

# STATE OF NEW YORK

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9244

## IN ASSEMBLY

February 22, 2024

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

AN ACT to amend chapter 118 of the laws of 2012 amending the alcoholic beverage control law relating to the powers of the chairman and members of the authority, in relation to the effectiveness of certain provisions thereof (Part A); to amend the alcoholic beverage control law, in relation to providing for certain temporary permits (Part B); to amend the alcoholic beverage control law, in relation to authorizing special permits to remain open during certain hours of the morning (Part C); to amend the alcoholic beverage control law, in relation to permitting certain retail licensees to purchase wine and liquor from certain other retail licensees (Part D); to amend the alcoholic beverage control law, in relation to permissible sales by license holders (Part E); to amend the alcoholic beverage control law, in relation to allowing multiple off-premises licenses (Part F); to amend the alcoholic beverage control law, in relation to licensing restrictions for manufacturers and wholesalers of alcoholic beverages and retail licensees (Part G); to amend the alcoholic beverage control law, in relation to the approval of seven day licenses to sell liquor at retail for consumption off the premises (Part H); to amend the alcoholic beverage control law, in relation to adjusting licensing fees regarding certain alcoholic beverages (Part I); to amend the alcoholic beverage control law, in relation to notifying municipalities of the filing of certain applications (Part J); to amend the alcoholic beverage control law, in relation to changes of ownership of a licensed business (Part K); to amend the alcoholic beverage control law, in relation to the issuance of temporary retail permits; and to amend chapter 396 of the laws of 2010 amending the alcoholic beverage control law relating to liquidator's permits and temporary retail permits, in relation to the effectiveness thereof (Part L); to amend the alcoholic beverage control law, in relation to establishing a temporary wholesale permit and allowing multiple wholesale licenses owned by the same person or entity to be located at the same premises (Part M); to amend the alcoholic beverage control law, in relation to licenses issued for on-premises consumption within certain distances of a building occupied as a school, church, synagogue or other place of worship with consent of such building's owner or administrator

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

LBD11092-11-4

(Part N); to amend the alcoholic beverage control law, in relation to permitting licenses for premises located within five hundred feet of other premises outside of certain counties (Part O); and to repeal subdivision 2 of section 105 of the alcoholic beverage control law, in relation to requiring wine and liquor be sold at street level (Part P)

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

1 Section 1. This act enacts into law major components of legislation  
2 necessary to implement certain provisions regarding licensing and sales  
3 under the alcoholic beverage control law. Each component is wholly  
4 contained within a Part identified as Parts A through P. The effective  
5 date for each particular provision contained within such Part is set  
6 forth in the last section of such Part. Any provision in any section  
7 contained within a Part, including the effective date of the Part, which  
8 makes a reference to a section "of this act", when used in connection  
9 with that particular component, shall be deemed to mean and refer to the  
10 corresponding section of the Part in which it is found. Section three of  
11 this act sets forth the general effective date of this act.

12 PART A

13 Section 1. Section 4 of chapter 118 of the laws of 2012 amending the  
14 alcoholic beverage control law relating to the powers of the chairman  
15 and members of the authority, as amended by chapter 124 of the laws of  
16 2021, is amended to read as follows:

17 § 4. This act shall take effect immediately [~~and shall expire and be~~  
18 ~~deemed repealed twelve years after such date~~].

19 § 2. This act shall take effect immediately.

20 PART B

21 Section 1. Subdivision 1 of section 98 of the alcoholic beverage  
22 control law, as amended by chapter 703 of the laws of 2022, is amended  
23 to read as follows:

24 1. The liquor authority is hereby authorized to issue to a retail  
25 licensee for on-premises consumption or a licensed off-premises caterer  
26 furnishing provisions and service for use at a particular function,  
27 occasion or event in a hotel, restaurant, club, ballroom or other prem-  
28 ises a temporary [~~indoor~~] permit effective for a period not to exceed  
29 twenty-four consecutive hours, which shall authorize the service of  
30 alcoholic beverages at such function, occasion or event within the  
31 hours, fixed by or pursuant to subdivision five of section one hundred  
32 six of this chapter, during which alcoholic beverages may lawfully be  
33 sold or served upon premises licensed to sell alcoholic beverages at  
34 retail for on-premises consumption in the community in which is located  
35 the premises in which such function, occasion or event is held. The fee  
36 therefor shall be thirty-eight dollars. Such a permit and the exercise  
37 of the privilege granted thereby may be subjected to such rules by the  
38 liquor authority as it deems necessary and such rules as are in conform-  
39 ity with the provisions of subdivision two of this section. Such a  
40 permit may also be issued for functions, occasions or events at premises  
41 for which a summer license has been previously issued pursuant to this  
42 chapter.

§ 2. Subdivision 1 of section 97 of the alcoholic beverage control law, as amended by section 19 of part Z of chapter 85 of the laws of 2002, is amended to read as follows:

1. The liquor authority is hereby authorized to issue temporary permits effective for a period not to exceed twenty-four consecutive hours to authorize the sale of beer ~~[and]~~, wine ~~[manufactured in New York state]~~, cider, mead and/or braggot, and liquor at outdoor or indoor gatherings, functions, occasions or events, within the hours fixed by or pursuant to subdivision five of section one hundred six of this chapter, during which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages at retail for on-premises consumption in the community in which is located the premises in which such gathering, function, occasion or event is held. The fee for such permit shall be twenty-six dollars. Such permit and the exercise of the privilege granted thereby shall be subject to such rules of the liquor authority as it deems necessary.

§ 3. This act shall take effect immediately, and shall apply to all applications received by the state liquor authority on and after such date.

#### PART C

Section 1. Subdivision 1 of section 99 of the alcoholic beverage control law, as amended by section 22 of part Z of chapter 85 of the laws of 2002, is amended to read as follows:

1. Any person licensed to sell alcoholic beverages for consumption on the premises pursuant to this chapter may apply to the liquor authority for a special permit ~~[to remain open on any week day between the hours of four o'clock a.m. or the closing hour prescribed by a rule adopted in a county on or before April first, nineteen hundred ninety-five or pursuant to subdivision eleven of section seventeen of this chapter, and eight o'clock a.m.]~~. A permit issued under this section shall authorize the holder of a retail on-premises license to sell or serve alcoholic beverages for consumption on the premises on the morning of January first between four o'clock a.m. or such other hour that the sale of alcoholic beverages for on-premises consumption must cease in the community in which the licensed premises is located, and eight o'clock a.m. The fee for such permit shall be fifty-one dollars per day.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

#### PART D

Section 1. Section 106 of the alcoholic beverage control law is amended by adding a new subdivision 2-b to read as follows:

2-b. Notwithstanding any provision of this chapter to the contrary, a retail licensee for on-premises consumption shall be authorized to purchase up to twelve bottles of wine and liquor per week from an off-premises retail licensee, and may resell any wine and liquor so purchased for consumption on the premises licensed therefor.

§ 2. Section 105 of the alcoholic beverage control law is amended by adding a new subdivision 25 to read as follows:

25. Notwithstanding any provision of this chapter to the contrary, a retail licensee to sell liquor and/or wine for consumption off the premises shall be authorized to sell up to twelve bottles of wine and liquor per week to a retail licensee for on-premises consumption.

§ 3. This act shall take effect immediately.

#### PART E

Section 1. Subdivision 4 of section 63 of the alcoholic beverage control law, as amended by chapter 24 of the laws of 2024, is amended to read as follows:

4. No licensee under this section shall be engaged in any other business on the licensed premises. The sale of any of the following shall not constitute engaging in another business within the meaning of this subdivision:

(a) lottery tickets, when duly authorized and lawfully conducted~~[, the sale of];~~;

(b) reusable bags as defined in section 27-2801 of the environmental conservation law~~[, the sale of];~~;

(c) corkscrews ~~[or the sale of];~~;

(d) ice ~~[or the sale of];~~;

(e) publications, including prerecorded video and/or audio cassette tapes, or educational seminars, designed to help educate consumers in their knowledge and appreciation of alcoholic beverages, as defined in section three of this chapter and allowed pursuant to their license~~[, or the sale of];~~;

(f) non-carbonated, non-flavored mineral waters, spring waters and drinking waters ~~[or the sale of];~~;

(g) glasses designed for the consumption of wine or liquor, racks designed for the storage of wine, and devices designed to minimize oxidation in bottles of wine which have been uncorked~~[, or the sale of];~~;

(h) gift bags, gift boxes, associated gift or promotional items, or wrapping, for alcoholic beverages purchased at the licensed premises ~~[shall not constitute engaging in another business within the meaning of this subdivision];~~;

(i) tonic water;

(j) bitters;

(k) maraschino cherries; and

(l) dealcoholized wine.

Any fee obtained from the sale of an educational seminar shall not be considered as a fee for any tasting that may be offered during an educational seminar, provided that such tastings are available to persons who have not paid to attend the seminar and all tastings are conducted in accordance with section sixty-three-a of this article. For the purposes of this section, gift or promotional items shall only include those items that are complimentary and directly associated with the sale of wine or liquor they are promoting and shall mean: (i) items that are de minimis in value, but in no instance shall merchandise be valued at more than fifteen dollars in total; (ii) items that are imprinted with the wine or liquor brand logo on the gift or promotional item; and (iii) items that are included as part of a manufactured pre-sealed package with the wine or liquor that is being gifted or promoted. Further, for the purposes of this section, promotional items shall not include any food, non-alcoholic beverage, or other drink or food mix, nor shall these items be offered for sale to the general public as individual items.

