

# STATE OF NEW YORK

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4812

2019-2020 Regular Sessions

## IN SENATE

March 26, 2019

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Introduced by Sens. MAY, ANTONACCI -- read twice and ordered printed,  
and when printed to be committed to the Committee on Investigations  
and Government Operations

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 76 and subdivision 3 of section  
97 of such law relating thereto

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

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

3 § 97-b. Sale of alcoholic beverages at the New York state fair. 1. In  
4 addition to any license issued pursuant to section fifty-five, sixty-  
5 four, sixty-four-a, sixty-four-c, sixty-four-d, eighty-one or eighty-  
6 one-a of this chapter for a premises located upon the New York state  
7 fairgrounds, the liquor authority is hereby authorized to issue an annu-  
8 al permit to the holder of a concessionaire's license issued by the  
9 division of the New York state fair in the department of agriculture and  
10 markets.

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

15 (b) Such a permit shall also allow the holder thereof to store alco-  
16 holic beverages upon the New York state fairgrounds during the seven  
17 days immediately preceding and the seven days immediately following the  
18 state fair for which the permit has been issued.

19 3. The holder of an on-premises license issued for a premises located  
20 upon the New York state fairgrounds may exercise the privileges of a  
21 permit issued under this section without the need to obtain such permit.

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

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1 Provided, however, that the licensee may only sell such alcoholic beverages  
2 as may be sold under the terms of its license.

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

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

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

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

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

23 § 4. This act shall take effect immediately.