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2009-2010 Regular Sessions

I N A S S E M B L Y

March 11, 2009

Introduced by M. of A. GOTTFRIED, COOK, GLICK, V. LOPEZ, ORTIZ, GALEF, GREENE -- Multi-Sponsored by -- M. of A. BING, BRENNAN, CLARK, COLTON, CYMBROWITZ, DINOWITZ, GIANARIS, HEASTIE, HOOPER, MARKEY, PAULIN, PHEFFER, ROSENTHAL, SCARBOROUGH, WEISENBERG -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the alcoholic beverage control law, in relation to authorizing the imposition of certain terms and conditions as part of certain licenses for on-premises consumption

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

1 Section 1. Section 55 of the alcoholic beverage control law is amended
2 by adding a new subdivision 4 to read as follows:
3 4. THE AUTHORITY MAY, WITH THE CONSENT OF THE APPLICANT, INCLUDE, AS
4 PART OF A LICENSE UNDER THIS SECTION TERMS AND CONDITIONS FOR THE
5 PURPOSE OF ASSURING THAT THE LICENSED PREMISES ARE OPERATED IN ACCORD-
6 ANCE WITH APPLICABLE LAW AND CONSISTENT WITH THE PUBLIC INTEREST. PRIOR
7 TO INCLUDING TERMS AND CONDITIONS IN A LICENSE, THE AUTHORITY SHALL
8 CONSULT WITH THE APPLICANT AND ANY PARTY ENTITLED TO RECEIVE NOTICE OF
9 THE APPLICATION. THE TERMS AND CONDITIONS SHALL BE LEGALLY ENFORCEABLE
10 IN THE SAME MANNER AS APPLICABLE PROVISIONS OF THIS CHAPTER OR REGU-
11 LATIONS OF THE AUTHORITY.
12 S 2. Section 64 of the alcoholic beverage control law is amended by
13 adding a new subdivision 10 to read as follows:
14 10. THE AUTHORITY MAY, WITH THE CONSENT OF THE APPLICANT, INCLUDE, AS
15 PART OF A LICENSE UNDER THIS SECTION TERMS AND CONDITIONS FOR THE
16 PURPOSE OF ASSURING THAT THE LICENSED PREMISES ARE OPERATED IN ACCORD-
17 ANCE WITH APPLICABLE LAW AND CONSISTENT WITH THE PUBLIC INTEREST. PRIOR
18 TO INCLUDING TERMS AND CONDITIONS IN A LICENSE, THE AUTHORITY SHALL
19 CONSULT WITH THE APPLICANT AND ANY PARTY ENTITLED TO RECEIVE NOTICE OF
20 THE APPLICATION. THE TERMS AND CONDITIONS SHALL BE LEGALLY ENFORCEABLE

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

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1 IN THE SAME MANNER AS APPLICABLE PROVISIONS OF THIS CHAPTER OR REGU-
2 LATIONS OF THE AUTHORITY.

3 S 3. Section 64-a of the alcoholic beverage control law is amended by
4 adding a new subdivision 5-a to read as follows:

5 5-A. THE AUTHORITY MAY, WITH THE CONSENT OF THE APPLICANT, INCLUDE, AS
6 PART OF A LICENSE UNDER THIS SECTION TERMS AND CONDITIONS FOR THE
7 PURPOSE OF ASSURING THAT THE LICENSED PREMISES ARE OPERATED IN ACCORD-
8 ANCE WITH APPLICABLE LAW AND CONSISTENT WITH THE PUBLIC INTEREST. PRIOR
9 TO INCLUDING TERMS AND CONDITIONS IN A LICENSE, THE AUTHORITY SHALL
10 CONSULT WITH THE APPLICANT AND ANY PARTY ENTITLED TO RECEIVE NOTICE OF
11 THE APPLICATION. THE TERMS AND CONDITIONS SHALL BE LEGALLY ENFORCEABLE
12 IN THE SAME MANNER AS APPLICABLE PROVISIONS OF THIS CHAPTER OR REGU-
13 LATIONS OF THE AUTHORITY.

14 S 4. Section 64-b of the alcoholic beverage control law is amended by
15 adding a new subdivision 5-a to read as follows:

16 5-A. THE AUTHORITY MAY, WITH THE CONSENT OF THE APPLICANT, INCLUDE, AS
17 PART OF A LICENSE UNDER THIS SECTION TERMS AND CONDITIONS FOR THE
18 PURPOSE OF ASSURING THAT THE LICENSED PREMISES ARE OPERATED IN ACCORD-
19 ANCE WITH APPLICABLE LAW AND CONSISTENT WITH THE PUBLIC INTEREST. PRIOR
20 TO INCLUDING TERMS AND CONDITIONS IN A LICENSE, THE AUTHORITY SHALL
21 CONSULT WITH THE APPLICANT AND ANY PARTY ENTITLED TO RECEIVE NOTICE OF
22 THE APPLICATION. THE TERMS AND CONDITIONS SHALL BE LEGALLY ENFORCEABLE
23 IN THE SAME MANNER AS APPLICABLE PROVISIONS OF THIS CHAPTER OR REGU-
24 LATIONS OF THE AUTHORITY.

25 S 5. Section 64-c of the alcoholic beverage control law is amended by
26 adding a new subdivision 5-a to read as follows:

27 5-A. THE AUTHORITY MAY, WITH THE CONSENT OF THE APPLICANT, INCLUDE, AS
28 PART OF A LICENSE UNDER THIS SECTION TERMS AND CONDITIONS FOR THE
29 PURPOSE OF ASSURING THAT THE LICENSED PREMISES ARE OPERATED IN ACCORD-
30 ANCE WITH APPLICABLE LAW AND CONSISTENT WITH THE PUBLIC INTEREST. PRIOR
31 TO INCLUDING TERMS AND CONDITIONS IN A LICENSE, THE AUTHORITY SHALL
32 CONSULT WITH THE APPLICANT AND ANY PARTY ENTITLED TO RECEIVE NOTICE OF
33 THE APPLICATION. THE TERMS AND CONDITIONS SHALL BE LEGALLY ENFORCEABLE
34 IN THE SAME MANNER AS APPLICABLE PROVISIONS OF THIS CHAPTER OR REGU-
35 LATIONS OF THE AUTHORITY.

36 S 6. Section 64-d of the alcoholic beverage control law is amended by
37 adding a new subdivision 5-a to read as follows:

38 5-A. THE AUTHORITY MAY, WITH THE CONSENT OF THE APPLICANT, INCLUDE, AS
39 PART OF A LICENSE UNDER THIS SECTION TERMS AND CONDITIONS FOR THE
40 PURPOSE OF ASSURING THAT THE LICENSED PREMISES ARE OPERATED IN ACCORD-
41 ANCE WITH APPLICABLE LAW AND CONSISTENT WITH THE PUBLIC INTEREST. PRIOR
42 TO INCLUDING TERMS AND CONDITIONS IN A LICENSE, THE AUTHORITY SHALL
43 CONSULT WITH THE APPLICANT AND ANY PARTY ENTITLED TO RECEIVE NOTICE OF
44 THE APPLICATION. THE TERMS AND CONDITIONS SHALL BE LEGALLY ENFORCEABLE
45 IN THE SAME MANNER AS APPLICABLE PROVISIONS OF THIS CHAPTER OR REGU-
46 LATIONS OF THE AUTHORITY.

47 S 7. This act shall take effect immediately.