§ 2. Paragraph (a) of subdivision 1 of section 104 of the alcoholic beverage control law, as amended by chapter 24 of the laws of 2024, is amended to read as follows:

(a) No wholesaler shall be engaged in any other business on the premises to be licensed; except that nothing contained in this chapter shall: (1) prohibit a beer wholesaler from (i) acquiring, storing or selling non-alcoholic snack foods, as defined in paragraph (b) of this subdivision, (ii) manufacturing, bottling, storing, or selling non-alcoholic carbonated beverages, (iii) manufacturing, storing or selling non-alcoholic non-carbonated soft drinks, mineral waters, spring waters, drinking water, non-taxable malt or cereal beverages, juice drinks, fruit or vegetable juices, ice, liquid beverage mixes and dry or frozen beverage mixes, (iv) acquiring, storing or selling wine products, (v) the sale of promotional items on such premises, or (vi) the sale of tobacco products at retail by wholesalers who are licensed to sell beer and other products at retail; (2) prohibit a wholesaler authorized to sell wine from manufacturing, acquiring or selling wine merchandise, as defined in paragraph (d) of this subdivision; (3) prohibit a licensed winery or licensed farm winery from engaging in the business of a wine wholesaler for New York state labeled wines produced by any licensed winery or licensed farm winery or prohibit such wine wholesaler from exercising any of its rights pursuant to sections seventy-six and seventy-six-a of this chapter provided that the operation of such beer and wine wholesalers business shall be subject to such rules and regulations as the liquor authority may prescribe; (4) prohibit a beer wholesaler who is authorized to sell beer at retail from selling at retail: (i) candy, chewing gum and cough drops; (ii) non-refrigerated salsa; (iii) cigarette lighters, lighter fluid, matches and ashtrays; (iv) barbecue and picnic-related products and supplies, which shall include, but not be limited to, charcoal, grills, propane gas, plastic and paper cups, paper or plastic tablecloths and coolers; (v) beer making and brewing supplies and publications, which shall include, but not be limited to, books, magazines, equipment and ingredients; (vi) steins, mugs and other glassware appropriate for the consumption of beer, malt beverages and wine products; (vii) items typically used to serve beer and malt beverages including, but not limited to, taps, kegerators, koozies and beer socks; (viii) lemons, limes and oranges, provided that no more than two dozen of each shall be displayed at any one time; (ix) rock salt, ice and snow melting compounds, snow shovels; windshield washer solvent; firewood; beach umbrellas; sunglasses and sun block; and (x) prepaid telephone cards; (5) prohibit the installation and operation of a single automated teller machine in the premises of a beer wholesaler who is authorized to sell beer at retail; ~~or~~ (6) prohibit a liquor or a wine wholesaler from transporting or selling gifts or promotional items associated with wine or liquor products as provided for in subdivision four of section sixty-three of this chapter; or (7) prohibit a liquor wholesaler from transporting or selling tonic water, bitters, maraschino cherries or dealcoholized wine. For the purposes of this subdivision, "automated teller machine" means a device which is linked to the accounts and records of a banking institution and which enables consumers to carry out banking transactions, including but not limited to, account transfers, deposits, cash withdrawals, balance inquiries and loan payments.

§ 3. This act shall take effect immediately.

1 Section 1. Subdivision 5 of section 63 of the alcoholic beverage  
2 control law is amended to read as follows:

3 5. Not more than [~~one license~~] two licenses shall be granted to any  
4 person under this section.

5 § 2. This act shall take effect immediately.

6 PART G

7 Section 1. The opening paragraph of paragraph (a) of subdivision 1 of  
8 section 101 of the alcoholic beverage control law, as amended by chapter  
9 318 of the laws of 2016, is amended to read as follows:

10 Be interested directly or indirectly in any premises licensed under  
11 this chapter where any alcoholic beverage is sold at retail; or in any  
12 business licensed under this chapter devoted wholly or partially to the  
13 sale of any alcoholic beverage at retail by stock ownership, interlock-  
14 ing directors, mortgage or lien or any personal or real property, or by  
15 any other means. The provisions of this paragraph shall not apply to

16 § 2. The opening paragraph of paragraph (a) of subdivision 13 of  
17 section 106 of the alcoholic beverage control law, as amended by chapter  
18 453 of the laws of 2018, is amended to read as follows:

19 No retail licensee for on-premises consumption shall be interested,  
20 directly or indirectly, in any premises licensed under this chapter  
21 where liquors, wines or beer are manufactured or sold at wholesale, by  
22 stock ownership, interlocking directors, mortgage or lien on any  
23 personal or real property or by any other means, except that liquors,  
24 wines or beer may be manufactured or sold wholesale by the person  
25 licensed as a manufacturer or wholesaler thereof:

26 § 3. This act shall take effect immediately.

27 PART H

28 Section 1. Subdivision 6 of section 63 of the alcoholic beverage  
29 control law, as added by chapter 1024 of the laws of 1965, is amended to  
30 read as follows:

31 6. Determinations under this section with respect to approving the  
32 issuance of a new license or under section one hundred eleven of this  
33 chapter with respect to the transfer to any other premises of a license  
34 issued hereunder, shall be made [~~in accordance with public convenience~~  
35 ~~and advantage~~] unless there is good cause shown for disapproval by the  
36 liquor authority.

37 § 2. Subdivision 4 of section 79 of the alcoholic beverage control  
38 law, as added by chapter 1024 of the laws of 1965, is amended to read as  
39 follows:

40 4. Determinations under this section with respect to approving the  
41 issuance of a new license or under section one hundred eleven of this  
42 chapter with respect to the transfer to any other premises of a license  
43 issued hereunder shall be made [~~in accordance with public convenience~~  
44 ~~and advantage~~] unless there is good cause shown for disapproval by the  
45 liquor authority.

46 § 3. This act shall take effect immediately.

47 PART I

48 Section 1. Subdivisions 3 and 4 of section 93 of the alcoholic bever-  
49 age control law, subdivision 3 as amended by section 12 of part Z of



chapter 85 of the laws of 2002 and subdivision 4 as amended by chapter 297 of the laws of 2016, are amended to read as follows:

3. The license fee for such permit shall be [~~twenty-six~~] twenty-five dollars per year, or for any part thereof, and the permit shall be issued for the calendar year.

4. Notwithstanding the foregoing provisions of this section, any duly licensed manufacturer or wholesaler may apply to the liquor authority for an annual temporary solicitor's employment permit. Such permit shall authorize such manufacturer or wholesaler to employ one or more persons as a solicitor for a period of not exceeding six months provided that within sixty days after such employee has been employed as a solicitor such employee shall file [~~his~~] their application for a solicitor's permit with the liquor authority. The license fee for such permit shall be [~~thirty-eight~~] thirty-five dollars per year, or for any part thereof, and the permit shall be issued for the calendar year. Such permit and the exercise of the privileges hereby granted thereunder, shall be subject to such terms and conditions as may be prescribed by the liquor authority.

§ 2. Subdivision 2 of section 94 of the alcoholic beverage control law, as amended by section 14 of part Z of chapter 85 of the laws of 2002, is amended to read as follows:

2. Such permit shall be issued for the calendar year, and may cover one or more trucks and in cities having a population of one million or less to duly licensed taxicabs used to deliver only wine or liquor sold at retail and the fee therefor shall be at the rate of [~~fifty-one~~] fifty dollars per truck or such duly licensed taxicab per year.

§ 3. Section 97 of the alcoholic beverage control law, as amended by chapter 204 of the laws of 1963, the section heading as amended by chapter 363 of the laws of 1977, subdivisions 1 and 2 as amended by section 19 of part Z of chapter 85 of the laws of 2002, and subdivision 4 as added by chapter 120 of the laws of 2012, is amended to read as follows:

§ 97. Temporary beer and wine permit. 1. The liquor authority is hereby authorized to issue temporary permits effective for a period not to exceed twenty-four consecutive hours to authorize the sale of beer and wine manufactured in New York state at outdoor or indoor gatherings, functions, occasions or events, within the hours fixed by or pursuant to subdivision five of section one hundred six of this chapter, during which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages at retail for on-premises consumption in the community in which is located the premises in which such gathering, function, occasion or event is held. The fee for such permit shall be [~~twenty-six~~] twenty-five dollars. Such permit and the exercise of the privilege granted thereby shall be subject to such rules of the liquor authority as it deems necessary.

