

# STATE OF NEW YORK

7681

2019-2020 Regular Sessions

## IN ASSEMBLY

May 15, 2019

Introduced by M. of A. FAHY, LENTOL, LUPARDO, McDONALD, D'URSO, REYES, RIVERA, BUTTENSCHON, COOK, D. ROSENTHAL, TAYLOR, DeSTEFANO -- Multi-Sponsored by -- M. of A. SAYEGH -- read once and referred to the Committee on Economic Development

AN ACT to amend the agriculture and markets law, in relation to direct marketing activities; and to amend the alcoholic beverage control law, in relation to issuance of licenses to motion picture theatres to sell wine and beer

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

1 Section 1. Subdivisions 2, 4, 5 and 6 of section 284 of the agricul-  
2 ture and markets law, as added by chapter 834 of the laws of 1981, are  
3 amended to read as follows:

4 2. Development of institutional direct marketing programs to increase  
5 the purchase of New York state farm, beverage, and food products in  
6 coordination with the office of general services and the department of  
7 education.

8 4. Development of guidelines for direct marketing operations that will  
9 assist individual producers in reducing costs and improve their finan-  
10 cial returns and help assure consumers of high quality food and beverage-  
11 es.

12 5. Assistance to retail food and beverage stores in purchasing direct-  
13 ly from New York state food and beverage producers.

14 6. Assistance to direct marketing organizations in areas identified as  
15 having poor consumer access to high quality and reasonably priced food,  
16 beverages, and farm products.

17 § 2. Section 81-a of the alcoholic beverage control law is amended by  
18 adding a new subdivision 5 to read as follows:

19 5. (a) A special license under this section may be granted to a motion  
20 picture theatre. For the purposes of this subdivision, "motion picture  
21 theatre" shall mean a building or facility which is regularly used and

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

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1 kept open primarily for the exhibition of motion pictures for at least  
2 five out of seven days a week, or on a regular seasonal basis of no less  
3 than six contiguous weeks, to the general public; (i) where all audito-  
4 rium seating is permanently affixed to the floor; (ii) where at least  
5 sixty-five percent of the motion picture theatre's annual gross revenues  
6 is the combined result of admission revenue for the showing of motion  
7 pictures and the sale of food and non-alcoholic beverages; and (iii)  
8 which regularly keeps available for sale to its customers for consump-  
9 tion on the premises food that is typically found in a motion picture  
10 theatre including, but not limited to, popcorn, candy and light snacks.

11 (b) In the case of a motion picture theatre applying for a special  
12 license under this subdivision, any municipality required to be notified  
13 under section one hundred ten-b of this chapter may express an opinion  
14 with respect to whether the application should be approved, and such  
15 opinion may be considered in determining whether good cause exists to  
16 deny any such application.

17 § 3. Section 106 of the alcoholic beverage control law is amended by  
18 adding a new subdivision 16 to read as follows:

19 16. A person holding a special license to sell wine at retail for  
20 consumption in a motion picture theatre pursuant to subdivision five of  
21 section eighty-one-a of this chapter shall:

22 (a) for every purchase of an alcoholic beverage, require the purchaser  
23 to provide written evidence of age as set forth in paragraph (b) of  
24 subdivision two of section sixty-five-b of this chapter;

25 (b) allow the purchase of no more than one alcoholic beverage per  
26 transaction;

27 (c) not commence the sale of alcoholic beverages until: (i) one hour  
28 prior to the start of the first motion picture; or (ii) at the time at  
29 which the sale or service of alcoholic beverages for consumption on the  
30 premises in the county in which the premises is located may commence;  
31 whichever is later; and

32 (d) cease all sales of alcoholic beverages: (i) after the conclusion  
33 of the final motion picture; or (ii) at the time at which the sale or  
34 service of alcoholic beverages for consumption on the premises in the  
35 county in which the premises is located must cease, whichever is earli-  
36 er.

37 § 4. This act shall take effect immediately.