

7728

I N S E N A T E

May 12, 2016

Introduced by Sen. BOYLE -- 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 clarifying the basis upon which the state liquor authority has the authority to revoke, suspend or cancel a license or permit by excluding perceived violations of the laws of other states unless the conduct falls within certain exceptions and establishes standards in statute for the delivery of alcoholic beverage

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

1 Section 1. Subdivision 3 of section 118 of the alcoholic beverage
2 control law, as added by chapter 536 of the laws of 1996, is amended to
3 read as follows:

4 3. (A) As used in this section, the term "for cause" shall also
5 include the existence of a sustained and continuing pattern of noise,
6 disturbance, misconduct, or disorder on or about the licensed premises,
7 related to the operation of the premises or the conduct of its patrons,
8 which adversely affects the health, welfare or safety of the inhabitants
9 of the area in which such licensed premises are located.

10 (B) AS USED IN THIS CHAPTER, THE TERM "FOR CAUSE" SHALL NOT INCLUDE
11 CONDUCT BY A LICENSEE OUTSIDE NEW YORK OR VIOLATIONS OF ANOTHER STATE'S
12 LAWS OR REGULATIONS UNLESS:

13 (I) SUCH CONDUCT INDEPENDENTLY VIOLATES A SPECIFIC PROVISION OF THIS
14 CHAPTER;

15 (II) THE LICENSEE OR PERMITTEE IS FOUND GUILTY BY AUTHORITIES IN
16 ANOTHER STATE OF VIOLATING SUCH STATE'S LAWS FOR HAVING ENGAGED IN SUCH
17 CONDUCT PROVIDED THAT DUE PROCESS OF LAW, INCLUDING AN OPPORTUNITY TO BE
18 HEARD AND PRESENT EVIDENCE, HAS BEEN PROVIDED TO THE LICENSEE OR PERMIT-
19 TEE BY AUTHORITIES OF COMPETENT JURISDICTION IN SUCH OTHER STATE;

20 (III) THE OTHER STATE NOTIFIES THE LICENSEE THAT SUCH CONDUCT IS A
21 VIOLATION OF THAT STATE'S LAW AND, AFTER HAVING REQUESTED THAT THE
22 LICENSEE CEASE AND DESIST FROM ENGAGING IN SUCH CONDUCT, THE LICENSEE

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

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1 KNOWINGLY AND REPEATEDLY CONTINUES TO ENGAGE IN SUCH CONDUCT IN THE
2 OTHER STATE;

3 (IV) THE LICENSEE OR PERMITTEE HAS KNOWINGLY ENGAGED IN ILLEGAL SALES
4 TO MINORS IN ANOTHER STATE; OR

5 (V) THE LICENSEE HAS FAILED TO PAY TAXES IN SUCH OTHER STATE WHERE
6 SUCH TAXES ARE SHOWN TO BE PROPERLY OWED BY THE LICENSEE OR PERMITTEE.

7 S 2. This act shall take effect on the sixtieth day after it shall
8 have become a law.