

2330

2009-2010 Regular Sessions

I N S E N A T E

February 18, 2009

Introduced by Sen. PADAVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

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

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

LBD00794-01-9

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

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

14 5-A. 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
21 IN THE SAME MANNER AS APPLICABLE PROVISIONS OF THIS CHAPTER OR REGU-
22 LATIONS OF THE AUTHORITY.

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

25 5-A. THE AUTHORITY MAY, WITH THE CONSENT OF THE APPLICANT, INCLUDE, AS
26 PART OF A LICENSE UNDER THIS SECTION TERMS AND CONDITIONS FOR THE
27 PURPOSE OF ASSURING THAT THE LICENSED PREMISES ARE OPERATED IN ACCORD-
28 ANCE WITH APPLICABLE LAW AND CONSISTENT WITH THE PUBLIC INTEREST. PRIOR
29 TO INCLUDING TERMS AND CONDITIONS IN A LICENSE, THE AUTHORITY SHALL
30 CONSULT WITH THE APPLICANT AND ANY PARTY ENTITLED TO RECEIVE NOTICE OF
31 THE APPLICATION. THE TERMS AND CONDITIONS SHALL BE LEGALLY ENFORCEABLE
32 IN THE SAME MANNER AS APPLICABLE PROVISIONS OF THIS CHAPTER OR REGU-
33 LATIONS OF THE AUTHORITY.

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

36 5-A. THE AUTHORITY MAY, WITH THE CONSENT OF THE APPLICANT, INCLUDE, AS
37 PART OF A LICENSE UNDER THIS SECTION TERMS AND CONDITIONS FOR THE
38 PURPOSE OF ASSURING THAT THE LICENSED PREMISES ARE OPERATED IN ACCORD-
39 ANCE WITH APPLICABLE LAW AND CONSISTENT WITH THE PUBLIC INTEREST. PRIOR
40 TO INCLUDING TERMS AND CONDITIONS IN A LICENSE, THE AUTHORITY SHALL
41 CONSULT WITH THE APPLICANT AND ANY PARTY ENTITLED TO RECEIVE NOTICE OF
42 THE APPLICATION. THE TERMS AND CONDITIONS SHALL BE LEGALLY ENFORCEABLE
43 IN THE SAME MANNER AS APPLICABLE PROVISIONS OF THIS CHAPTER OR REGU-
44 LATIONS OF THE AUTHORITY.

45 S 7. This act shall take effect immediately.