2. The liquor authority is hereby authorized to issue an annual permit to brewers and beer wholesalers authorizing such licensees to sell beer for consumption at outdoor or indoor gatherings, functions, occasions or events, provided that such gatherings are not open to admission to the general public nor is admission thereto made contingent upon the payment of an admission fee, donation or contribution, and further provided that such beer is not resold at such gatherings. Every brewer or beer wholesaler to whom a permit shall be issued hereunder shall require every person to whom beer shall be sold for use at such gatherings to make, execute and file with such brewer or beer wholesaler, upon a form to be prescribed by the liquor authority, a statement, that the beer purchased by such person will not be sold or offered for sale by such person. Such

statement shall be accepted for all purposes as the equivalent of an affidavit, and if false, shall subject the person making and executing the same to the same penalties as if ~~[he had]~~ they have been duly sworn. Such permit shall be issued in the form prescribed by the liquor authority and shall run concurrently with the annual term of the brewer's license or of the wholesale beer license, and the fee for such permit shall be ~~[sixty-four]~~ sixty dollars. Such a permit and the exercise of the privileges granted thereunder shall be subject to such rules by the liquor authority as it deems necessary. The provisions hereof shall not apply to the sale of beer for consumption in the home.

~~[4-]~~ 3. The liquor authority is hereby authorized to issue a temporary permit effective for a period not to exceed twenty-four consecutive hours to any holder of a license to manufacture wine in this or any other state, to sell wine at outdoor or indoor gatherings, functions, occasions, or events, provided that such manufacturer produces not more than one hundred fifty thousand gallons of wine annually. The fee for such permit shall be ~~[twenty-six]~~ twenty-five dollars.

§ 4. Paragraph (b) of subdivision 2 and subdivision 4 of section 97-a of the alcoholic beverage control law, as added by chapter 396 of the laws of 2010, are amended to read as follows:

(b) the applicant shall have filed with the authority an application for a temporary retail permit, accompanied by a nonrefundable filing fee of one hundred ~~[twenty-eight]~~ twenty-five dollars for all retail beer licenses or six hundred forty dollars for all other retail licenses;

4. A temporary retail permit issued by the authority pursuant to this section shall be for a period not to exceed ninety days. A temporary permit may be extended at the discretion of the authority, for an additional thirty day period upon payment of an additional fee of ~~[sixty-four]~~ sixty dollars for all retail beer licenses and ~~[ninety-six]~~ nine-ty-five dollars for all other temporary permits and upon compliance with all conditions required in this section. The authority may, in its discretion, issue additional thirty day extensions upon payment of the appropriate fee.

§ 5. Subdivisions 2 and 3 of section 99-d of the alcoholic beverage control law, subdivision 2 as amended by chapter 560 of the laws of 2011 and subdivision 3 as amended by section 24 of part Z of chapter 85 of the laws of 2002, are amended to read as follows:

2. Before any change in the members of a limited liability company or the transfer or assignment of a membership interest in a limited liability company or any corporate change in stockholders, stockholdings, alcoholic beverage officers, officers or directors, except officers and directors of a premises licensed as a club or a luncheon club under this chapter can be effectuated for the purposes of this chapter, there shall be filed with the liquor authority an application for permission to make such change and there shall be paid to the liquor authority in advance upon filing of the application a fee of one hundred ~~[twenty-eight]~~ twenty-five dollars.

(a) The provisions of this section shall not be applicable where there are ten or more stockholders and such change involves less than ten per centum of the stock of the corporation and the stock holdings of any stockholder are not increased thereby to ten per centum or more of the stock.

(b) Where the same corporation operates two or more premises separately licensed under this chapter a separate corporate change shall be filed for each such licensed premises, except as otherwise provided for by rule of the liquor authority. The corporate change fee provided for



1 herein shall not be applicable to more than one license held by the same  
2 corporation.

3 (c) Notwithstanding any corporate change approved by the authority, a  
4 licensed corporation or limited liability company shall be bound by the  
5 representations set forth in the original application and any amendments  
6 thereto approved by the authority.

7 3. Before any removal of a license to any premises other than the  
8 licensed premises or to any other part of the building containing the  
9 licensed premises, the licensee shall make an application to the liquor  
10 authority for permission to effect such removal and shall pay to the  
11 liquor authority in advance upon filing of the application a fee of one  
12 hundred [~~ninety-two~~ ninety dollars where the base license fee is five  
13 hundred dollars or more and [~~thirty-two~~ thirty dollars in all other  
14 instances.

15 § 6. Paragraphs (a) and (b) of subdivision 4 of section 100 of the  
16 alcoholic beverage control law, as amended by chapter 423 of the laws of  
17 2016, are amended to read as follows:

18 (a) if the licensed premises is a legitimate theatre or concert hall,  
19 or contiguous to and used in conjunction with a legitimate theatre or  
20 concert hall, additional bars, counters or contrivances may be permitted  
21 by the liquor authority upon payment to it of an annual fee of one  
22 hundred dollars for each such additional bar, counter or contrivance so  
23 permitted[7] in addition to the annual license fee paid by such licen-  
24 see;

25 (b) if such licensed premises be located at a baseball park, race  
26 track, or either outdoor or indoor athletic field, facility, arena or  
27 stadium, additional bars, counters or contrivances where beer shall be  
28 sold at retail for consumption on the premises may be permitted by the  
29 liquor authority, upon payment to it of the annual fee of thirty dollars  
30 for each such additional bar, counter or contrivance so permitted[7] in  
31 addition to the amount of the annual license fee paid by the licensee;  
32 and

33 § 7. Section 56 of the alcoholic beverage control law, as amended by  
34 section 1 of part Z of chapter 85 of the laws of 2002, subdivision 1 as  
35 amended by chapter 108 of the laws of 2012, paragraph (a) of subdivision  
36 1 as amended by chapter 431 of the laws of 2014, and subdivision 11 as  
37 added by chapter 422 of the laws of 2016, is amended to read as follows:

38 § 56. License fees. 1. The annual fee for a license to manufacture  
39 beer shall be:

40 (a) four thousand dollars for a brewer's license, unless the annual  
41 production of the brewer is less than seventy-five thousand barrels per  
42 year, in which case the annual fee shall be three hundred twenty  
43 dollars;

44 (b) three hundred twenty dollars for a farm brewery license.

45 2. The annual fee for a wholesaler's beer license shall be eight  
46 hundred dollars.

47 3. The annual fee for a vendor's license shall be one hundred [~~forty-~~  
48 ~~four~~ forty dollars.

49 4. The annual fee for a license to sell beer at retail not to be  
50 consumed on the premises where sold shall be one hundred ten dollars.  
51 Where, however, the applicant is the holder of two such licenses, the  
52 annual fee for each additional license thereafter issued to such licen-  
53 see shall be double the amount hereinabove set forth.

54 5. The annual fee for a license to sell beer at retail to be consumed  
55 on the premises where sold shall be three hundred twenty dollars in  
56 cities having a population of one hundred thousand or over, and one

1 hundred sixty dollars elsewhere; provided, however, that where the prem-  
2 ises to be licensed remain open only within the period commencing April  
3 first and ending October thirty-first of any one year or only within the  
4 period commencing October first and ending the following April thirti-  
5 eth, the liquor authority, in its discretion, may grant a summer or  
6 winter license effective only for such appropriate period of time, for  
7 which an annual fee of one hundred sixty dollars shall be paid where the  
8 premises are located in cities having a population of one hundred thou-  
9 sand or over, and eighty dollars where such premises are located else-  
10 where.

11 6. The annual fee for selling beer upon any railroad car to be  
12 consumed on such car or any car connected therewith shall be [~~ninety-~~  
13 ~~six~~] **ninety** dollars for each railroad car licensed.

14 7. The annual fee for selling beer upon any vessel in this state,  
15 other than one regularly and exclusively engaged in the business of  
16 carrying passengers for hire, by charter or otherwise, for fishing  
17 purposes, to be consumed on such vessel, shall be one hundred sixty  
18 dollars for each vessel licensed. The annual fee for selling beer upon a  
19 vessel regularly and exclusively engaged in the business of carrying  
20 passengers for hire, by charter or otherwise, for fishing purposes, to  
21 be consumed on such vessel, shall be forty dollars for each vessel  
22 licensed. The annual fee for selling beer for off-premise consumption  
23 upon a vessel regularly and exclusively engaged, as a duly licensed  
24 supply ship, in furnishing supplies to other vessels, shall be eighty  
25 dollars.

26 8. The annual fee for selling beer at any baseball park, race track or  
27 outdoor athletic field or stadium, to be consumed in any such baseball  
28 park, race track, or outdoor athletic field or stadium, shall be one  
29 hundred [~~ninety-two~~] **ninety** dollars.

30 9. The annual fee for a license to sell beer and wine products at  
31 retail not to be consumed on the premises where sold shall be one  
32 hundred [~~ninety-eight~~] **ninety-five** dollars.

33 10. The annual fee for a license to sell beer and wine products at  
34 retail not to be consumed on the premises where sold, when the applicant  
35 is the holder of two such licenses, the annual fee for each additional  
36 license thereafter issued to such licensee shall be three hundred  
37 [~~fifty-two~~] **fifty** dollars.

38 11. The annual fee for a license to operate a custom beermakers'  
39 center shall be three hundred twenty dollars.

