STATE OF NEW YORK

2704

2019-2020 Regular Sessions

IN ASSEMBLY

January 25, 2019

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

AN ACT to amend the alcoholic beverage control law, in relation to requiring the state liquor authority to determine the safety of a venue prior to approving certain permits

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

Section 1. Subdivision 1 of section 98 of the alcoholic beverage control law, as amended by section 21 of part Z of chapter 85 of the laws of 2002, is amended to read as follows:

1. **a.** The liquor authority is hereby authorized to issue to caterers and other persons furnishing provisions and service for use at a particular function, occasion or event in a hotel, restaurant, club, ballroom or other premises a temporary indoor permit effective for a period not to exceed twenty-four consecutive hours, which shall authorize the service of alcoholic beverages at such function, occasion or event within the hours, fixed by or pursuant to subdivision five of section one hundred six of this chapter, during which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages at retail for on-premises consumption in the community in which is located the premises in which such function, occasion or event is held. The fee therefor shall be thirty-eight dollars. Such a permit and the exercise of the privilege granted thereby may be subjected to such rules by the liquor authority as it deems necessary and such rules as are in conformity with the provisions of subdivision two of this section. Such a permit may also be issued for functions, occasions or events at premises for which a summer license has been previously issued pursuant to this chapter.

b. Notwithstanding any other provision of law to the contrary, an applicant shall not be issued a permit pursuant to this subdivision unless (i) such applicant demonstrates that the owner of the premises

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

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where such function, occasion or event shall be held approves of the use of the premises for such function, occasion or event and (ii) the liquor authority determines that the premises where such function, occasion or event shall be held would not endanger public safety. Such a determination shall be made by the liquor authority after consultation with:

(A) the department of environmental conservation to determine the premises is not an environmental hazard, including whether such premises is a superfund site placed on the United States environmental protection agency's national priority list;

(B) the local fire department to determine the premises meets safety standards including that such premises is equipped with emergency or fire exits, fire alarms and sprinklers; and

(C) the local police department to determine the security or public order measures necessary to ensure such function, occasion or event is not a detriment to the community or the surrounding neighborhood.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.