STATE OF NEW YORK

9203

IN SENATE

May 6, 2024

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT 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

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

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

3. A temporary retail permit under paragraph (b) of subdivision one of this section may not be issued for any premises that is subject to the provisions of section sixty-three or seventy-nine of this chapter; a temporary retail permit under paragraph (b) of subdivision one of this section shall not be issued for a premises subject to the provisions of paragraph (b) of subdivision seven of section sixty-four, subparagraph (ii) of paragraph (a) of subdivision seven of section sixty-four-a, subparagraph (ii) of paragraph (a) of subdivision eleven of section sixty-four-c, or paragraph (b) of subdivision eight of section sixty-four-d **of this chapter**, unless and until a recommendation that there be a finding of public interest has been made by an administrative law judge pursuant to paragraph (f) of subdivision seven of section sixty-four, paragraph (d) of subdivision seven of section sixty-four-a, paragraph (c) of subdivision five of section sixty-four-b, paragraph (c) of subdivision eleven of section sixty-four-c, or paragraph (e) of subdivision eight of section sixty-four-d of this chapter. Provided however, any premises granted a temporary retail permit pursuant to this subdivision in a city with a population of one million or more people shall only be allowed to operate on the premises under the following conditions: [~~an active~~] **no** retail license [~~shall have existed~~] at the **applied for** location [~~within the past two years, and such license~~] shall [~~not~~]

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

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have been canceled, suspended, or revoked by the authority within the past two years; the closing time any day of the week shall be no later than midnight; provided however that the closing time of any outdoor space shall be no later than ten o'clock post-meridian Sunday through Thursday and eleven o'clock post-meridian Friday and Saturday; no outdoor music; indoors shall have recorded background music only, with no live music, DJ's, karaoke, or similar forms of music; and no dancing. The authority shall automatically lift such restrictions if the authority issues a retail license for the premises, and replace such restrictions with other restrictions, if any, imposed by the authority in accordance with the public interest standard.

§ 2. Subdivision 4 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:

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~~] **ninety** day period upon payment of an additional fee of sixty-four dollars for all retail beer licenses and ninety-six 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~~] **ninety** day extensions upon payment of the appropriate 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 K of chapter 55 of the laws of 2024, 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, 2025~~].

§ 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.