40 § 8. Subdivision 6 of section 64 of the alcoholic beverage control  
41 law, as amended by chapter 204 of the laws of 1963, is amended to read  
42 as follows:

43 6. Where an on-premise license shall be granted to the owner of a  
44 hotel situated in a town or village the liquor authority may in its  
45 discretion grant to such owner the right to sell liquor and wine for  
46 off-premise consumption under the same terms and conditions as apply to  
47 off-premise licenses upon the payment of an additional fee of [~~sixty-~~  
48 ~~two~~] **sixty** dollars [~~and fifty cents~~]; provided, however, that this  
49 permission shall not be granted if an off-premise license has been  
50 granted for premises located within eight miles of such hotel.

51 § 9. Section 66 of the alcoholic beverage control law, as amended by  
52 section 3 of part Z of chapter 85 of the laws of 2002, subdivision 1-a  
53 as added by chapter 580 of the laws of 2002, subdivision 2-c as added by  
54 chapter 564 of the laws of 2007, subdivision 3-a as added by chapter 297  
55 of the laws of 2016, subdivision 4 as amended by chapter 703 of the laws

1 of 2022, and subdivision 10 as added by chapter 331 of the laws of 2004,  
2 is amended to read as follows:

3 § 66. License fees. 1. The annual fee for a distiller's license, class  
4 A, shall be twelve thousand dollars.

5 1-a. The annual fee for a distiller's license, class A-1, shall be two  
6 hundred fifty dollars.

7 2. The annual fee for a distiller's license, class B, shall be eight  
8 thousand dollars.

9 2-a. The annual fee for a distiller's license, class C, shall be one  
10 hundred ~~[twenty-eight]~~ twenty-five dollars.

11 2-b. The annual fee for a distiller's license, class B-1, shall be  
12 three hundred twenty dollars.

13 2-c. The annual fee for a distiller's license, class D, shall be one  
14 hundred ~~[twenty-eight]~~ twenty-five dollars.

15 3. The annual fee for a license to sell liquor at wholesale ~~[shall be~~  
16 ~~sixty-four hundred dollars]~~:

17 (a) if such wholesaler has gross sales of at least seven hundred fifty  
18 million dollars within the previous year in New York state as reported  
19 to the department of taxation and finance on the annual beer, wine, and  
20 liquor wholesalers transaction information, shall be one million  
21 dollars; and

22 (b) if such wholesaler has gross sales of under seven hundred fifty  
23 million dollars within the previous year in New York state as reported  
24 to the department of taxation and finance on the annual beer, wine, and  
25 liquor wholesalers transaction information, shall be eight hundred  
26 dollars.

27 3-a. The annual fee for an importer's license shall be one hundred  
28 twenty-five dollars.

29 4. The annual fee for a license, under section sixty-four or sixty-  
30 four-a of this article, to sell liquor at retail to be consumed on the  
31 premises where sold shall be twenty-one hundred ~~[seventy-six]~~ seventy  
32 dollars in the counties of New York, Kings, Bronx and Queens; fifteen  
33 hundred ~~[thirty-six]~~ thirty-five dollars in the county of Richmond and in  
34 in cities having a population of more than one hundred thousand and less  
35 than one million; twelve hundred ~~[sixteen]~~ ten dollars in cities having  
36 a population of more than fifty thousand and less than one hundred thou-  
37 sand; and the sum of eight hundred ~~[ninety-six]~~ ninety-five dollars  
38 elsewhere; except that the license fees for catering establishments and  
39 off-premises catering establishments shall be two-thirds the license fee  
40 specified herein and for clubs, except luncheon clubs and golf clubs,  
41 shall be seven hundred fifty dollars in the counties of New York, Kings,  
42 Bronx and Queens; five hundred dollars in the county of Richmond and in  
43 cities having a population of more than one hundred thousand and less  
44 than one million; three hundred fifty dollars in cities having a popu-  
45 lation of more than fifty thousand and less than one hundred thousand;  
46 and the sum of two hundred fifty dollars elsewhere. The annual fees for  
47 luncheon clubs shall be three hundred seventy-five dollars, and for golf  
48 clubs in the counties of New York, Kings, Bronx, Queens, Nassau, Rich-  
49 mond and Westchester, two hundred fifty dollars, and elsewhere one  
50 hundred ~~[eighty-seven]~~ eighty-five dollars ~~[and fifty cents]~~. Notwith-  
51 standing any other provision of law to the contrary, there shall be no  
52 annual fee for a license, under section sixty-four, to sell liquor at  
53 retail to be consumed on the premises where the applicant is an organ-  
54 ization organized under section two hundred sixty of the military law  
55 and incorporated pursuant to the not-for-profit corporation law.  
56 Provided, however, that where any premises for which a license is issued

1 pursuant to section sixty-four or sixty-four-a of this article remain  
2 open only within the period commencing April first and ending October  
3 thirty-first of any one year, or only within the period commencing Octo-  
4 ber first and ending the following April thirtieth, the liquor authority  
5 may, in its discretion, grant a summer or winter license effective only  
6 for such appropriate period of time, for which a license fee shall be  
7 paid to be pro-rated for the period for which such license is effective,  
8 at the rate provided for in the city, town or village in which such  
9 premises are located, except that no such license fee shall be less than  
10 one-half of the regular annual license fee; provided further that where  
11 the premises to be licensed are a race track or a golf course or are  
12 licensed pursuant to section sixty-four or sixty-four-a of this article,  
13 the period of such summer license may commence March first and end  
14 November thirtieth.

15 Where a hotel, restaurant, club, golf course or race track is open  
16 prior to April first and/or subsequent to October thirty-first by reason  
17 of the issuance of a caterer's permit or permits issued by the authori-  
18 ty, such fact alone shall not affect the eligibility of the premises or  
19 the person owning or operating such hotel, restaurant, club, golf course  
20 or race track for a summer license.

21 5. The annual fee for a license to sell liquor at retail not to be  
22 consumed on the premises where sold shall be thirteen hundred [~~sixty-~~  
23 ~~six~~] sixty dollars in the counties of New York, Kings, Bronx and Queens;  
24 eight hundred [~~fifty-four~~] fifty dollars in the county of Richmond and  
25 in cities having a population of more than one hundred thousand and less  
26 than one million; and elsewhere the sum of five hundred [~~twelve~~] ten  
27 dollars.

28 6. The annual fee for a license to sell liquor upon any railroad car  
29 to be consumed on such car or any car connected therewith shall be one  
30 hundred [~~ninety-two~~] ninety dollars for each railroad car licensed.

31 7. The annual fee for a license to sell liquor upon any vessel in this  
32 state to be consumed upon such vessel shall be sixteen hundred dollars  
33 for each vessel licensed, provided, however, that where a vessel is  
34 operated only within the period commencing April first and ending Octo-  
35 ber thirty-first of any one year, the liquor authority may, in its  
36 discretion, grant for such vessel a summer license effective only for  
37 such period of time, for which a license fee of four hundred [~~forty-~~  
38 ~~eight~~] forty dollars shall be paid.

39 8. The annual fee for a license to sell liquor upon an aircraft being  
40 operated on regularly scheduled flights by a United States certificated  
41 airline in this state shall be nineteen thousand two hundred [~~twenty~~]  
42 dollars per annum for an airline company operating up to and including  
43 twenty such aircraft and twenty-five thousand six hundred [~~sixty~~]  
44 dollars for such an airline operating more than twenty such aircraft.

45 9. The annual fee for a license for a bottle club shall be the same as  
46 the annual fee for a special license to sell liquor at retail to be  
47 consumed on the premises, as set forth in subdivision four of this  
48 section.

49 10. Notwithstanding any provision to the contrary, the annual fee for  
50 a license for an establishment defined as an owner-occupied residence  
51 providing at least three but no more than five rooms for temporary tran-  
52 sient lodgers with sleeping accommodations and a meal in the forenoon of  
53 the day, known as a "bed and breakfast dwelling" as authorized by subdi-  
54 vision five-a of section sixty-four of this article, shall be two  
55 hundred dollars plus fifteen dollars per each available bedroom.

§ 10. Subdivision 1 of section 79-a of the alcoholic beverage control law, as amended by section 5 of part Z of chapter 85 of the laws of 2002, is amended to read as follows:

1. Any person licensed to sell beer at retail for consumption off the premises, pursuant to section fifty-four of this chapter, shall, by virtue of such license and upon payment to the liquor authority of an additional fee in the sum of one hundred sixty-five dollars in cities having a population of one hundred thousand or over and ~~[eighty-three]~~ eighty dollars elsewhere, be granted authorization to sell from the licensed premises wine products in sealed containers for consumption off such premises. Upon receipt of such additional fee, the liquor authority shall promptly issue a permit authorizing such sales by the licensee.

§ 11. Subdivisions 1 and 1-a of section 79-b of the alcoholic beverage control law, as amended by section 6 of part Z of chapter 85 of the laws of 2002, are amended to read as follows:

1. Any person licensed to sell beer at retail for consumption on the premises, pursuant to section fifty-five of this chapter, shall, by virtue of such license and upon payment to the liquor authority of an additional fee in the sum of one hundred ~~[ninety-two]~~ ninety dollars in cities having a population of one hundred thousand or over and ~~[ninety-six]~~ ninety dollars elsewhere, be granted authorization to sell from the licensed premises wine products in sealed containers at retail for consumption on or off such premises. Upon receipt of such additional fee, the liquor authority shall promptly issue a permit authorizing such sales by the licensee.

