

STATE OF NEW YORK

6785

2023-2024 Regular Sessions

IN SENATE

May 9, 2023

Introduced by Sen. SKOUFIS -- 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 hours during which liquor and/or wine stores may be open on Sunday (Part A); to amend the alcoholic beverage control law, in relation to permitting the sale of beer at retail on Sundays; and to repeal certain provisions of such law relating thereto (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 the issuance of temporary wholesale permits (Part M); to amend the alcoholic beverage control law, in relation to licenses issued for on premises

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

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consumption within two hundred feet of a building occupied as a school, church, synagogue or other place of worship (Part N); and to repeal paragraphs b and f of subdivision 7 of section 64 of the alcoholic beverage control law relating to restricting licenses for premises located within five hundred feet of other licensed premises (Part O)

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 O. 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. Subparagraph (i) of paragraph (a) of subdivision 14 of
14 section 105 of the alcoholic beverage control law, as amended by section
15 1 of part EE of chapter 55 of the laws of 2022, is amended to read as
16 follows:

17 (i) On Sunday before [~~twelve~~] ten o'clock [~~post-meridian~~] ante meridi-
18 an and after [~~nine~~] ten o'clock post meridian.

19 § 2. This act shall take effect immediately.

20 PART B

21 Section 1. Section 105-a of the alcoholic beverage control law is
22 REPEALED.

23 § 2. Subdivision 4 of section 34 of the alcoholic beverage control
24 law, as added by chapter 522 of the laws of 2018, is amended to read as
25 follows:

26 4. No tasting shall be held during the hours prohibited by the
27 provisions of [~~sections~~] section one hundred five [~~and one hundred~~
28 ~~five-a~~] of this chapter.

29 § 3. Subdivision (d) of section 54-b of the alcoholic beverage control
30 law, as added by chapter 232 of the laws of 2015, is amended to read as
31 follows:

32 (d) No tasting shall be held during the hours prohibited by the
33 provisions of [~~sections~~] section one hundred five [~~and one hundred~~
34 ~~five-a~~] of this chapter.

35 § 4. Subdivision (d) of section 59-a of the alcoholic beverage control
36 law, as added by chapter 232 of the laws of 2015, is amended to read as
37 follows:

38 (d) No tasting shall be held during the hours prohibited by the
39 provisions of section one hundred five [~~and one hundred five-a~~] of this
40 chapter.

1 § 5. Subdivision 6 of section 117-a of the alcoholic beverage control
2 law is REPEALED.

3 § 6. Subdivision 4 of section 130 of the alcoholic beverage control
4 law, as amended by chapter 186 of the laws of 1949, is amended to read
5 as follows:

6 4. In the city of New York, a summons shall be issued for a violation
7 of the provisions of subdivision fourteen of section one hundred [~~and~~]
8 five[~~, section one hundred and five-a~~] and subdivision five of section
9 one hundred [~~and~~] six of this chapter in the same manner as provided by
10 subdivision h of section one hundred [~~and~~] sixteen of the New York city
11 criminal courts act.

12 § 7. This act shall take effect immediately.

13 PART C

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

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

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

35 PART D

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

38 2-b. Notwithstanding any provision of this chapter to the contrary, a
39 retail licensee for on-premises consumption shall be authorized to
40 purchase up to twelve bottles of wine and liquor per week from an off-
41 premises retail licensee, and may resell any wine and liquor so
42 purchased for consumption on the premises licensed therefor.

43 § 2. Section 105 of the alcoholic beverage control law is amended by
44 adding a new subdivision 24 to read as follows:

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

49 § 3. This act shall take effect immediately.

50 PART E

1 Section 1. Subdivision 4 of section 63 of the alcoholic beverage
2 control law, as amended by section 3 of part H of chapter 58 of the laws
3 of 2019, is amended to read as follows:

