

# STATE OF NEW YORK

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7681--A

2019-2020 Regular Sessions

## IN ASSEMBLY

May 15, 2019

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Introduced by M. of A. FAHY, LENTOL, LUPARDO, McDONALD, D'URSO, REYES, RIVERA, COOK, D. ROSENTHAL, TAYLOR, DeSTEFANO, STIRPE, WOERNER, CROUCH, CRUZ, PICHARDO, DAVILA, MANKTELOW -- Multi-Sponsored by -- M. of A. SAYEGH -- read once and referred to the Committee on Economic Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to direct marketing activities; to amend the alcoholic beverage control law, in relation to issuance of licenses to motion picture theatres to sell wine and beer; and providing for the repeal of certain provisions upon the expiration thereof

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:

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

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1 5. a. Notwithstanding anything to the contrary, a special license  
2 under this section may be granted to a motion picture theatre giving due  
3 regard to the convenience of the public and the strict avoidance of  
4 sales prohibited by this chapter.

5 b. A special license under this section may be granted to a motion  
6 picture theatre. For the purposes of this subdivision, "motion picture  
7 theatre" shall mean a building or facility which is regularly used and  
8 kept open primarily for the exhibition of motion pictures for at least  
9 five out of seven days a week, or on a regular seasonal basis of no less  
10 than six contiguous weeks, to the general public; (i) where all audito-  
11 rium seating is permanently affixed to the floor; (ii) where at least  
12 sixty-five percent of the motion picture theatre's annual gross revenues  
13 is the combined result of admission revenue for the showing of motion  
14 pictures and the sale of food and non-alcoholic beverages; and (iii)  
15 which regularly keeps available for sale to its customers for consump-  
16 tion on the premises food that is typically found in a motion picture  
17 theatre including, but not limited to, popcorn, candy and light snacks.

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

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

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

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

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

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

38 § 4. Subdivision 1 of section 110 of the alcoholic beverage control  
39 law is amended by adding a new paragraph (j) to read as follows:

40 (j) In the case of a motion picture theatre applying for a special  
41 license under subdivision five of section eighty-one-a of this chapter,  
42 any municipality required to be notified under section one hundred ten-b  
43 of this article shall provide written notice that such municipality has  
44 no objection to such application.

45 § 5. Subdivision 6 of section 110 of the alcoholic beverage control  
46 law, as amended by chapter 188 of the laws of 2013, is amended to read  
47 as follows:

48 6. The authority may in its discretion waive the submission of any  
49 category of information described in this section for any category of  
50 license or permit, provided that it shall not be permitted to waive the  
51 requirement for submission of any such category of information solely  
52 for an individual applicant or applicants and provided further that no  
53 waiver of paragraph (f) or paragraph (j) of subdivision one of this  
54 section shall be made.

55 § 6. This act shall take effect immediately provided, however, that  
56 the provisions of section two of this act shall expire 5 years after

1 such date when upon such date the provisions of such section shall be  
2 deemed repealed. Notwithstanding such repeal, any license issued pursu-  
3 ant to the provisions of section two of this act prior to the date of  
4 repeal of such section shall remain in effect and may be renewed subject  
5 to the terms of such license.