STATE OF NEW YORK

4352--A

2023-2024 Regular Sessions

IN SENATE

February 7, 2023

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the alcoholic beverage control law, in relation to authorizing retail licenses to sell liquor for on-premises consumption at airline lounges

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

Section 1. Section 3 of the alcoholic beverage control law is amended by adding a new subdivision 39 to read as follows:

39. "Airline lounge" means and includes any premises located within an airport and such premises is owned, leased, or operated by a United States certificated airline which regularly and in a bona fide manner furnishes provisions and services therein.

§ 2. Subdivision 6 of section 64-a of the alcohol beverage control law, as amended by chapter 475 of the laws of 2011, is amended to read as follows:

6. No special on-premises license shall be granted except for premises in which the principal business shall be**:** (a) the sale of food or beverages at retail for consumption on the premises [~~or~~]**;** (b) **an airline lounge; or (c)** the operation of a legitimate theatre or such other lawful adult entertainment or recreational facility as the liquor authority, giving due regard to the convenience of the public and the strict avoidance of sales prohibited by this chapter, shall by regulation classify for eligibility. Nothing contained in this subdivision shall be deemed to authorize the issuance of a license to a motion picture theatre, except those meeting the definition of restaurant and meals, and where all seating is at tables where meals are served.

§ 3. Section 106 of the alcoholic beverage control law is amended by adding a new subdivision 8-a to read as follows:

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

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8-a. A license issued for such premises as are being conducted as an airline lounge shall authorize the holder thereof to sell at retail or give away alcoholic beverages only to persons with certain airline ticket or lounge access privileges and loyalty program members as authorized by such licensee and only for consumption on the premises where sold. Food shall be made regularly available for sale or otherwise to such persons for consumption on the premises.

§ 4. This act shall take effect immediately.