S T A T E O F N E W Y O R K

6179

2009-2010 Regular Sessions

I N S E N A T E

September 21, 2009

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the alcoholic beverage control law, in relation to permitting a retail tobacco business licensed to sell liquor on the premises to allow smoking in the same area where the liquor is sold

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

Section 1. Section 64 of the alcoholic beverage control law is amended by adding a new subdivision 10 to read as follows:

10. NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION, SUCH PREMISES THAT IS WITHIN THE DEFINITION OF A RETAIL TOBACCO BUSINESS, AS DEFINED IN SECTION THIRTEEN HUNDRED NINETY-NINE-N OF THE PUBLIC HEALTH LAW, MAY HOLD A LICENSE TO SELL LIQUOR AT RETAIL FOR CONSUMPTION ON THE PREMISES AND SERVE FOOD IN COMPLIANCE WITH SUCH LICENSE AS LONG AS THE FOLLOWING CONDITIONS ARE MET TO THE SATISFACTION OF THE AUTHORITY: (A) THE SALE OF LIQUOR OR OTHER ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION AT SUCH RETAIL TOBACCO BUSINESS SHALL NOT EXCEED TEN PERCENT OF THE RECEIPTS OF THE RETAIL SALE OF TOBACCO PRODUCTS AND ACCESSORIES AT SUCH PREMISES; (B) ONLY A RETAIL TOBACCO BUSINESS, OR THE SUCCESSOR TO SUCH BUSINESS, THAT WAS IN EXISTENCE PRIOR TO NINETEEN HUNDRED FORTY-SEVEN MAY APPLY FOR SUCH A LICENSE TO SIMULTANEOUSLY SELL LIQUOR AT RETAIL FOR ON-PREMISES CONSUMPTION; AND (C) SUCH SMOKING AREA THAT IS THE PREMISES FOR ON-PREMISES CONSUMPTION OF LIQUOR SHALL NOT BE OPEN TO THE GENERAL PUBLIC AND MUST BE EXCLUSIVELY USED ONLY BY MEMBERS AND GUESTS OF SUCH MEMBERS OF A CLUB ASSOCIATED WITH AND SPONSORED BY SUCH RETAIL TOBACCO BUSINESS. SUCH CLUB MAY ALSO CONDUCT LECTURES, SEMINARS, AND SPECIAL EVENTS FOR ITS MEMBERS ON SUCH PREMISES. SUCH APPLICATION SHALL BE IN SUCH FORM AND SHALL CONTAIN SUCH INFORMATION AS SHALL BE REQUIRED BY THE AUTHORITY AND SHALL BE ACCOMPANIED BY A CHECK OR DRAFT IN THE AMOUNT REQUIRED BY THIS ARTICLE FOR SUCH LICENSE. THIS SUBDIVISION SHALL SUPERSEDE THE PROVISIONS OF SECTION THIRTEEN HUNDRED NINETY-NINE-R OF THE

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

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PUBLIC HEALTH LAW WITH RESPECT TO ANY REGULATIONS OR LOCAL LAWS ADOPTED BY A CITY WITH A POPULATION OF ONE MILLION OR MORE AND SHALL PERMIT SUCH RETAIL TOBACCO BUSINESS TO HAVE A LICENSE TO SELL LIQUOR OR OTHER ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION, SERVE FOOD IN COMPLIANCE WITH SUCH LICENSE, AND TO SMOKE IN SUCH INDOOR AREAS OPEN TO THE PUBLIC.

S 2. This act shall take effect on the ninetieth day after it shall have become a law. The state liquor authority shall be authorized to promulgate rules and regulations prior to such effective date to implement the provisions of this act.