4 4. No licensee under this section shall be engaged in any other busi-
5 ness on the licensed premises. The sale of lottery tickets, when duly
6 authorized and lawfully conducted, the sale of reusable bags as defined
7 in section 27-2801 of the environmental conservation law, the sale of
8 corkscrews or the sale of ice or the sale of publications, including
9 prerecorded video and/or audio cassette tapes, or educational seminars,
10 designed to help educate consumers in their knowledge and appreciation
11 of alcoholic beverages, as defined in section three of this chapter and
12 allowed pursuant to their license, or the sale of non-carbonated, non-
13 flavored mineral waters, spring waters and drinking waters or the sale
14 of glasses designed for the consumption of wine or liquor, racks
15 designed for the storage of wine or liquor, and devices designed to
16 minimize oxidation in bottles of wine or liquor which have been
17 uncorked, or the sale of gift bags, gift boxes, associated promotional
18 items, or wrapping[7] for alcoholic beverages purchased at the licensed
19 premises, or the sale of any other items reasonably used in connection
20 with the storage, preparation, service, or consumption of liquor, wine,
21 or wine products subject to such rules and regulations as the liquor
22 authority may prescribe shall not constitute engaging in another busi-
23 ness within the meaning of this subdivision. Any fee obtained from the
24 sale of an educational seminar shall not be considered as a fee for any
25 tasting that may be offered during an educational seminar, provided that
26 such tastings are available to persons who have not paid to attend the
27 seminar and all tastings are conducted in accordance with section
28 sixty-three-a of this article.

29 § 2. Paragraph (a) of subdivision 1 of section 104 of the alcoholic
30 beverage control law, as amended by chapter 2 of the laws of 2013, is
31 amended to read as follows:

32 (a) No wholesaler shall be engaged in any other business on the prem-
33 ises to be licensed; except that nothing contained in this chapter
34 shall: (1) prohibit a beer wholesaler from (i) acquiring, storing or
35 selling non-alcoholic snack foods, as defined in paragraph (b) of this
36 subdivision, (ii) manufacturing, bottling, storing, or selling non-alco-
37 holic carbonated beverages, (iii) manufacturing, storing or selling
38 non-alcoholic non-carbonated soft drinks, mineral waters, spring waters,
39 drinking water, non-taxable malt or cereal beverages, juice drinks,
40 fruit or vegetable juices, ice, liquid beverage mixes and dry or frozen
41 beverage mixes, (iv) acquiring, storing or selling wine products, (v)
42 the sale of promotional items on such premises, or (vi) the sale of
43 tobacco products at retail by wholesalers who are licensed to sell beer
44 and other products at retail; (2) prohibit a wholesaler authorized to
45 sell wine from manufacturing, acquiring or selling wine merchandise, as
46 defined in paragraph (d) of this subdivision; (3) prohibit a licensed
47 winery or licensed farm winery from engaging in the business of a wine
48 wholesaler for New York state labeled wines produced by any licensed
49 winery or licensed farm winery or prohibit such wine wholesaler from
50 exercising any of its rights pursuant to sections seventy-six and seven-
51 ty-six-a of this chapter provided that the operation of such beer and
52 wine wholesalers business shall be subject to such rules and regulations
53 as the liquor authority may prescribe; (4) prohibit a beer wholesaler
54 who is authorized to sell beer at retail from selling at retail: (i)
55 candy, chewing gum and cough drops; (ii) non-refrigerated salsa; (iii)
56 cigarette lighters, lighter fluid, matches and ashtrays; (iv) barbecue

1 and picnic-related products and supplies, which shall include, but not
2 be limited to, charcoal, grills, propane gas, plastic and paper cups,
3 paper or plastic tablecloths and coolers; (v) beer making and brewing
4 supplies and publications, which shall include, but not be limited to,
5 books, magazines, equipment and ingredients; (vi) steins, mugs and other
6 glassware appropriate for the consumption of beer, malt beverages and
7 wine products; (vii) items typically used to serve beer and malt bever-
8 ages including, but not limited to, taps, kegerators, koozies and beer
9 socks; (viii) lemons, limes and oranges, provided that no more than two
10 dozen of each shall be displayed at any one time; (ix) rock salt, ice
11 and snow melting compounds, snow shovels; windshield washer solvent;
12 firewood; beach umbrellas; sunglasses and sun block; and (x) prepaid
13 telephone cards; [~~ex~~] (5) prohibit the installation and operation of a
14 single automated teller machine in the premises of a beer wholesaler who
15 is authorized to sell beer at retail; (6) prohibit a liquor wholesaler
16 from transporting or selling gifts or promotional items associated with
17 liquor or wine; or (7) prohibit a liquor wholesaler from transporting or
18 selling any other items reasonably used in connection with the storage,
19 preparation, service, or consumption of liquor, wine, or wine products
20 subject to such rules and regulations as the liquor authority may
21 prescribe. For the purposes of this subdivision, "automated teller
22 machine" means a device which is linked to the accounts and records of a
23 banking institution and which enables consumers to carry out banking
24 transactions, including but not limited to, account transfers, deposits,
25 cash withdrawals, balance inquiries and loan payments.

