

5666

2015-2016 Regular Sessions

I N   S E N A T E

May 26, 2015

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Introduced by Sen. LARKIN -- 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 the issuance of licenses to sell liquor at retail for consumption on the premises of certain bed and breakfast facilities and restaurants located on land used in agricultural production

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 5-a of section 64 of the alcoholic beverage  
2 control law, as added by chapter 480 of the laws of 2003, is amended and  
3 a new subdivision 5-b is added to read as follows:  
4     5-a. (A) Notwithstanding the provisions of subdivision five of this  
5 section, a liquor license may be issued under this section to an estab-  
6 lishment designated and commonly known and operated as a "bed and break-  
7 fast" regardless of whether or not a restaurant is operated in such  
8 establishment, provided that such license shall only permit the sale of  
9 alcoholic beverages to overnight guests of such establishment.  
10     (B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVI-  
11 SION, A LIQUOR LICENSE ISSUED TO AN ESTABLISHMENT DESIGNATED AND COMMON-  
12 LY KNOWN AND OPERATED AS A "BED AND BREAKFAST" WHICH IS LOCATED UPON  
13 LAND USED IN AGRICULTURAL PRODUCTION, AS DEFINED IN SUBDIVISION FOUR OF  
14 SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, SHALL  
15 AUTHORIZE THE SALE OF ALCOHOLIC BEVERAGES TO OVERNIGHT GUESTS OF SUCH  
16 ESTABLISHMENT, AND TO THE PUBLIC, WHO ARE NOT OVERNIGHT GUESTS, DURING  
17 AGRICULTURAL TOURISM EVENTS (SUCH AS HARVEST FESTIVALS) AND FARM THEMED  
18 GOURMET DINING EXPERIENCES HOSTED BY SUCH ESTABLISHMENT.  
19     5-B. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION FIVE OF THIS  
20 SECTION, A LIQUOR LICENSE MAY BE ISSUED UNDER THIS SECTION TO AN ESTAB-  
21 LISHMENT WHICH SELLS FOOD AND BEVERAGES TO THE PUBLIC, BUT DOES NOT HAVE  
22 REGULAR HOURS WHEN SUCH ESTABLISHMENT IS OPEN TO THE PUBLIC, AND IS

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

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1 LOCATED UPON LAND USED IN AGRICULTURAL PRODUCTION, AS DEFINED IN SUBDI-  
2 VISION FOUR OF SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS  
3 LAW, PROVIDED THAT SUCH LICENSE SHALL PERMIT THE SALE OF ALCOHOLIC  
4 BEVERAGES TO THE PUBLIC DURING AGRICULTURAL EVENTS (SUCH AS HARVEST  
5 FESTIVALS), FARM THEMED GOURMET DINING EXPERIENCES, AND SUCH TIMES AS  
6 THE AGRICULTURAL TOURISM MARKET SHALL DEMAND AS DETERMINED BY THE LICEN-  
7 SEE.

8 S 2. This act shall take effect immediately.