1-a. Any person licensed to sell beer at retail for consumption on the premises, pursuant to section fifty-five-a of this chapter, shall, by virtue of such license and upon payment to the liquor authority of an additional fee in the sum of one hundred ~~[ninety-two]~~ ninety dollars in cities having a population of one hundred thousand or over and ~~[ninety-six]~~ ninety dollars elsewhere, be granted authorization to sell from the licensed premises wine products in sealed containers at retail for consumption on such premises. Upon receipt of such additional fee, the liquor authority shall promptly issue a permit authorizing such sales by the licensee.

§ 12. Section 83 of the alcoholic beverage control law, as amended by section 7 of part Z of chapter 85 of the laws of 2002, subdivision 1-a as amended by chapter 221 of the laws of 2011, subdivision 1-d as amended by chapter 613 of the laws of 2008, subdivision 8 as added by chapter 355 of the laws of 2013, and subdivision 9 as added by chapter 422 of the laws of 2016, is amended to read as follows:

§ 83. License fees. 1. The annual fee for a winery license shall be six hundred twenty-five dollars.

1-a. The annual fee for a farm winery license shall be one hundred twenty-five dollars, provided that the annual fee for a farm winery manufacturing no more than fifteen hundred finished gallons of wine annually shall be fifty dollars.

1-d. The fee for each license issued for a winery or farm winery licensee's authority to conduct wine tastings and the sale of New York state labelled wines for off-premises consumption pursuant to paragraph (c) of subdivision two of section seventy-six of this article shall be forty dollars.

2. The annual fee for a license to sell wine at wholesale ~~[shall be eight hundred dollars]~~:

(a) if such wholesaler has gross sales of at least seven hundred fifty million dollars within the previous year in New York state as reported



1 to the department of taxation and finance on the annual beer, wine, and  
2 liquor wholesalers transaction information, shall be one million  
3 dollars; and

4 (b) if such wholesaler has gross sales of under seven hundred fifty  
5 million dollars within the previous year in New York state as reported  
6 to the department of taxation and finance on the annual beer, wine, and  
7 liquor wholesalers transaction information, shall be eight hundred  
8 dollars.

9 3. The annual fee for a license to sell wine at retail, not to be  
10 consumed on the premises, shall be six hundred forty dollars for each  
11 such place where such business is carried on in cities having a popu-  
12 lation of one million or more; in cities having less than one million  
13 population and more than one hundred thousand, three hundred twenty  
14 dollars; and elsewhere, the sum of one hundred forty-five dollars.

15 4. The annual fee for selling wine at retail, to be consumed on the  
16 premises where sold, shall be as follows:

17 (a) In cities having a population of one hundred thousand or over the  
18 sum of four hundred eighty dollars per year; and

19 (b) Elsewhere, the sum of two hundred forty dollars per year.

20 4-a. The annual fee for a license to sell wine at retail to be  
21 consumed on the premises where sold where the premises to be licensed  
22 remain open only within the period commencing April first and ending  
23 October thirty-first of any one year or only within the period commenc-  
24 ing October first and ending the following April thirtieth, the liquor  
25 authority, in its discretion, may grant a summer or winter license  
26 effective only for such appropriate period of time, for which an annual  
27 fee of one hundred [~~twelve~~ ten] dollars shall be paid.

28 5. The annual fee for a special license to sell wine at retail, to be  
29 consumed on the premises where sold, shall be as follows:

30 (a) In cities having a population of one hundred thousand or over, the  
31 sum of five hundred [~~seventy-six~~ seventy-five] dollars per year; and

32 (b) Elsewhere, the sum of two hundred seventy dollars per year.

33 6. The annual fee for a special winery license shall be six hundred  
34 twenty-five dollars.

35 7. The annual fee for a special farm winery license shall be one  
36 hundred twenty-five dollars.

37 8. The annual fee for a roadside farm market license shall be one  
38 hundred dollars.

39 9. The annual fee for a license to operate a custom winemakers' center  
40 shall be three hundred twenty dollars.

41 § 13. Section 122 of the alcoholic beverage control law, as amended by  
42 chapter 408 of the laws of 1997, is amended to read as follows:

43 § 122. Continuance of business by receiver or other representative.  
44 If a corporation or copartnership holding any license or holding a  
45 permit for which an annual fee of one hundred dollars or more is  
46 prescribed by this chapter shall be dissolved, or if a receiver or  
47 assignee for the benefit of creditors be appointed therefor, or if a  
48 receiver, assignee for the benefit of creditors or a committee or  
49 conservator of the property of an individual holding any license or  
50 holding a permit for which an annual fee of one hundred dollars or more  
51 is prescribed by this chapter be appointed, during the time for which  
52 such license or permit was granted, or if a person, including a member  
53 of a copartnership, holding any license or holding a permit for which an  
54 annual fee of one hundred dollars or more is prescribed by this chapter  
55 shall die during the term for which such license or permit was given,  
56 such corporation, copartnership, receiver or assignee, or the adminis-



1 trator or executor of the estate of such individual, or of such deceased  
2 member of a copartnership, or a committee of the property of a person  
3 adjudged to be incompetent, or a conservator of the property of an indi-  
4 vidual, or a petition under title eleven of the United States code shall  
5 have been filed and a trustee has been appointed or the holder of the  
6 license ~~[ef]~~ or permit has been permitted to remain in possession with-  
7 out the appointment of a trustee, may continue to carry on such business  
8 upon such premises for the balance of the term for which such license or  
9 permit was effective, with the same rights and subject to the same  
10 restrictions and liabilities as if ~~[he]~~ they had been the original  
11 applicant for and the original holder, or one of either of them, of such  
12 license or permit, providing the approval of the liquor authority shall  
13 be first obtained. Before continuing such business, such receiver,  
14 assignee, individual, committee, or conservator, debtor in possession,  
15 or trustee in bankruptcy shall file a statement setting forth in such  
16 form and substance as the liquor authority may prescribe the facts and  
17 circumstances by which ~~[he has]~~ they have succeeded to the rights of the  
18 original licensee or permittee. The liquor authority may, in its  
19 discretion, permit the continuance of such business or may refuse to do  
20 so. In the event that the authority determines to permit the continuance  
21 of the business, the license or permit shall be submitted to the author-  
22 ity and shall have affixed thereto a certificate in the form prescribed  
23 by the authority. For each such certificate, a fee shall be paid to the  
24 liquor authority of fifty dollars by the applicant, except in the case  
25 of an off-premise beer license, such fee shall be ten dollars which  
26 shall be paid into the same fund as other license fees herein provided  
27 for.

28 § 14. This act shall take effect on the first of January next succeed-  
29 ing the date on which it shall have become a law. Effective immediately,  
30 the addition, amendment and/or repeal of any rule or regulation neces-  
31 sary for the implementation of this act on its effective date are  
32 authorized to be made and completed on or before such effective date.

33 PART J

34 Section 1. The opening paragraph of subdivision 1 of section 110-b of  
35 the alcoholic beverage control law, as amended by chapter 222 of the  
36 laws of 2019, is amended to read as follows:

37 Not ~~[less than thirty nor]~~ more than two hundred ~~[and]~~ seventy days  
38 before filing any of the following applications, an applicant shall  
39 notify the municipality in which the premises is located of such appli-  
40 cant's intent to file such an application:

41 § 2. This act shall take effect immediately.

42 PART K

43 Section 1. The opening paragraph of subdivision 2 of section 99-d of  
44 the alcoholic beverage control law, as amended by chapter 560 of the  
45 laws of 2011, is amended to read as follows:

46 Before any change in the members of a limited liability company or the  
47 transfer or assignment of a membership interest in a limited liability  
48 company or any corporate change in stockholders, stockholdings, alcohol-  
49 ic beverage officers, officers or directors, except officers and direc-  
50 tors of a premises licensed as a club or a luncheon club under this  
51 chapter can be effectuated for the purposes of this chapter, there shall  
52 be filed with the liquor authority an application for permission to make

1 such change and there shall be paid to the liquor authority in advance  
2 upon filing of the application a fee of one hundred twenty-eight  
3 dollars. Such application shall be deemed approved and in effect if not  
4 disapproved by the authority prior to the expiration of ninety days  
5 after receipt by the authority.

6 § 2. This act shall take effect immediately.

