STATE OF NEW YORK

4136

2021-2022 Regular Sessions

IN SENATE

February 2, 2021

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

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:

Section 1. Subdivisions 2, 4, 5 and 6 of section 284 of the agriculture and markets law, as added by chapter 834 of the laws of 1981, are amended to read as follows:

2. Development of institutional direct marketing programs to increase the purchase of New York state farm**, beverage,** and food products in coordination with the office of general services and the department of education.

4. Development of guidelines for direct marketing operations that will assist individual producers in reducing costs and improve their financial returns and help assure consumers of high quality food **and beverages**.

5. Assistance to retail food **and beverage** stores in purchasing directly from New York state food **and beverage** producers.

6. Assistance to direct marketing organizations in areas identified as having poor consumer access to high quality and reasonably priced food**, beverages,** and farm products.

§ 2. Section 81-a of the alcoholic beverage control law is amended by adding a new subdivision 5 to read as follows:

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

b. A special license under this section may be granted to a motion picture theatre. For the purposes of this subdivision, "motion picture theatre" shall mean a building or facility which is regularly used and

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

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kept open primarily for the exhibition of motion pictures for at least five out of seven days a week, or on a regular seasonal basis of no less than six contiguous weeks, to the general public; (i) where all auditorium seating is permanently affixed to the floor; (ii) where at least sixty-five percent of the motion picture theatre's annual gross revenues is the combined result of admission revenue for the showing of motion pictures and the sale of food and non-alcoholic beverages; and (iii) which regularly keeps available for sale to its customers for consumption on the premises food that is typically found in a motion picture theatre including, but not limited to, popcorn, candy and light snacks.

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

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

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

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

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

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

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

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

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

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

§ 6. This act shall take effect immediately provided, however, that the provisions of section two of this act shall expire 5 years after such date when upon such date the provisions of such section shall be deemed repealed. Notwithstanding such repeal, any license issued pursuant to the provisions of section two of this act prior to the date of repeal of such section shall remain in effect and may be renewed subject to the terms of such license.