

# STATE OF NEW YORK

1272

2021-2022 Regular Sessions

## IN ASSEMBLY

January 8, 2021

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

AN ACT to amend the alcoholic beverage control law, in relation to enacting the "New York beverage modernization act"; and to repeal certain provisions of such law relating thereto

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

1 Section 1. This act shall be known and may be cited as the "New York  
2 beverage modernization act".

3 § 2. Paragraph (a) of subdivision 14 of section 105 of the alcoholic  
4 beverage control law, as amended by section 1 of part U of chapter 63 of  
5 the laws of 2003, is amended to read as follows:

6 (a) No premises licensed to sell liquor and/or wine for off-premises  
7 consumption shall be permitted to remain open~~+~~

8 ~~(i) On Sunday before twelve o'clock post meridian and after nine~~  
9 ~~o'clock post meridian.~~

10 ~~(ii) On~~ on any day between midnight and eight o'clock antemeridian.

11 ~~[(iii) On the twenty-fifth day of December, known as Christmas day.]~~

12 In any community where daylight saving time is in effect, such time  
13 shall be deemed the standard time for the purpose of this subdivision.

14 § 3. Section 105-a of the alcoholic beverage control law is REPEALED.

15 § 4. Subdivision 5 of section 106 of the alcoholic beverage control  
16 law, as amended by chapter 83 of the laws of 1995, paragraphs (a) and  
17 (b) as amended and paragraph (c) as added by section 1 of part FF of  
18 chapter 55 of the laws of 2020, is amended to read as follows:

19 5. No alcoholic beverages shall be sold, offered for sale or given  
20 away upon any premises licensed to sell alcoholic beverages at retail  
21 for on-premises consumption~~[, during the following hours]:~~

22 ~~[(a) Except as provided in paragraph (c) of this subdivision, on~~  
23 ~~Sunday, from four ante meridiem to ten o'clock a.m., except pursuant to~~  
24 ~~a permit issued under section ninety-nine-h of this chapter.~~

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

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1 ~~(b)~~ (a) Except as provided in paragraph ~~(a)~~ (b) of this subdivi-  
2 sion, on any ~~other~~ day between four ante meridiem and eight ante meri-  
3 diem.

4 ~~(a)~~ (b) On any day between three ante meridian and six ante meridi-  
5 an, for a premises located within an international airport owned or  
6 operated by the Port Authority of New York and New Jersey. The  
7 provisions of this paragraph shall not be subject to change pursuant to  
8 subdivision ~~eleven~~ nine of section seventeen of this chapter.

9 Unless otherwise approved by the authority pursuant to subdivision  
10 ~~eleven~~ nine of section seventeen of this chapter, where any rule has  
11 been adopted in a county on or before April first, nineteen hundred  
12 ninety-five, further restricting the hours of sale for alcoholic bever-  
13 ages, such restricted hours shall be the hours, during which the sale of  
14 alcoholic beverages at retail for on-premises consumption shall not be  
15 permitted within such county.

16 Nor shall any person be permitted to consume any alcoholic beverages  
17 upon any such premises later than one-half hour after the start of the  
18 prohibited hours of sale provided for in this section.

19 § 5. Subdivision 6 of section 117-a of the alcoholic beverage control  
20 law is REPEALED.

21 § 6. Subdivision 4 of section 130 of the alcoholic beverage control  
22 law, as amended by chapter 186 of the laws of 1949, is amended to read  
23 as follows:

24 4. In the city of New York, a summons shall be issued for a violation  
25 of the provisions of subdivision fourteen of section one hundred ~~and~~  
26 five~~, section one hundred and five-a~~ and subdivision five of section  
27 one hundred ~~and~~ six of this chapter in the same manner as provided by  
28 subdivision h of section one hundred ~~and~~ sixteen of the New York city  
29 criminal courts act.

30 § 7. This act shall take effect on the ninetieth day after it shall  
31 have become a law.