7 PART L

8 Section 1. Subdivision 3 of section 97-a of the alcoholic beverage  
9 control law, as amended by chapter 106 of the laws of 2022, is amended  
10 to read as follows:

11 3. A temporary retail permit under paragraph (b) of subdivision one of  
12 this section may not be issued for any premises that is subject to the  
13 provisions of section sixty-three or seventy-nine of this chapter; a  
14 temporary retail permit under paragraph (b) of subdivision one of this  
15 section shall not be issued for a premises subject to the provisions of  
16 paragraph (b) of subdivision seven of section sixty-four, subparagraph  
17 (ii) of paragraph (a) of subdivision seven of section sixty-four-a,  
18 subparagraph (ii) of paragraph (a) of subdivision eleven of section  
19 sixty-four-c, or paragraph (b) of subdivision eight of section sixty-  
20 four-d of this chapter, unless and until a recommendation that there be  
21 a finding of public interest has been made by an administrative law  
22 judge pursuant to paragraph (f) of subdivision seven of section sixty-  
23 four, paragraph (d) of subdivision seven of section sixty-four-a, para-  
24 graph (c) of subdivision five of section sixty-four-b, paragraph (c) of  
25 subdivision eleven of section sixty-four-c, or paragraph (e) of subdivi-  
26 sion eight of section sixty-four-d of this chapter. Provided however,  
27 any premises granted a temporary retail permit pursuant to this subdivi-  
28 sion in a city with a population of one million or more people shall  
29 only be allowed to operate on the premises under the following condi-  
30 tions: ~~[an active]~~ no retail license ~~[shall have existed]~~ at the applied  
31 for location ~~[within the past two years, and such license]~~ shall ~~[not]~~  
32 have been canceled, suspended, or revoked by the authority within the  
33 past two years; the closing time any day of the week shall be no later  
34 than midnight; provided however that the closing time of any outdoor  
35 space shall be no later than ten o'clock post-meridian Sunday through  
36 Thursday and eleven o'clock post-meridian Friday and Saturday; no  
37 outdoor music; indoors shall have recorded background music only, with  
38 no live music, DJ's, karaoke, or similar forms of music; and no dancing.  
39 The authority shall automatically lift such restrictions if the authori-  
40 ty issues a retail license for the premises, and replace such  
41 restrictions with other restrictions, if any, imposed by the authority  
42 in accordance with the public interest standard.

43 § 2. Subdivision 4 of section 97-a of the alcoholic beverage control  
44 law, as added by chapter 396 of the laws of 2010, is amended to read as  
45 follows:

46 4. A temporary retail permit issued by the authority pursuant to this  
47 section shall be for a period not to exceed ninety days. A temporary  
48 permit may be extended at the discretion of the authority, for an addi-  
49 tional ~~[thirty]~~ ninety day period upon payment of an additional fee of  
50 sixty-four dollars for all retail beer licenses and ninety-six dollars  
51 for all other temporary permits and upon compliance with all conditions  
52 required in this section. The authority may, in its discretion, issue  
53 additional ~~[thirty]~~ ninety day extensions upon payment of the appropri-  
54 ate fee.

§ 3. Subdivision 6 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:

6. The holder of a temporary retail permit shall ~~[purchase alcoholic beverages only by payment in currency or check for such alcoholic beverages on or before the day such alcoholic beverages are delivered, provided, however, that the holder of a temporary permit issued pursuant to this section who also holds one or more retail licenses and is operating under such retail license or licenses in addition to the temporary retail permit, and who is not delinquent under the provisions of section one hundred one-aa of this chapter as to any retail license under which he operates, may purchase alcoholic beverages on credit under the temporary permit]~~ be subject to sections one hundred one-aa and one hundred one-aaa of this chapter.

§ 4. Section 5 of chapter 396 of the laws of 2010 amending the alcoholic beverage control law relating to liquidator's permits and temporary retail permits, as amended by section 1 of part 0 of chapter 55 of the laws of 2023, is amended to read as follows:

§ 5. This act shall take effect on the sixtieth day after it shall have become a law~~[, provided that paragraph (b) of subdivision 1 of section 97-a of the alcoholic beverage control law as added by section two of this act shall expire and be deemed repealed October 12, 2024]~~.

§ 5. This act shall take effect immediately; provided, however, that section two of this act shall take effect on the ninetieth day after it shall have become a law.

#### PART M

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

§ 97-d. Temporary wholesale permit. 1. Any person may apply to the liquor authority for a temporary permit to operate any alcoholic beverage wholesale facility as may be licensed under this chapter. Such application shall be in writing and verified and shall contain information as the liquor authority shall require. Such application shall be accompanied by a check or draft in the amount of one hundred twenty-five dollars for such permit.

2. Upon application, the liquor authority may issue such temporary permit when:

(a) the applicant has a wholesale license application at the same premises pending before the liquor authority, together with all required filing and license fees;

(b) the applicant has obtained and provided evidence of all permits, licenses and other documents necessary for the operation of such a business; and

(c) any current license in effect at the premises has been surrendered or placed in safekeeping, or has been deemed abandoned by the authority.

3. The liquor authority in granting such permit shall ensure that:

(a) issuance of the permit will not inordinately hinder the operation or effective administration of this chapter;

(b) the applicant would in all likelihood be able to ultimately obtain the wholesale license being applied for; and

(c) the applicant has substantially complied with the requirements necessary to obtain such license.

1 4. The application for a permit shall be approved or denied by the  
2 liquor authority within forty-five days after the receipt of such appli-  
3 cation.

4 5. A temporary permit shall authorize the permittee to operate a  
5 wholesale facility for the purchase, warehousing, and sale of alcoholic  
6 beverages according to the laws applicable to the type of wholesale  
7 license being applied for.

8 6. Such temporary permit shall remain in effect for six months or  
9 until the wholesale license being applied for is approved and the  
10 license granted, whichever is shorter. Such permit may be extended at  
11 the discretion of the liquor authority for additional three-month peri-  
12 ods of time upon payment of an additional fee of fifty dollars for each  
13 such extension.

14 7. Notwithstanding any provision of law to the contrary, a temporary  
15 wholesale permit may be summarily cancelled or suspended at any time if  
16 the liquor authority determines that good cause for cancellation or  
17 suspension exists. The liquor authority shall promptly notify the  
18 permittee in writing of such cancellation or suspension and shall set  
19 forth the reasons for such action.

20 8. The liquor authority in reviewing such application shall review the  
21 entire record and grant the temporary permit unless good cause is other-  
22 wise shown. A decision on an application shall be based on substantial  
23 evidence in the record and supported by a preponderance of the evidence  
24 in favor of the applicant.

25 § 2. Section 104 of the alcoholic beverage control law is amended by  
26 adding a new subdivision 4 to read as follows:

27 4. Notwithstanding any other provision of this chapter to the contra-  
28 ry, the authority may issue a cider producer or wholesaler's license,  
29 beer wholesaler's license, wine wholesaler's license, or liquor whole-  
30 saler's license to the holder of any wholesaler's license issued pursu-  
31 ant to this chapter for use at such licensee's existing licensed prem-  
32 ises. The liquor authority is hereby authorized to adopt such rules as  
33 it may deem necessary to carry out the purposes of this subdivision.

34 § 3. This act shall take effect immediately and shall apply to all  
35 applications filed after such effective date.

36 PART N

37 Section 1. Paragraph (a) of subdivision 7 of section 64 of the alco-  
38 holic beverage control law, as amended by chapter 463 of the laws of  
39 2009, is amended to read as follows:

40 (a) on the same street or avenue and within two hundred feet of a  
41 building occupied exclusively as a school, church, synagogue or other  
42 place of worship; provided, however, that the authority may issue a  
43 retail license for on-premises consumption for a premises which shall be  
44 within two hundred feet of a building occupied exclusively as a school,  
45 church, synagogue, or other place of worship if the owner or administra-  
46 tor of such school, church, or other place of worship affirmatively  
47 state support for the issuance of such a license, or

48 § 2. Subparagraph (i) of paragraph (a) of subdivision 7 of section  
49 64-a of the alcoholic beverage control law, as amended by chapter 463 of  
50 the laws of 2009, is amended to read as follows:

51 (i) on the same street or avenue and within two hundred feet of a  
52 building occupied exclusively as a school, church, synagogue or other  
53 place of worship; provided, however, that the authority may issue a  
54 retail license for on-premises consumption for a premises which shall be

1 within two hundred feet of a building occupied exclusively as a school,  
2 church, synagogue, or other place of worship if the owner or administra-  
3 tor of such school, church, or other place of worship affirmatively  
4 state support for the issuance of such a license; or

5 § 3. Subparagraph (i) of paragraph (a) of subdivision 5 of section  
6 64-b of the alcoholic beverage control law, as amended by chapter 463 of  
7 the laws of 2009, is amended to read as follows:

8 (i) on the same street or avenue and within two hundred feet of a  
9 building occupied exclusively as a school, church, synagogue or other  
10 place of worship; provided, however, that the authority may issue a  
11 retail license for on-premises consumption for a premises which shall be  
12 within two hundred feet of a building occupied exclusively as a school,  
13 church, synagogue, or other place of worship if the owner or adminis-  
14 trator of such school, church, or other place of worship affirmative-  
15 ly state support for the issuance of such a license; or

16 § 4. Subparagraph (i) of paragraph (a) of subdivision 11 of section  
17 64-c of the alcoholic beverage control law, as amended by chapter 463 of  
18 the laws of 2009, is amended to read as follows:

19 (i) on the same street or avenue and within two hundred feet of a  
20 building occupied exclusively as a school, church, synagogue or other  
21 place of worship; provided, however, that the authority may issue a  
22 retail license for on-premises consumption for a premises which shall be  
23 within two hundred feet of a building occupied exclusively as a school,  
24 church, synagogue, or other place of worship if the owner or adminis-  
25 trator of such school, church, or other place of worship affirmative-  
26 ly state support for the issuance of such a license; or

27 § 5. Paragraph (a) of subdivision 8 of section 64-d of the alcoholic  
28 beverage control law, as amended by chapter 463 of the laws of 2009, is  
29 amended to read as follows:

30 (a) on the same street or avenue and within two hundred feet of a  
31 building occupied exclusively as a school, church, synagogue or other  
32 place of worship; provided, however, that the authority may issue a  
33 retail license for on-premises consumption for a premises which shall be  
34 within two hundred feet of a building occupied exclusively as a school,  
35 church, synagogue, or other place of worship if the owner or adminis-  
36 trator of such school, church, or other place of worship affirmative-  
37 ly state support for the issuance of such a license; or

38 § 6. This act shall take effect immediately.