26 § 3. Paragraph (a) of subdivision 3 of section 101-b of the alcoholic
27 beverage control law, as amended by section 1 of part E of chapter 56 of
28 the laws of 2006, is amended to read as follows:

29 (a) No brand of liquor or wine shall be sold to or purchased by a
30 wholesaler, irrespective of the place of sale or delivery, unless a
31 schedule, as provided by this section, is transmitted to and received by
32 the liquor authority, and is then in effect. Such schedule shall be
33 transmitted to the authority in such form, manner, medium and format as
34 the authority may direct; shall be deemed duly verified by the person
35 submitting such schedule upon its transmission to the authority; and
36 shall contain, with respect to each item, the exact brand or trade name,
37 capacity of package, nature of contents, age and proof where stated on
38 the label, the number of bottles contained in each case, the bottle and
39 case price to wholesalers, the net bottle and case price paid by the
40 seller, which prices, in each instance, shall be individual for each
41 item and not in "combination" with any other item, the discounts for
42 quantity, if any, and the discounts for time of payment, if any. Such
43 brand of liquor or wine shall not be sold to wholesalers except at the
44 price and discounts then in effect unless prior written permission of
45 the authority is granted for good cause shown and for reasons not incon-
46 sistent with the purpose of this chapter. Such schedule shall be trans-
47 mitted by (1) the owner of such brand, or (2) a wholesaler selling such
48 brand and who is designated as agent for the purpose of filing such
49 schedule if the owner of the brand is not licensed by the authority, or
50 (3) with the approval of the authority, by a wholesaler, in the event
51 that the owner of the brand is unable to transmit a schedule or desig-
52 nate an agent for such purpose. As used in this subdivision the term
53 "item" shall be deemed to include a sealed, pre-wrapped package consist-
54 ing of a sealed container or containers of liquor, wine or wine product
55 and other merchandise reasonably used in connection with the prepara-
56 tion, storage, promotion, gifting, consumption or service of liquor,

1 wine or wine products provided that such other merchandise shall not be
2 potable or edible and subject to such rules and regulations as the
3 liquor authority may prescribe.

4 § 4. This act shall take effect immediately.

5 PART F

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

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

10 § 2. This act shall take effect immediately.

11 PART G

12 Section 1. The opening paragraph of paragraph (a) of subdivision 1 of
13 section 101 of the alcoholic beverage control law, as amended by chapter
14 318 of the laws of 2016, is amended to read as follows:

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

21 § 2. The opening paragraph of paragraph (a) of subdivision 13 of
22 section 106 of the alcoholic beverage control law, as amended by chapter
23 453 of the laws of 2018, is amended to read as follows:

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

31 § 3. This act shall take effect immediately.

32 PART H

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

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

42 § 2. This act shall take effect immediately.

43 PART I

44 Section 1. Subdivisions 3 and 4 of section 93 of the alcoholic beverage
45 control law, subdivision 3 as amended by section 12 of part Z of
46 chapter 85 of the laws of 2002 and subdivision 4 as amended by chapter
47 297 of the laws of 2016, are amended to read as follows:

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

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

16 § 2. Subdivision 2 of section 94 of the alcoholic beverage control
17 law, as amended by section 14 of part Z of chapter 85 of the laws of
18 2002, is amended to read as follows:

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

24 § 3. Section 97 of the alcoholic beverage control law, as amended by
25 chapter 204 of the laws of 1963, the section heading as amended by chap-
26 ter 363 of the laws of 1977, subdivisions 1 and 2 as amended by section
27 19 of part Z of chapter 85 of the laws of 2002, and subdivision 4 as
28 added by chapter 120 of the laws of 2012, is amended to read as follows:

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

42 2. The liquor authority is hereby authorized to issue an annual permit
43 to brewers and beer wholesalers authorizing such licensees to sell beer
44 for consumption at outdoor or indoor gatherings, functions, occasions or
45 events, provided that such gatherings are not open to admission to the
46 general public nor is admission thereto made contingent upon the payment
47 of an admission fee, donation or contribution, and further provided that
48 such beer is not resold at such gatherings. Every brewer or beer whole-
49 saler to whom a permit shall be issued hereunder shall require every
50 person to whom beer shall be sold for use at such gatherings to make,
51 execute and file with such brewer or beer wholesaler, upon a form to be
52 prescribed by the liquor authority, a statement, that the beer purchased
53 by such person will not be sold or offered for sale by such person. Such
54 statement shall be accepted for all purposes as the equivalent of an
55 affidavit, and if false, shall subject the person making and executing
56 the same to the same penalties as if he or she had been duly sworn. Such

