STATE OF NEW YORK

1951

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

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

AN ACT to amend the alcoholic beverage control law and the administrative code of the city of New York, in relation to permitting the possession and consumption of alcoholic beverages in certain public places

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

Section 1. The alcoholic beverage control law is amended by adding a new section 132 to read as follows:

§ 132. Consumption of alcoholic beverages in a public place. 1. For the purposes of this section, "public place" shall mean a place to which the public or a substantial group of persons has access which shall only include any park, beach, boardwalk, or any street closed to vehicular traffic for the purposes of outdoor dining or recreational activity.

2. No municipality shall prohibit a person twenty-one years of age or older from possessing an alcoholic beverage in an open container in a public place and from consuming an alcoholic beverage in a public place, except as prohibited in section one thousand two hundred twenty-seven of the vehicle and traffic law.

§ 2. Paragraph (b) of subdivision 2 of section 10-125 of the administrative code of the city of New York is amended to read as follows:

b. No person shall drink or consume an alcoholic beverage, or possess, with intent to drink or consume, an open container containing an alcoholic beverage in any public place except at a block party, feast or similar function for which a permit has been obtained **or at any park, beach, boardwalk, or any street closed to vehicular traffic for the purposes of outdoor dining or recreational activity**.

§ 3. This act shall take effect immediately.

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

LBD04541-01-3