39 PART O

40 Section 1. Paragraphs (b) and (f) of subdivision 7 of section 64 of  
41 the alcoholic beverage control law, paragraph (b) as amended by chapter  
42 463 of the laws of 2009 and paragraph (f) as amended by chapter 185 of  
43 the laws of 2012, are amended to read as follows:

44 (b) in a [~~city, town or village having a population of twenty thousand~~  
45 ~~or more~~] county having a population between one million six hundred  
46 thousand and one million seven hundred thousand as of the two thousand  
47 twenty census as conducted by the United States department of commerce  
48 within five hundred feet of three or more existing premises licensed and  
49 operating pursuant to this section and sections sixty-four-a, sixty-  
50 four-b, sixty-four-c, and/or sixty-four-d of this article;

51 (f) Notwithstanding the provisions of paragraph (b) of this subdivi-  
52 sion, in a county having a population between one million six hundred  
53 thousand and one million seven hundred thousand as of the two thousand  
54 twenty census as conducted by the United States department of commerce,



1 the authority may issue a license pursuant to this section for a prem-  
2 ises which shall be within five hundred feet of three or more existing  
3 premises licensed and operating pursuant to this section and sections  
4 sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this  
5 article if, after consultation with the municipality or community board,  
6 it determines that granting such license would be in the public inter-  
7 est. Before it may issue any such license, the authority shall conduct a  
8 hearing, upon notice to the applicant and the municipality or community  
9 board, and shall state and file in its office its reasons therefor. The  
10 hearing may be rescheduled, adjourned or continued, and the authority  
11 shall give notice to the applicant and the municipality or community  
12 board of any such rescheduled, adjourned or continued hearing. Before  
13 the authority issues any said license, the authority or one or more of  
14 the commissioners thereof may, in addition to the hearing required by  
15 this paragraph, also conduct a public meeting regarding said license,  
16 upon notice to the applicant and the municipality or community board.  
17 The public meeting may be rescheduled, adjourned or continued, and the  
18 authority shall give notice to the applicant and the municipality or  
19 community board of any such rescheduled, adjourned or continued public  
20 meeting. Notice to the municipality or community board shall mean writ-  
21 ten notice mailed by the authority to such municipality or community  
22 board at least fifteen days in advance of any hearing scheduled pursuant  
23 to this paragraph. Upon the request of the authority, any municipality  
24 or community board may waive the fifteen day notice requirement. No  
25 premises having been granted a license pursuant to this section shall be  
26 denied a renewal of such license upon the grounds that such premises are  
27 within five hundred feet of a building or buildings wherein three or  
28 more premises are licensed and operating pursuant to this section and  
29 sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d  
30 of this article.

31 § 2. Paragraphs (a) and (d) of subdivision 7 of section 64-a of the  
32 alcoholic beverage control law, paragraph (a) as amended by chapter 463  
33 of the laws of 2009 and paragraph (d) as amended by chapter 185 of the  
34 laws of 2012, are amended to read as follows:

35 (a) No special on-premises license shall be granted for any premises  
36 which shall be

37 (i) on the same street or avenue and within two hundred feet of a  
38 building occupied exclusively as a school, church, synagogue or other  
39 place of worship or

40 (ii) in a [~~city, town or village having a population of twenty thou-~~  
41 ~~sand or more~~] county having a population between one million six hundred  
42 thousand and one million seven hundred thousand as of the two thousand  
43 twenty census as conducted by the United States department of commerce  
44 within five hundred feet of three or more existing premises licensed and  
45 operating pursuant to this section and sections sixty-four,  
46 sixty-four-b, sixty-four-c, and/or sixty-four-d of this article;

47 (iii) the measurements in subparagraphs (i) and (ii) of this paragraph  
48 are to be taken in straight lines from the center of the nearest  
49 entrance of the premises sought to be licensed to the center of the  
50 nearest entrance of such school, church, synagogue or other place of  
51 worship or to the center of the nearest entrance of each such premises  
52 licensed and operating pursuant to this section and sections sixty-four,  
53 sixty-four-b, sixty-four-c, and/or sixty-four-d of this article; except  
54 that no license shall be denied to any premises at which a license under  
55 this chapter has been in existence continuously from a date prior to the  
56 date when a building on the same street or avenue and within two hundred



1 feet of said premises has been occupied exclusively as a school, church,  
2 synagogue or other place of worship; and except that no license shall be  
3 denied to any premises, which is within five hundred feet of three or  
4 more existing premises licensed and operating pursuant to this section  
5 and sections sixty-four, sixty-four-b, sixty-four-c, and/or sixty-four-d  
6 of this article, at which a license under this chapter has been in  
7 existence continuously on or prior to November first, nineteen hundred  
8 ninety-three. The liquor authority, in its discretion, may authorize the  
9 removal of any such licensed premises to a different location on the  
10 same street or avenue, within two hundred feet of said school, church,  
11 synagogue or other place of worship, provided that such new location is  
12 not within a closer distance to such school, church, synagogue or other  
13 place of worship.

14 (d) Notwithstanding the provisions of subparagraph (ii) of paragraph  
15 (a) of this subdivision, in a county having a population between one  
16 million six hundred thousand and one million seven hundred thousand as  
17 of the two thousand twenty census as conducted by the United States  
18 department of commerce, the authority may issue a license pursuant to  
19 this section for a premises which shall be within five hundred feet of  
20 three or more existing premises licensed and operating pursuant to this  
21 section and sections sixty-four, sixty-four-b, sixty-four-c, and/or  
22 sixty-four-d of this article if, after consultation with the munici-  
23 pality or community board, it determines that granting such license  
24 would be in the public interest. Before it may issue any such license,  
25 the authority shall conduct a hearing, upon notice to the applicant and  
26 the municipality or community board, and shall state and file in its  
27 office its reasons therefor. Notice to the municipality or community  
28 board shall mean written notice mailed by the authority to such munici-  
29 pality or community board at least fifteen days in advance of any hear-  
30 ing scheduled pursuant to this paragraph. Upon the request of the  
31 authority, any municipality or community board may waive the fifteen day  
32 notice requirement. The hearing may be rescheduled, adjourned or contin-  
33 ued, and the authority shall give notice to the applicant and the muni-  
34 cipality or community board of any such rescheduled, adjourned or  
35 continued hearing. Before the authority issues any said license, the  
36 authority or one or more of the commissioners thereof may, in addition  
37 to the hearing required by this paragraph, also conduct a public meeting  
38 regarding said license, upon notice to the applicant and the munici-  
39 pality or community board. The public meeting may be rescheduled,  
40 adjourned or continued, and the authority shall give notice to the  
41 applicant and the municipality or community board of any such resched-  
42 uled, adjourned or continued public meeting. No premises having been  
43 granted a license pursuant to this section shall be denied a renewal of  
44 such license upon the grounds that such premises are within five hundred  
45 feet of a building or buildings wherein three or more premises are  
46 licensed and operating pursuant to this section and sections sixty-four,  
47 sixty-four-b, sixty-four-c, and/or sixty-four-d of this article.

48 § 3. Paragraphs (a) and (c) of subdivision 5 of section 64-b of the  
49 alcoholic beverage control law, paragraph (a) as amended by chapter 463  
50 of the laws of 2009 and paragraph (c) as amended by chapter 185 of the  
51 laws of 2012, are amended to read as follows:

52 (a) No bottle club license shall be granted for any premises which  
53 shall be

54 (i) on the same street or avenue and within two hundred feet of a  
55 building occupied exclusively as a school, church, synagogue or other  
56 place of worship; or

(ii) in a [~~city, town or village having a population of twenty thousand or more~~] county having a population between one million six hundred thousand and one million seven hundred thousand as of the two thousand twenty census as conducted by the United States department of commerce within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-c, and/or sixty-four-d of this article;

(iii) the measurements in subparagraphs (i) and (ii) of this paragraph are to be taken in straight lines from the center of the nearest entrance of the premises sought to be licensed to the center of the nearest entrance of such school, church, synagogue or other place of worship or to the center of the nearest entrance of each such premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-c, and/or sixty-four-d of this article; except that no license shall be denied to any premises at which a license under this chapter has been in existence continuously from a date prior to the date when a building on the same street or avenue and within two hundred feet of said premises has been occupied exclusively as a school, church, synagogue or other place of worship; and except that no license shall be denied to any premises, which is within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-c, and/or sixty-four-d of this article, at which a license under this chapter has been in existence continuously on or prior to November first, nineteen hundred ninety-three. The liquor authority, in its discretion, may authorize the removal of any such licensed premises to a different location on the same street or avenue, within two hundred feet of said school, church, synagogue or other place of worship, provided that such new location is not within a closer distance to such school, church, synagogue or other place of worship.

