STATE OF NEW YORK

4812--B

Cal. No. 652

2019-2020 Regular Sessions

IN SENATE

March 26, 2019

Introduced by Sens. MAY, ANTONACCI -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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, in relation to the sale of alcoholic beverages for consumption at the New York state fair; and to repeal subdivision 9 of section 76 and subdivision 3 of section 97 of such law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The alcoholic beverage control law is amended by adding a new section 97-b to read as follows:

§ 97-b. Sale of alcoholic beverages at the New York state fair. 1. For purposes of this section, the New York state fair and New York state fairgrounds shall have the same meaning and purpose as in article two-a of the agriculture and markets law.

2. In addition to any license issued pursuant to section fifty-five, sixty-four, sixty-four-a, sixty-four-c, sixty-four-d, eighty-one or eighty-one-a of this chapter for a premises located upon the New York state fairgrounds, the liquor authority is hereby authorized to issue a temporary permit to the holder of a concessionaire's license issued by the division of the New York state fair in the department of agriculture and markets.

3. (a) Such permit shall allow for the sale of alcoholic beverages by the permit holder for consumption upon the premises known as the New York state fairgrounds during the annual New York state fair for the calendar year such permit is issued.

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

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(b) Such a permit shall also allow the holder thereof to store alcoholic beverages upon the New York state fairgrounds, in areas designated by the concessionaire's license, during the seven days immediately preceding and the seven days immediately following the state fair for which the permit has been issued.

(c) Such permit holder must display its permit at all locations as authorized by the concessionaire's license and the authority.

4. The holder of an on-premises license issued for a premises located upon the New York state fairgrounds may exercise the privileges of a permit issued under this section without the need to obtain such permit. Provided, however, that the licensee may only sell such alcoholic beverages as may be sold under the terms of its license.

5. The holder of a manufacturing license issued pursuant to section thirty-one, fifty-one, fifty-one-a, fifty-eight, fifty-eight-c, seventy-six or seventy-six-a of this chapter or subdivision two-c of section sixty-one of this chapter may exercise the privileges of a permit issued under this section without need to obtain such permit. Provided, however, that the licensee: (a) holds a concessionaire's license issued by the division of the New York state fair in the department of agriculture and markets; and (b) may only sell such alcoholic beverages as may be sold for on-premises consumption at its licensed premises under the terms of its license.

6. The exercise of the privileges of a permit under this section shall be subject to: (a) such rules of the liquor authority as it deems necessary; and (b) the provisions of a concessionaire's agreement between the permit holder or licensee and the division of the New York state fair in the department of agriculture and markets.

7. The fee for such permit shall be two hundred sixty dollars.

§ 2. Subdivision 9 of section 76 of the alcoholic beverage control law is REPEALED.

§ 3. Subdivision 3 of section 97 of the alcoholic beverage control law is REPEALED.

§ 4. This act shall take effect immediately.