

5356

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 25, 2013

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Introduced by M. of A. GOTTFRIED, COOK, GLICK, V. LOPEZ, ORTIZ, GALEF, SCHIMEL -- Multi-Sponsored by -- M. of A. BRENNAN, CLARK, COLTON, CYMBROWITZ, DINOWITZ, HEASTIE, HOOPER, MARKEY, McDONALD, PAULIN, ROSENTHAL, ROZIC, SCARBOROUGH, WEISENBERG -- read once and referred to the Committee on Economic Development

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

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

LBD01194-01-3

1 S 3. Section 64 of the alcoholic beverage control law is amended by  
2 adding a new subdivision 10 to read as follows:

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

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

13 5-A. THE AUTHORITY MAY INCLUDE, AS PART OF A LICENSE UNDER THIS  
14 SECTION, TERMS AND CONDITIONS FOR THE PURPOSE OF ASSURING THAT THE  
15 LICENSED PREMISES ARE OPERATED IN ACCORDANCE WITH APPLICABLE LAW AND  
16 CONSISTENT WITH THE PUBLIC INTEREST. PRIOR TO INCLUDING TERMS AND CONDI-  
17 TIONS IN A LICENSE, THE AUTHORITY SHALL CONSULT WITH THE APPLICANT AND  
18 ANY PARTY ENTITLED TO RECEIVE NOTICE OF THE APPLICATION. THE TERMS AND  
19 CONDITIONS SHALL BE LEGALLY ENFORCEABLE IN THE SAME MANNER AS APPLICABLE  
20 PROVISIONS OF THIS CHAPTER OR REGULATIONS OF THE AUTHORITY.

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

23 5-A. THE AUTHORITY MAY INCLUDE, AS PART OF A LICENSE UNDER THIS  
24 SECTION, TERMS AND CONDITIONS FOR THE PURPOSE OF ASSURING THAT THE  
25 LICENSED PREMISES ARE OPERATED IN ACCORDANCE WITH APPLICABLE LAW AND  
26 CONSISTENT WITH THE PUBLIC INTEREST. PRIOR TO INCLUDING TERMS AND CONDI-  
27 TIONS IN A LICENSE, THE AUTHORITY SHALL CONSULT WITH THE APPLICANT AND  
28 ANY PARTY ENTITLED TO RECEIVE NOTICE OF THE APPLICATION. THE TERMS AND  
29 CONDITIONS SHALL BE LEGALLY ENFORCEABLE IN THE SAME MANNER AS APPLICABLE  
30 PROVISIONS OF THIS CHAPTER OR REGULATIONS OF THE AUTHORITY.

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

33 5-A. THE AUTHORITY MAY INCLUDE, AS PART OF A LICENSE UNDER THIS  
34 SECTION, TERMS AND CONDITIONS FOR THE PURPOSE OF ASSURING THAT THE  
35 LICENSED PREMISES ARE OPERATED IN ACCORDANCE WITH APPLICABLE LAW AND  
36 CONSISTENT WITH THE PUBLIC INTEREST. PRIOR TO INCLUDING TERMS AND CONDI-  
37 TIONS IN A LICENSE, THE AUTHORITY SHALL CONSULT WITH THE APPLICANT AND  
38 ANY PARTY ENTITLED TO RECEIVE NOTICE OF THE APPLICATION. THE TERMS AND  
39 CONDITIONS SHALL BE LEGALLY ENFORCEABLE IN THE SAME MANNER AS APPLICABLE  
40 PROVISIONS OF THIS CHAPTER OR REGULATIONS OF THE AUTHORITY.

41 S 7. Section 64-d of the alcoholic beverage control law is amended by  
42 adding a new subdivision 5-a to read as follows:

43 5-A. THE AUTHORITY MAY INCLUDE, AS PART OF A LICENSE UNDER THIS  
44 SECTION, TERMS AND CONDITIONS FOR THE PURPOSE OF ASSURING THAT THE  
45 LICENSED PREMISES ARE OPERATED IN ACCORDANCE WITH APPLICABLE LAW AND  
46 CONSISTENT WITH THE PUBLIC INTEREST. PRIOR TO INCLUDING TERMS AND CONDI-  
47 TIONS IN A LICENSE, THE AUTHORITY SHALL CONSULT WITH THE APPLICANT AND  
48 ANY PARTY ENTITLED TO RECEIVE NOTICE OF THE APPLICATION. THE TERMS AND  
49 CONDITIONS SHALL BE LEGALLY ENFORCEABLE IN THE SAME MANNER AS APPLICABLE  
50 PROVISIONS OF THIS CHAPTER OR REGULATIONS OF THE AUTHORITY.

51 S 8. Section 81 of the alcoholic beverage control law is amended by  
52 adding a new subdivision 5 to read as follows:

53 5. THE AUTHORITY MAY INCLUDE, AS PART OF A LICENSE UNDER THIS SECTION,  
54 TERMS AND CONDITIONS FOR THE PURPOSE OF ASSURING THAT THE LICENSED PREM-  
55 ISSES ARE OPERATED IN ACCORDANCE WITH APPLICABLE LAW AND CONSISTENT WITH  
56 PUBLIC CONVENIENCE AND ADVANTAGE. PRIOR TO INCLUDING TERMS AND CONDI-

1 TIONS IN A LICENSE, THE AUTHORITY SHALL CONSULT WITH THE APPLICANT AND  
2 ANY PARTY ENTITLED TO RECEIVE NOTICE OF THE APPLICATION. THE TERMS AND  
3 CONDITIONS SHALL BE LEGALLY ENFORCEABLE IN THE SAME MANNER AS APPLICABLE  
4 PROVISIONS OF THIS CHAPTER OR REGULATIONS OF THE AUTHORITY.

5 S 9. Section 81-a of the alcoholic beverage control law is amended by  
6 adding a new subdivision 5 to read as follows:

7 5. THE AUTHORITY MAY INCLUDE, AS PART OF A LICENSE UNDER THIS SECTION,  
8 TERMS AND CONDITIONS FOR THE PURPOSE OF ASSURING THAT THE LICENSED PREM-  
9 ISES ARE OPERATED IN ACCORDANCE WITH APPLICABLE LAW AND CONSISTENT WITH  
10 PUBLIC CONVENIENCE AND ADVANTAGE. PRIOR TO INCLUDING TERMS AND CONDI-  
11 TIONS IN A LICENSE, THE AUTHORITY SHALL CONSULT WITH THE APPLICANT AND  
12 ANY PARTY ENTITLED TO RECEIVE NOTICE OF THE APPLICATION. THE TERMS AND  
13 CONDITIONS SHALL BE LEGALLY ENFORCEABLE IN THE SAME MANNER AS APPLICABLE  
14 PROVISIONS OF THIS CHAPTER OR REGULATIONS OF THE AUTHORITY.

15 S 10. This act shall take effect immediately.