1 permit shall be issued in the form prescribed by the liquor authority
2 and shall run concurrently with the annual term of the brewer's license
3 or of the wholesale beer license, and the fee for such permit shall be
4 [~~sixty-four~~ sixty dollars. Such a permit and the exercise of the privi-
5 leges granted thereunder shall be subject to such rules by the liquor
6 authority as it deems necessary. The provisions hereof shall not apply
7 to the sale of beer for consumption in the home.

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

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

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

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

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

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

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

50 (b) Where the same corporation operates two or more premises separate-
51 ly licensed under this chapter a separate corporate change shall be
52 filed for each such licensed premises, except as otherwise provided for
53 by rule of the liquor authority. The corporate change fee provided for
54 herein shall not be applicable to more than one license held by the same
55 corporation.

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

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

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

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

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

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

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

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

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

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

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

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

52 5. The annual fee for a license to sell beer at retail to be consumed
53 on the premises where sold shall be three hundred twenty dollars in
54 cities having a population of one hundred thousand or over, and one
55 hundred sixty dollars elsewhere; provided, however, that where the prem-
56 ises to be licensed remain open only within the period commencing April

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

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

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

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

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

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

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

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

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

49 § 9. Section 66 of the alcoholic beverage control law, as amended by
50 section 3 of part Z of chapter 85 of the laws of 2002, subdivision 1-a
51 as added by chapter 580 of the laws of 2002, subdivision 2-c as added by
52 chapter 564 of the laws of 2007, subdivision 3-a as added by chapter 297
53 of the laws of 2016, subdivision 4 as amended by chapter 703 of the laws
54 of 2022, and subdivision 10 as added by chapter 331 of the laws of 2004,
55 is amended to read as follows:

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

3 1-a. The annual fee for a distiller's license, class A-1, shall be two
4 hundred fifty dollars.

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

7 2-a. The annual fee for a distiller's license, class C, shall be one
8 hundred [~~twenty-eight~~] twenty-five dollars.

9 2-b. The annual fee for a distiller's license, class B-1, shall be
10 three hundred twenty dollars.

11 2-c. The annual fee for a distiller's license, class D, shall be one
12 hundred [~~twenty-eight~~] twenty-five dollars.

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

15 (a) if such wholesaler has revenue of at least twenty-five million
16 dollars within the previous year in New York state, shall be one million
17 dollars; and

18 (b) if such wholesaler has revenue under twenty-five million dollars
19 within the previous year in New York state, shall be eight hundred
20 dollars.

21 3-a. The annual fee for an importer's license shall be one hundred
22 twenty-five dollars.

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

1 paid to be pro-rated for the period for which such license is effective,
2 at the rate provided for in the city, town or village in which such
3 premises are located, except that no such license fee shall be less than
4 one-half of the regular annual license fee; provided further that where
5 the premises to be licensed are a race track or a golf course or are
6 licensed pursuant to section sixty-four or sixty-four-a of this article,
7 the period of such summer license may commence March first and end
8 November thirtieth.

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

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

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

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

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

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

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

50 § 10. Subdivision 1 of section 79-a of the alcoholic beverage control
51 law, as amended by section 5 of part Z of chapter 85 of the laws of
52 2002, is amended to read as follows:

53 1. Any person licensed to sell beer at retail for consumption off the
54 premises, pursuant to section fifty-four of this chapter, shall, by
55 virtue of such license and upon payment to the liquor authority of an
56 additional fee in the sum of one hundred sixty-five dollars in cities

1 having a population of one hundred thousand or over and [~~eighty-three~~
2 eighty dollars elsewhere, be granted authorization to sell from the
3 licensed premises wine products in sealed containers for consumption off
4 such premises. Upon receipt of such additional fee, the liquor authority
5 shall promptly issue a permit authorizing such sales by the licensee.

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

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

19 1-a. Any person licensed to sell beer at retail for consumption on the
20 premises, pursuant to section fifty-five-a of this chapter, shall, by
21 virtue of such license and upon payment to the liquor authority of an
22 additional fee in the sum of one hundred [~~ninety-two~~ ninety dollars in
23 cities having a population of one hundred thousand or over and [~~ninety-~~
24 ~~six~~] ninety dollars elsewhere, be granted authorization to sell from the
25 licensed premises wine products in sealed containers at retail for
26 consumption on such premises. Upon receipt of such additional fee, the
27 liquor authority shall promptly issue a permit authorizing such sales by
28 the licensee.

