

7305

2011-2012 Regular Sessions

I N A S S E M B L Y

April 29, 2011

Introduced by M. of A. BING -- read once and referred to the Committee
on Economic Development

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. MEMBERSHIP TO SUCH CLUB SHALL REQUIRE AT LEAST THE PAYMENT OF
20 ONE THOUSAND DOLLARS ANNUALLY IN MEMBERSHIP FEES OR DUES. SUCH CLUB MAY
21 ALSO CONDUCT LECTURES, SEMINARS, AND SPECIAL EVENTS FOR ITS MEMBERS ON
22 SUCH PREMISES. SUCH APPLICATION SHALL BE IN SUCH FORM AND SHALL CONTAIN
23 SUCH INFORMATION AS SHALL BE REQUIRED BY THE AUTHORITY AND SHALL BE
24 ACCOMPANIED BY A CHECK OR DRAFT IN THE AMOUNT REQUIRED BY THIS ARTICLE

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

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