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

7068

I N S E N A T E

March 22, 2016

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the alcoholic beverage control law, in relation to certain recreational contests in establishments with licenses to sell alcoholic beverages for consumption on premise

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

Section 1. Legislative intent. The legislature finds that allowing recreational games such as playing cards, penny poker, cribbage and dominoes be permitted in establishments, licensed by the state liquor authority to serve alcoholic beverages, will offer mutual benefits for both the consumer and the establishment. Allowing for these activities to be conducted in establishments such as the local tavern or pub would provide a place for individuals like senior citizens to recreate. This legislation would further stimulate business within these establishments. Nevertheless, both employer and employee of such establishment would be prohibited from profiting from any such games so authorized pursuant to this legislation.

S 2. The alcoholic beverage control law is amended by adding a new section 132 to read as follows:

S 132. RECREATIONAL CONTESTS INVOLVING SKILL IN ESTABLISHMENTS WITH LICENSES TO SELL ALCOHOLIC BEVERAGES. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY ANY PERSON, WHO HOLDS A LICENSE TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON PREMISE PURSUANT TO THIS CHAPTER, MAY ALLOW PLAYERS TO ENGAGE IN RECREATIONAL CONTESTS AMONGST THEMSELVES INVOLVING CHANCE SO LONG AS SKILL IS A FACTOR AT SUCH ESTABLISHMENTS. WAGERING AMONGST PARTICIPANTS IS PERMISSIBLE. NO PROCEEDS SHALL GO TO THE ESTABLISHMENT. NO EMPLOYEE OF SUCH ESTABLISHMENT SHALL ENGAGE IN SUCH CONTESTS. NOTHING IN THIS SECTION SHALL BE CONSIDERED UNLAWFUL FOR PURPOSES OF ARTICLE TWO HUNDRED TWENTY-FIVE OF THE PENAL LAW NOR SHALL IT BE CONSTRUED TO AFFECT THE EXISTING AUTHORITY OF THE GOVERNOR UNDER THE CONSTITUTION AND THE LAWS OF THIS STATE TO PROHIBIT GAMBLING.

S 3. This act shall take effect immediately.

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

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