STATE OF NEW YORK

9706

IN SENATE

May 22, 2024

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the alcoholic beverage control law, in relation to the exemption of certain parcels of land from licensing restrictions prohibiting manufacturers, wholesalers and retailers of alcoholic beverages from sharing an interest in a licensed premises or to sell at retail for consumption off the premises; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Section 105 of the alcoholic beverage control law is amended by adding a new subdivision 25 to read as follows:

25. (a) The provisions of subdivisions sixteen and seventeen of this section shall not apply to any interest in a manufacturer inside or outside the United States, held by any business or entity located on any parcels of land in the Borough and County of the Bronx, City and State of New York, bounded and described as follows:

Parcel A: Beginning at a point within block 1044, lot 15, said point being distant the following four (4) courses from the point formed by the intersection of the westerly line of Baretto street (60 feet wide) with the northerly line of Lafayette (100 feet wide); Along said westerly line of Baretto street, north 41 degrees 26 minutes 45 seconds west, a distance of 197.70 feet to an angle point therein, thence; Continuing along said line of Baretto street, north 53 degrees 34 minutes 00 seconds west, a distance of 14.21 feet to a point, thence; Through block 2739, lot 15, south 55 degrees 00 minutes 00 seconds west, a distance of 75.72 feet to a point, thence; Continuing through block 2739, lot 15, south 10 degrees 00 minutes 00 seconds west, a distance of 8.19 feet to the point and place of beginning, thence; From said point of beginning the following four courses; South 35 degrees 00 minutes 00 seconds east, a distance of 42.59 feet to a point, thence; south 55 Degrees 00 minutes 00 seconds west, a distance of 18.44 feet to a point, thence; North 35 degrees 00 minutes 00 seconds west, a distance of 42.59 feet to a point,

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

LBD15151-01-4

thence; North 55 degrees 00 minutes 00 seconds east, a distance of 18.44 feet to the point of beginning. Containing within said bounds 785 square feet or 0.0180 AC.

Parcel B: Beginning at a point within block 1044, lot 15, said point being distant the following four (4) courses from the point formed by the intersection of the westerly line of Baretto street (60 feet wide) with the northerly line of Lafayette (100 feet wide); Along said westerly line of Baretto Street, North 41 degrees 26 minutes 45 seconds west, a distance of 197.70 feet to an angle point therein, thence; Continuing along said line of Baretto street, North 53 degrees 34 minutes 00 seconds west, a distance of 14.21 feet to a point, thence; Through block 2739, lot 15, South 55 degrees 00 minutes 00 seconds west, a distance of 142.85 feet to a point, thence; Continuing through block 2739, lot 15, South 10 degrees 00 minutes 00 seconds west, a distance of 8.19 feet to the point and place of beginning, thence; From said point of beginning the following four courses; South 35 degrees 00 minutes 00 seconds east, a distance of 42.02 feet to a point, thence; south 55 Degrees 00 minutes 00 seconds west, a distance of 40.86 feet to a point, thence; North 35 degrees 00 minutes 00 seconds west, a distance of 42.02 feet to a point, thence; North 55 degrees 00 minutes 00 seconds east, a distance of 40.86 feet to the point of beginning. Containing within said bounds 1,717 square feet or 0.0394 AC.

(b) Provided, however, that with respect to such retail licensee's interest in a business engaged in the manufacture of alcoholic beverages described in subdivision sixteen or seventeen of this section:

(i) such interest shall have been acquired prior to the effective date of this subdivision; and

(ii) such retail licensee shall not purchase alcoholic beverages directly from any such manufacturer.

§ 2. This act shall take effect immediately; provided, however, that upon the sale or transfer of the parcels detailed in paragraph (a) of subdivision 25 of section 105 of the alcoholic beverage control law, as added by section one of this act, such subdivision shall expire and be deemed repealed unless the licensee immediately obtains a leasehold upon such sale or transfer of such parcel as part of the sale or transfer. If the licensee obtains such a leasehold, the subdivision pertaining to such parcel shall expire and be deemed repealed upon the end or termination of such lease. The state liquor authority shall notify the legislative bill drafting commission upon notification by the licensee of the sale, transfer or termination of the leasehold, or non-renewal of the leasehold of the parcel detailed in paragraph (a) of subdivision 25 of section 105 of the alcoholic beverage control law in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.