

5356

2013-2014 Regular Sessions

I N A S S E M B L Y

February 25, 2013

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.