

8982

2009-2010 Regular Sessions

I N   A S S E M B L Y

June 17, 2009

---

Introduced by M. of A. BING -- 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  
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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 64 of the alcoholic beverage control law is amended  
2     by adding a new subdivision 10 to read as follows:  
3     10. NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION, SUCH PREMISES  
4     THAT IS WITHIN THE DEFINITION OF A RETAIL TOBACCO BUSINESS, AS DEFINED  
5     IN SECTION THIRTEEN HUNDRED NINETY-NINE-N OF THE PUBLIC HEALTH LAW, MAY  
6     HOLD A LICENSE TO SELL LIQUOR AT RETAIL FOR CONSUMPTION ON THE PREMISES  
7     AND SERVE FOOD IN COMPLIANCE WITH SUCH LICENSE AS LONG AS THE FOLLOWING  
8     CONDITIONS ARE MET TO THE SATISFACTION OF THE AUTHORITY: (A) THE SALE OF  
9     LIQUOR OR OTHER ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION AT SUCH  
10    RETAIL TOBACCO BUSINESS SHALL NOT EXCEED TEN PERCENT OF THE RECEIPTS OF  
11    THE RETAIL SALE OF TOBACCO PRODUCTS AND ACCESSORIES AT SUCH PREMISES;  
12    (B) ONLY A RETAIL TOBACCO BUSINESS, OR THE SUCCESSOR TO SUCH BUSINESS,  
13    THAT WAS IN EXISTENCE PRIOR TO NINETEEN HUNDRED FORTY-SEVEN MAY APPLY  
14    FOR SUCH A LICENSE TO SIMULTANEOUSLY SELL LIQUOR AT RETAIL FOR ON-PREM-  
15    ISES CONSUMPTION; AND (C) SUCH SMOKING AREA THAT IS THE PREMISES FOR  
16    ON-PREMISES CONSUMPTION OF LIQUOR SHALL NOT BE OPEN TO THE GENERAL  
17    PUBLIC AND MUST BE EXCLUSIVELY USED ONLY BY MEMBERS AND GUESTS OF SUCH  
18    MEMBERS OF A CLUB ASSOCIATED WITH AND SPONSORED BY SUCH RETAIL TOBACCO  
19    BUSINESS. SUCH CLUB MAY ALSO CONDUCT LECTURES, SEMINARS, AND SPECIAL  
20    EVENTS FOR ITS MEMBERS ON SUCH PREMISES. SUCH APPLICATION SHALL BE IN  
21    SUCH FORM AND SHALL CONTAIN SUCH INFORMATION AS SHALL BE REQUIRED BY THE  
22    AUTHORITY AND SHALL BE ACCOMPANIED BY A CHECK OR DRAFT IN THE AMOUNT  
23    REQUIRED BY THIS ARTICLE FOR SUCH LICENSE. THIS SUBDIVISION SHALL SUPER-  
24    SEDE 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.

LBD14275-01-9

1 PUBLIC HEALTH LAW WITH RESPECT TO ANY REGULATIONS OR LOCAL LAWS ADOPTED  
2 BY A CITY WITH A POPULATION OF ONE MILLION OR MORE AND SHALL PERMIT SUCH  
3 RETAIL TOBACCO BUSINESS TO HAVE A LICENSE TO SELL LIQUOR OR OTHER ALCO-  
4 HOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION, SERVE FOOD IN COMPLIANCE  
5 WITH SUCH LICENSE, AND TO SMOKE IN SUCH INDOOR AREAS OPEN TO THE PUBLIC.  
6 S 2. This act shall take effect on the ninetieth day after it shall  
7 have become a law. The state liquor authority shall be authorized to  
8 promulgate rules and regulations prior to such effective date to imple-  
9 ment the provisions of this act.