

STATE OF NEW YORK

4592--A

Cal. No. 400

2017-2018 Regular Sessions

IN SENATE

February 21, 2017

Introduced by Sens. FUNKE, AKSHAR, GRIFFO, HELMING, RANZENHOFER, RITCHIE, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the alcoholic beverage control law and the general municipal law, in relation to allowing patrons to remove alcohol from a licensed premises in a leisure and recreation district

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 18 to read as follows:

3 18. Removal of alcohol from a licensed premises in a leisure and
4 recreation district. Notwithstanding any law, rule, or regulation to the
5 contrary, any holder of a license to sell alcoholic beverages issued
6 under sections fifty-one, fifty-one-a, fifty-five, fifty-eight, fifty-
7 eight-a, sixty-one, sixty-four, sixty-four-a, sixty-four-c,
8 sixty-four-d, seventy-six, seventy-six-a, seventy-six-c, seventy-six-d,
9 eighty-one and eighty-one-a of this chapter or a permit issued under
10 sections ninety-seven, ninety-seven-a and ninety-eight of this chapter
11 may sell or otherwise provide alcoholic beverages to a patron of the
12 license holder in the manner authorized in the license and the patron
13 may remove an open glass, cup or other container of the beer, cider,
14 liquor; or wine from the licensed premises and may possess and consume
15 the beer, cider, liquor, or wine outside of the licensed premises if:
16 (a) the licensed premises is located within a leisure and recreation
17 district and (b) the patron remains in possession of the beer, cider,
18 liquor, or wine within the boundaries of the leisure and recreation
19 district in which they obtained the beverage. Nothing contained in this

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

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1 section shall restrict the privileges for a licensee or permittee to
2 sell beer for consumption off-premises.

3 § 2. Section 3 of the alcoholic beverage control law is amended by
4 adding a new subdivision 16 to read as follows:

5 16. "Leisure and recreation district" shall mean an area officially
6 designated by local law of the governing body of a municipality as a
7 leisure and recreation district.

8 § 3. The general municipal law is amended by adding a new section 72-s
9 to read as follows:

10 § 72-s. Designation of leisure and recreation districts. Subject to
11 the provisions of this section, the governing body of a municipality, as
12 defined in subdivision three of section two hundred thirty-nine-b of
13 this chapter, may establish by local law one or more leisure and recre-
14 ation districts within the corporate boundaries of the municipality and
15 designate the geographic area or areas to be included within the
16 district. The governing body of a municipality, by local law may modify
17 the boundaries of a leisure and recreation district. The governing body
18 of a municipality shall provide that individuals possessing alcoholic
19 beverages within the leisure and recreation district may not remove them
20 from the leisure and recreation district and shall be subject to a civil
21 penalty if they remove alcoholic beverages from the leisure and recre-
22 ation district unless such beverages were purchased for off-premises
23 consumption.

24 § 4. This act shall take effect immediately.