STATE OF NEW YORK

8162

2021-2022 Regular Sessions

IN ASSEMBLY

July 7, 2021

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

AN ACT to amend the alcoholic beverage control law, in relation to establishing a license to sell liquor at retail for consumption on premises in a cigar lounge; and to amend the labor law, in relation to requiring cigar lounges to provide written notification warning employees of the dangers of exposure to tobacco smoke

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

Section 1. Section 3 of the alcoholic beverage control law is amended by adding a new subdivision 7-e to read as follows:

7-e. "Cigar lounge" means any bona fide retail store that: (a) caters to patrons who purchase and smoke premium cigars; (b) generates sixty percent of its quarterly adjusted gross revenue from the sale of cigar-related products, which is limited to cigars, humidors, cigar cutters, cigar cases, lighters and ashtrays. Revenue from state lottery, mail order, and internet sales, as well as revenue generated from other tobacco sales in store, including cigarettes and loose tobacco sales, shall not be used to determine whether an establishment satisfies the definition of a cigar lounge; (c) has a humidor on the premises; (d) is open to the public on a regular basis; (e) has seating for a minimum of fifteen patrons; (f) does not allow any person under the age of twenty-one on the premises unless accompanied by a parent, legal guardian, or adult spouse; (g) does not allow service of food and the smoking of cigarettes, e-cigarettes, hookah or shisha; and (h) holds a current New York retail dealer certificate of registration for cigarettes and tobacco products and such business was issued their first certificate prior to June first, two thousand eighteen at any address. A cigar lounge shall be a permanent structure where stock is displayed and offered for sale and that has facilities to properly secure any stock of alcoholic beverages.

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

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§ 2. The alcoholic beverage control law is amended by adding a new section 64-e to read as follows:

§ 64-e. License to sell liquor at retail for consumption on premises in a cigar lounge. 1. A cigar lounge means a business which meets the requirements of a cigar lounge as defined in section three of this chapter.

2. Any person currently licensed in New York with a retail dealer certificate of registration for cigarettes and tobacco products who was first issued such certificate prior to June first, two thousand eighteen at any address and who does not currently or did hold prior a club liquor or club beer license at the same location of the cigar lounge may make an application to the appropriate board for a license to sell liquor at retail to be consumed on the premises where sold and such license shall be issued to all applicants except for good cause shown.

3. Such application shall be in such form and shall contain such information as shall be required by the rules of the liquor authority and shall be accompanied by a check or draft in the amount required by this article for such license.

4. Such license shall, in form and in substance, be a license to the person specifically licensed to sell liquor at retail to be consumed upon the premises. Such license shall also be deemed to include a license to sell wine and beer at retail to be consumed under the same terms and conditions without the payment of any additional fee.

5. Such license shall waive any requirement of prepared or non-prepared food to be available on premises. Food cannot be prepared or served by a licensee.

6. Such license shall require that a cigar lounge stock liquor, beer and wine products produced in New York state as at least five percent of its liquor, beer and wine selections, provided that these products are readily available to the cigar lounge.

7. All applicants for employment at a cigar lounge shall be presented with a written notice that states that working in a cigar lounge has serious and permanent negative health effects, including, but not limited to, an increased risk of cancer and heart disease, and that no level of exposure to second-hand smoke is safe.

§ 3. Section 66 of the alcoholic beverage control law is amended by adding a new subdivision 11 to read as follows:

11. The annual fee for a license to sell liquor at retail for consumption on premises in a cigar lounge shall be one thousand seven hundred ninety-two dollars per year.

§ 4. The labor law is amended by adding a new section 202-n to read as follows:

§ 202-n. Cigar lounge employees; tobacco smoke exposure notification. A cigar lounge, as defined in section three of the alcoholic beverage control law, shall provide written notice to all employees and applicants for employment that working in a cigar lounge may cause serious negative health effects, including an increased risk of cancer and heart disease and that no level of exposure to environmental tobacco smoke is safe.

§ 5. This act shall take effect immediately.