

S T A T E   O F   N E W   Y O R K

---

9360--C

I N   A S S E M B L Y

February 25, 2016

---

Introduced by M. of A. LENTOL, LUPARDO, WEPRIN, FAHY, ZEBROWSKI, McDONALD -- read once and referred to the Committee on Economic Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the alcoholic beverage control law, in relation to alcohol in certain motion picture theatres

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

1     Section 1.     Section 106 of the alcoholic beverage control law is  
2 amended by adding a new subdivision 16 to read as follows:  
3     16. A PERSON HOLDING A RETAIL ON-PREMISES LICENSE FOR A MOVIE THEATRE  
4 SHALL:  
5     (A) FOR EVERY PURCHASE OF AN ALCOHOLIC BEVERAGE, REQUIRE THE PURCHASER  
6 TO PROVIDE WRITTEN EVIDENCE OF AGE AS SET FORTH IN PARAGRAPH (B) OF  
7 SUBDIVISION TWO OF SECTION SIXTY-FIVE-B OF THIS CHAPTER;  
8     (B) ALLOW THE PURCHASE OF ONLY ONE ALCOHOLIC BEVERAGE PER TRANSACTION;  
9 AND  
10     (C) NOT COMMENCE THE SALE OF ALCOHOLIC BEVERAGES UNTIL ONE HOUR PRIOR  
11 TO THE FIRST MOTION PICTURE, AND CEASE ALL SALES OF ALCOHOLIC BEVERAGES  
12 AFTER THE CONCLUSION OF THE FINAL MOTION PICTURE.  
13     S 2. Subdivision 6 of section 64-a of the alcoholic beverage control  
14 law, as amended by chapter 475 of the laws of 2011, is amended to read  
15 as follows:  
16     6. No special on-premises license shall be granted except for premises  
17 in which the principal business shall be (a) the sale of food or beverages  
18 at retail for consumption on the premises or (b) the operation of a  
19 legitimate theatre, INCLUDING A MOTION PICTURE THEATRE THAT IS A BUILD-  
20 ING OR FACILITY WHICH IS REGULARLY USED AND KEPT OPEN PRIMARILY FOR THE  
21 EXHIBITION OF MOTION PICTURES FOR AT LEAST FIVE OUT OF SEVEN DAYS A  
22 WEEK, OR ON A REGULAR SEASONAL BASIS OF NO LESS THAN SIX CONTIGUOUS

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

LBD13978-06-6

1 WEEKS, TO THE GENERAL PUBLIC WHERE ALL AUDITORIUM SEATING IS PERMANENTLY  
2 AFFIXED TO THE FLOOR AND AT LEAST SIXTY-FIVE PERCENT OF THE MOTION  
3 PICTURE THEATRE'S ANNUAL GROSS REVENUES IS THE COMBINED RESULT OF ADMIS-  
4 SION REVENUE FOR THE SHOWING OF MOTION PICTURES AND THE SALE OF FOOD AND  
5 NON-ALCOHOLIC BEVERAGES, or such other lawful adult entertainment or  
6 recreational facility as the liquor authority, giving due regard to the  
7 convenience of the public and the strict avoidance of sales prohibited  
8 by this chapter, shall by regulation classify for eligibility. [Nothing  
9 contained in this subdivision shall be deemed to authorize the issuance  
10 of a license to a motion picture theatre, except those meeting the defi-  
11 nition of restaurant and meals, and where all seating is at tables where  
12 meals are served.]

13 S 3. Subdivision 8 of section 64-a of the alcoholic beverage control  
14 law, as added by chapter 531 of the laws of 1964, is amended to read as  
15 follows:

16 8. Every special on-premises licensee shall regularly keep food avail-  
17 able for sale to its customers for consumption on the premises. The  
18 availability of sandwiches, soups or other foods, whether fresh, proc-  
19 essed, pre-cooked or frozen, shall be deemed compliance with this  
20 requirement. FOR MOTION PICTURE THEATRES LICENSED UNDER PARAGRAPH (B) OF  
21 SUBDIVISION SIX OF THIS SECTION, FOOD THAT IS TYPICALLY FOUND IN A  
22 MOTION PICTURE THEATRE, INCLUDING BUT NOT LIMITED TO: POPCORN, CANDY,  
23 AND LIGHT SNACKS, SHALL BE DEEMED TO BE IN COMPLIANCE WITH THIS REQUIRE-  
24 MENT. The licensed premises shall comply at all times with all the regu-  
25 lations of the local department of health. Nothing contained in this  
26 subdivision, however, shall be construed to require that any food be  
27 sold or purchased with any liquor, nor shall any rule, regulation or  
28 standard be promulgated or enforced requiring that the sale of food be  
29 substantial or that the receipts of the business other than from the  
30 sale of liquor equal any set percentage of total receipts from sales  
31 made therein.

32 S 4. Subdivision 9 of section 64-a of the alcoholic beverage control  
33 law, as added by chapter 531 of the laws of 1964, is amended to read as  
34 follows:

35 9. IN THE CASE OF A MOTION PICTURE THEATRE APPLYING FOR A LICENSE  
36 UNDER THIS SECTION, ANY MUNICIPALITY REQUIRED TO BE NOTIFIED UNDER  
37 SECTION ONE HUNDRED TEN-B OF THIS CHAPTER MAY EXPRESS AN OPINION WITH  
38 RESPECT TO WHETHER THE APPLICATION SHOULD BE APPROVED, AND SUCH OPINION  
39 MAY BE CONSIDERED IN DETERMINING WHETHER GOOD CAUSE EXISTS TO DENY ANY  
40 SUCH APPLICATION.

41 10. The liquor authority may make such rules as it deems necessary to  
42 carry out the provisions of this section.

43 S 5. This act shall take effect immediately.