STATE OF NEW YORK

7784

IN SENATE

January 11, 2022

Introduced by Sen. RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the alcoholic beverage control law, in relation to the issuance of temporary retail permits

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

Section 1. Paragraphs (c) and (d) of subdivision 1 of section 110-b of the alcoholic beverage control law, as added by chapter 560 of the laws of 2011, are amended and a new paragraph (e) is added to read as follows:

(c) for approval of an alteration under section ninety-nine-d of this chapter if the premises is located within the city of New York and licensed pursuant to section fifty-five, fifty-five-a, sixty-four, sixty-four-a, sixty-four-c, sixty-four-d, eighty-one or eighty-one-a of this chapter; [~~or~~]

(d) for approval of a substantial corporate change under section ninety-nine-d of this chapter if the premises is located within the city of New York and licensed pursuant to section fifty-five, fifty-five-a, sixty-four, sixty-four-a, sixty-four-c, sixty-four-d, eighty-one or eighty-one-a of this chapter[~~.~~]**; or**

(e) for a temporary retail permit issued under paragraph (b) of subdivision one of section ninety-seven-a of this chapter where the establishment is to be licensed pursuant to section fifty-five, fifty-five-a, sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, sixty-four-d, eighty-one or eighty-one-a of this chapter located in a city with a population of one million or more people. If an applicant subject to this paragraph shall, after filing an application for a retail license and providing proper notice for such application pursuant to paragraph (a) of this subdivision, subsequently file an application for a temporary retail permit pursuant to section ninety-seven-a of this chapter at the same premises, such applicant must file additional notice pursuant to this paragraph; provided, however, such notice will be effective at the later of its proper service under this section or thirty days from

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

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the date proper notice was served under paragraph (a) of this subdivision for the license at the same premises.

§ 2. Subdivision 3 of section 97-a of the alcoholic beverage control law, as added by chapter 396 of the laws of 2010, is amended to read as follows:

3. A temporary retail permit under paragraph (b) of subdivision one of this section may not be issued for any premises that is subject to the provisions of section sixty-three[~~,~~] or seventy-nine of this chapter; a temporary retail permit under paragraph (b) of subdivision one of this section shall not be issued for a premises subject to the provisions of paragraph (b) of subdivision seven of section sixty-four, subparagraph (ii) of paragraph (a) of subdivision seven of section sixty-four-a, subparagraph (ii) of paragraph (a) of subdivision eleven of section sixty-four-c, or paragraph (b) of subdivision eight of section sixty-four-d, [~~or section seventy-nine of this chapter~~] unless and until a recommendation that there be a finding of public interest has been made by an administrative law judge pursuant to paragraph (f) of subdivision seven of section sixty-four, paragraph (d) of subdivision seven of section sixty-four-a, paragraph (c) of subdivision five of section sixty-four-b, paragraph (c) of subdivision eleven of section sixty-four-c, or paragraph (e) of subdivision eight of section sixty-four-d of this chapter. Provided however, any premises granted a temporary retail permit pursuant to this subdivision in a city with a population of one million or more people shall only be allowed to operate on the premises under the following conditions: an active retail license shall have existed at the location within the past two years, and such license shall not have been canceled, suspended, or revoked by the authority within the past two years; the closing time any day of the week shall be no later than midnight; provided however that the closing time of any outdoor space shall be no later than ten o'clock post-meridian Sunday through Thursday and eleven o'clock post-meridian Friday and Saturday; no outdoor music; indoors shall have recorded background music only, with no live music, DJ's, karaoke, or similar forms of music; and no dancing. The authority shall automatically lift such restrictions if the authority issues a retail license for the premises, and replace such restrictions with other restrictions, if any, imposed by the authority in accordance with the public interest standard.

§ 3. Section 97-a of the alcoholic beverage control law is amended by adding a new subdivision 3-a to read as follows:

3-a. A notice for a public hearing pursuant to paragraph (f) of subdivision seven of section sixty-four, paragraph (d) of subdivision seven of section sixty-four-a, paragraph (c) of subdivision five of section sixty-four-b, paragraph (c) of subdivision eleven of section sixty-four-c, or paragraph (e) of subdivision eight of section sixty-four-d of this chapter shall also include notification that a temporary retail permit may be issued to the premises by the authority after a recommendation that there be a finding of public interest has been made in proceedings conducted pursuant to subdivision three of this section.

§ 4. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2021 amending the alcoholic beverage control law relating to authorizing the issuance of a temporary retail permit by the state liquor authority to licensees located in a municipality having a population of one million or more persons, as proposed in legislative bills numbers S. 2743 and A. 3909, takes effect.