means the state liquor authority.

27 (c) "Campus operator" means the person who has primary responsibility
28 for making managerial or executive decisions relating to operations and
29 activities at a publicly owned civic campus or the person's designee.

30 (d) "Publicly owned civic campus" means the buildings, facilities,
31 grounds, lands, and spaces owned by a city and designated as a city
32 center, and used for civic, arts, cultural, sports, and other community
33 and family events and activities, being not more than one hundred acres
34 in size on the effective date of this section.

35 8. The board shall, on an emergency basis, promulgate any rules or
36 regulations necessary for the implementation of this section, by May
37 first, two thousand twenty-six.

38 § 2. A publicly owned civic campus identified in subdivision 2 of
39 section 97-e of the alcoholic beverage control law that has requested
40 and been approved for expanded alcohol service for a period beginning
41 June 1, 2026 and ending July 31, 2026 and that uses such authorization
42 shall issue a report to the legislature and the liquor authority by
43 January 1, 2027 which shall include a description of the activities
44 conducted, the benefits realized, and challenges encountered, while this
45 section was in effect.

46 § 3. (a) By September 1, 2026, a city, town or county that has
47 requested and been approved by the liquor authority for expanded alcohol
48 service under subdivision 1, 2 or 4 of section 97-e of the alcoholic
49 beverage control law, and that uses such authorization, shall conduct a
50 public engagement review by contacting local organizations, individual
51 residents, businesses, and others in the local community where expanded
52 alcohol sales and service occurred or is occurring, to gain a balanced
53 understanding of how the activities were or are being experienced by
54 people in the community. The public engagement review required by this
55 section shall include examining:

1 (i) whether adequate local resources, including law enforcement
2 patrols in the area, were or are provided during times that expanded
3 alcohol service was or is offered, to ensure community safety;
4 (ii) whether services were or are provided to keep the area of the
5 jurisdiction in which the activities occurred or are occurring clean and
6 free of litter or other remnants of the use of public spaces for
7 expanded alcohol service; and
8 (iii) the costs and benefits to the community of expanded alcohol
9 sales and service perceived by residents throughout the community.
10 (b) A city, town or county conducting a review under this subdivision
11 shall submit the results in a report to the board by September 1, 2026.
12 § 4. This act shall take effect immediately; provided that section one
13 of this act shall expire and be deemed repealed July 31, 2026.