S T A T E O F N E W Y O R K

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I N A S S E M B L Y

March 28, 2016

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

AN ACT to amend the alcoholic beverage control law, in relation to authorizing the sale of alcoholic beverages for on-premises consumption on Sunday mornings

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

Section 1. Paragraph (a) of subdivision 5 of section 106 of the alcoholic beverage control law, as amended by chapter 83 of the laws of 1995, is amended to read as follows:

(a) Sunday, from four ante meridiem to twelve noon, EXCEPT AS AUTHORIZED PURSUANT TO SECTION NINETY-NINE-H OF THIS CHAPTER OR BY SPECIAL PERMIT.

S 2. The alcoholic beverage control law is amended by adding a new section 99-h to read as follows:

S 99-H. ANNUAL PERMIT TO REMAIN OPEN DURING CERTAIN HOURS OF THE MORNING. 1. ANY PERSON LICENSED TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES PURSUANT TO THIS CHAPTER OR ANY APPLICANT FOR AN ORIGINAL LICENSE TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES PURSUANT TO THIS CHAPTER MAY APPLY TO THE LIQUOR AUTHORITY FOR AN ANNUAL PERMIT TO REMAIN OPEN ON SUNDAY BETWEEN THE HOURS OF TEN O'CLOCK A.M. AND TWELVE NOON. ANY APPLICANT FOR SUCH AN ANNUAL PERMIT SHALL PROVIDE NOTICE TO THE LOCAL MUNICIPALITY OF SUCH APPLICATION AS PROVIDED IN SECTION ONE HUNDRED TEN-B OF THIS CHAPTER.

2. THE ANNUAL FEE FOR SUCH ANNUAL PERMIT SHALL BE TWO HUNDRED FIFTY DOLLARS IN THE COUNTIES OF NEW YORK, KINGS, BRONX AND QUEENS; ONE HUNDRED FIFTY DOLLARS IN THE COUNTY OF RICHMOND AND IN CITIES HAVING A POPULATION OF MORE THAN ONE HUNDRED THOUSAND AND LESS THAN ONE MILLION; ONE HUNDRED DOLLARS IN CITIES HAVING A POPULATION OF MORE THAN FIFTY THOUSAND AND LESS THAN ONE HUNDRED THOUSAND; AND TWO HUNDRED FIFTY DOLLARS ELSEWHERE.

3. SUCH ANNUAL PERMIT AND THE EXERCISE OF THE PRIVILEGES GRANTED THEREUNDER SHALL BE SUBJECT TO SUCH RULES AS THE LIQUOR AUTHORITY MAY DEEM NECESSARY.

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

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S 3. Subdivision 3 of section 99 of the alcoholic beverage control law is renumbered subdivision 4 and a new subdivision 3 is added to read as follows:

3. ANY PERSON LICENSED TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES PURSUANT TO THIS CHAPTER MAY APPLY TO THE LIQUOR AUTHORITY FOR A SPECIAL PERMIT TO OPEN ON ANY SUNDAY BETWEEN THE HOURS OF EIGHT A.M. AND TWELVE NOON. UNLESS OTHERWISE APPROVED BY THE AUTHORITY PURSUANT TO SUBDIVISION NINE OF SECTION SEVENTEEN OF THIS CHAPTER, WHERE ANY RULE HAS BEEN ADOPTED IN A COUNTY FURTHER RESTRICTING THE HOURS OF SALE FOR ALCOHOLIC BEVERAGES, SUCH RESTRICTED HOURS SHALL BE THE HOURS, DURING WHICH THE SALE OF ALCOHOLIC BEVERAGES AT RETAIL FOR ON-PREMISES CONSUMPTION SHALL NOT BE PERMITTED WITHIN SUCH COUNTY. NO MORE THAN TWELVE SPECIAL PERMITS ISSUED PURSUANT TO THIS SUBDIVISION MAY BE ISSUED TO THE SAME LICENSED PERSON IN ANY CALENDAR YEAR. THE FEE FOR SUCH PERMIT SHALL BE AT THE RATE OF FIFTY-ONE DOLLARS PER DAY.

S 4. This act shall take effect on the thirtieth day after it shall have become a law.