(c) Notwithstanding the provisions of subparagraph (ii) of paragraph (a) of this subdivision, in a county having a population between one million six hundred thousand and one million seven hundred thousand as of the two thousand twenty census as conducted by the United States department of commerce, the authority may issue a license pursuant to this section for a premises which shall be within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-c, and/or sixty-four-d of this article if, after consultation with the municipality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons therefor. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality or community board at least fifteen days in advance of

1 any hearing scheduled pursuant to this paragraph. Upon the request of  
2 the authority, any municipality or community board may waive the fifteen  
3 day notice requirement. No premises having been granted a license pursu-  
4 ant to this section shall be denied a renewal of such license upon the  
5 grounds that such premises are within five hundred feet of a building or  
6 buildings wherein three or more premises are licensed and operating  
7 pursuant to this section and sections sixty-four, sixty-four-a, sixty-  
8 four-c, and/or sixty-four-d of this article.

9 § 4. Paragraphs (a) and (c) of subdivision 11 of section 64-c of the  
10 alcoholic beverage control law, paragraph (a) as amended by chapter 463  
11 of the laws of 2009 and paragraph (c) as amended by chapter 185 of the  
12 laws of 2012, are amended to read as follows:

13 (a) No restaurant-brewer license shall be granted for any premises  
14 which shall be:

15 (i) on the same street or avenue and within two hundred feet of a  
16 building occupied exclusively as a school, church, synagogue or other  
17 place of worship; or

18 (ii) in a [~~city, town or village having a population of twenty thou-~~  
19 ~~sand or more~~] county having a population between one million six hundred  
20 thousand and one million seven hundred thousand as of the two thousand  
21 twenty census as conducted by the United States department of commerce

22 within five hundred feet of three or more existing premises licensed and  
23 operating pursuant to the provisions of this section or sections sixty-  
24 four, sixty-four-a, sixty-four-b and/or sixty-four-d of this article; or

25 (iii) the measurements in subparagraphs (i) and (ii) of this paragraph  
26 are to be taken in straight lines from the center of the nearest  
27 entrance of the premises sought to be licensed to the center of the  
28 nearest entrance of such school, church, synagogue or other place of  
29 worship or to the center of the nearest entrance of each such premises  
30 licensed and operating pursuant to this section and sections sixty-four,  
31 sixty-four-a, sixty-four-b and/or sixty-four-d of this article; except  
32 that no license shall be denied to any premises at which a license under  
33 this chapter has been in existence continuously from a date prior to the  
34 date when a building on the same street or avenue and within two hundred  
35 feet of said premises has been occupied exclusively as a school, church,  
36 synagogue or other place of worship and except that no license shall be  
37 denied to any premises, which is within five hundred feet of three or  
38 more existing premises licensed and operating pursuant to this section  
39 and sections sixty-four, sixty-four-a, sixty-four-b and/or sixty-four-d  
40 of this article, at which a license under this chapter has been in  
41 existence continuously on or prior to November first, nineteen hundred  
42 ninety-three.

43 (c) Notwithstanding the provisions of subparagraph (ii) of paragraph  
44 (a) of this subdivision, in a county having a population between one  
45 million six hundred thousand and one million seven hundred thousand as  
46 of the two thousand twenty census as conducted by the United States  
47 department of commerce, the authority may issue a license pursuant to  
48 this section for a premises which shall be within five hundred feet of  
49 three or more existing premises licensed and operating pursuant to this  
50 section and sections sixty-four, sixty-four-a, sixty-four-b and/or  
51 sixty-four-d of this article if, after consultation with the munici-  
52 pality or community board, it determines that granting such license  
53 would be in the public interest. Before it may issue any such license,  
54 the authority shall conduct a hearing, upon notice to the applicant and  
55 the municipality or community board, and shall state and file in its  
56 office its reasons therefor. The hearing may be rescheduled, adjourned

1 or continued, and the authority shall give notice to the applicant and  
2 the municipality or community board of any such rescheduled, adjourned  
3 or continued hearing. Before the authority issues any said license, the  
4 authority or one or more of the commissioners thereof may, in addition  
5 to the hearing required by this paragraph, also conduct a public meeting  
6 regarding said license, upon notice to the applicant and the municipi-  
7 pality or community board. The public meeting may be rescheduled,  
8 adjourned or continued, and the authority shall give notice to the  
9 applicant and the municipality or community board of any such resched-  
10 uled, adjourned or continued public meeting. Notice to the municipality  
11 or community board shall mean written notice mailed by the authority to  
12 such municipality or community board at least fifteen days in advance of  
13 any hearing scheduled pursuant to this paragraph. Upon the request of  
14 the authority, any municipality or community board may waive the fifteen  
15 day notice requirement. No premises having been granted a license pursu-  
16 ant to this section shall be denied a renewal of such license upon the  
17 grounds that such premises are within five hundred feet of a building or  
18 buildings wherein three or more premises are operating and licensed  
19 pursuant to this section or sections sixty-four, sixty-four-a, sixty-  
20 four-b and/or sixty-four-d of this article.

21 § 5. Paragraphs (b) and (e) of subdivision 8 of section 64-d of the  
22 alcoholic beverage control law, paragraph (b) as amended by chapter 463  
23 of the laws of 2009 and paragraph (e) as amended by chapter 185 of the  
24 laws of 2012, are amended to read as follows:

25 (b) in a [~~city, town or village having a population of twenty thousand~~  
26 ~~or more~~] county having a population between one million six hundred  
27 thousand and one million seven hundred thousand as of the two thousand  
28 twenty census as conducted by the United States department of commerce  
29 within five hundred feet of an existing premises licensed and operating  
30 pursuant to the provisions of this section, or within five hundred feet  
31 of three or more existing premises licensed and operating pursuant to  
32 this section and sections sixty-four, sixty-four-a, sixty-four-b, and/or  
33 sixty-four-c of this article.

34 (e) notwithstanding the provisions of paragraph (b) of this subdivi-  
35 sion, in a county having a population between one million six hundred  
36 thousand and one million seven hundred thousand as of the two thousand  
37 twenty census as conducted by the United States department of commerce,  
38 the authority may issue a license pursuant to this section for a prem-  
39 ises which shall be within five hundred feet of an existing premises  
40 licensed and operating pursuant to the provisions of this section or  
41 within five hundred feet of three or more existing premises licensed and  
42 operating pursuant to this section and sections sixty-four,  
43 sixty-four-a, sixty-four-b, and/or sixty-four-c of this article if,  
44 after consultation with the municipality or community board, it deter-  
45 mines that granting such license would be in the public interest.  
46 Before it may issue any such license, the authority shall conduct a  
47 hearing, upon notice to the applicant and the municipality or community  
48 board, and shall state and file in its office its reasons therefor. The  
49 hearing may be rescheduled, adjourned or continued, and the authority  
50 shall give notice to the applicant and the municipality or community  
51 board of any such rescheduled, adjourned or continued hearing. Before  
52 the authority issues any said license, the authority or one or more of  
53 the commissioners thereof may, in addition to the hearing required by  
54 this paragraph, also conduct a public meeting regarding said license,  
55 upon notice to the applicant and the municipality or community board.  
56 The public meeting may be rescheduled, adjourned or continued, and the

1 authority shall give notice to the applicant and the municipality or  
2 community board of any such rescheduled, adjourned or continued public  
3 meeting. Notice to the municipality or community board shall mean writ-  
4 ten notice mailed by the authority to such municipality or community  
5 board at least fifteen days in advance of any hearing scheduled pursuant  
6 to this paragraph. Upon the request of the authority, any municipality  
7 or community board may waive the fifteen day notice requirement. No  
8 premises having been granted a license pursuant to this section shall be  
9 denied a renewal of such license upon the grounds that such premises are  
10 within five hundred feet of an existing premises licensed and operating  
11 pursuant to the provisions of this section or within five hundred feet  
12 of a building or buildings wherein three or more premises are licensed  
13 and operating pursuant to this section and sections sixty-four, sixty-  
14 four-a, sixty-four-b, and/or sixty-four-c of this article.

15 § 6. This act shall take effect immediately.

16 PART P

17 Section 1. Subdivision 2 of section 105 of the alcoholic beverage  
18 control law is REPEALED.

19 § 2. This act shall take effect immediately, and shall apply to all  
20 applications received by the state liquor authority on and after such  
21 date.

22 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
23 sion, section or part of this act shall be adjudged by any court of  
24 competent jurisdiction to be invalid, such judgment shall not affect,  
25 impair, or invalidate the remainder thereof, but shall be confined in  
26 its operation to the clause, sentence, paragraph, subdivision, section  
27 or part thereof directly involved in the controversy in which such judg-  
28 ment shall have been rendered. It is hereby declared to be the intent of  
29 the legislature that this act would have been enacted even if such  
30 invalid provisions had not been included herein.

31 § 3. This act shall take effect immediately; provided, however, that  
32 the applicable effective date of Parts A through P of this act shall be  
33 as specifically set forth in the last section of such Parts.