29 § 12. Section 83 of the alcoholic beverage control law, as amended by
30 section 7 of part Z of chapter 85 of the laws of 2002, subdivision 1-a
31 as amended by chapter 221 of the laws of 2011, subdivision 1-d as
32 amended by chapter 613 of the laws of 2008, subdivision 8 as added by
33 chapter 355 of the laws of 2013, and subdivision 9 as added by chapter
34 422 of the laws of 2016, is amended to read as follows:

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

37 1-a. The annual fee for a farm winery license shall be one hundred
38 twenty-five dollars, provided that the annual fee for a farm winery
39 manufacturing no more than fifteen hundred finished gallons of wine
40 annually shall be fifty dollars.

41 1-d. The fee for each license issued for a winery or farm winery
42 licensee's authority to conduct wine tastings and the sale of New York
43 state labelled wines for off-premises consumption pursuant to paragraph
44 (c) of subdivision two of section seventy-six of this article shall be
45 forty dollars.

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

48 (a) if such wholesaler has revenue of at least twenty-five million
49 dollars within the previous year in New York state, shall be one million
50 dollars; and

51 (b) if such wholesaler has revenue of under twenty-five million
52 dollars within the previous year in New York state, shall be eight
53 hundred dollars.

54 3. The annual fee for a license to sell wine at retail, not to be
55 consumed on the premises, shall be six hundred forty dollars for each
56 such place where such business is carried on in cities having a popu-

1 lation of one million or more; in cities having less than one million
2 population and more than one hundred thousand, three hundred twenty
3 dollars; and elsewhere, the sum of one hundred forty-five dollars.

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

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

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

9 4-a. The annual fee for a license to sell wine at retail to be
10 consumed on the premises where sold where the premises to be licensed
11 remain open only within the period commencing April first and ending
12 October thirty-first of any one year or only within the period commenc-
13 ing October first and ending the following April thirtieth, the liquor
14 authority, in its discretion, may grant a summer or winter license
15 effective only for such appropriate period of time, for which an annual
16 fee of one hundred [~~twelve~~ **ten** dollars shall be paid.

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

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

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

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

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

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

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

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

32 § 122. Continuance of business by receiver or other representative.
33 If a corporation or copartnership holding any license or holding a
34 permit for which an annual fee of one hundred dollars or more is
35 prescribed by this chapter shall be dissolved, or if a receiver or
36 assignee for the benefit of creditors be appointed therefor, or if a
37 receiver, assignee for the benefit of creditors or a committee or
38 conservator of the property of an individual holding any license or
39 holding a permit for which an annual fee of one hundred dollars or more
40 is prescribed by this chapter be appointed, during the time for which
41 such license or permit was granted, or if a person, including a member
42 of a copartnership, holding any license or holding a permit for which an
43 annual fee of one hundred dollars or more is prescribed by this chapter
44 shall die during the term for which such license or permit was given,
45 such corporation, copartnership, receiver or assignee, or the adminis-
46 trator or executor of the estate of such individual, or of such deceased
47 member of a copartnership, or a committee of the property of a person
48 adjudged to be incompetent, or a conservator of the property of an indi-
49 vidual, or a petition under title eleven of the United States code shall
50 have been filed and a trustee has been appointed or the holder of the
51 license [~~or~~ **or** permit has been permitted to remain in possession with-
52 out the appointment of a trustee, may continue to carry on such business
53 upon such premises for the balance of the term for which such license or
54 permit was effective, with the same rights and subject to the same
55 restrictions and liabilities as if he had been the original applicant
56 for and the original holder, or one of either of them, of such license

1 or permit, providing the approval of the liquor authority shall be first
2 obtained. Before continuing such business, such receiver, assignee,
3 individual, committee, or conservator, debtor in possession, or trustee
4 in bankruptcy shall file a statement setting forth in such form and
5 substance as the liquor authority may prescribe the facts and circum-
6 stances by which he has succeeded to the rights of the original licensee
7 or permittee. The liquor authority may, in its discretion, permit the
8 continuance of such business or may refuse to do so. In the event that
9 the authority determines to permit the continuance of the business, the
10 license or permit shall be submitted to the authority and shall have
11 affixed thereto a certificate in the form prescribed by the authority.
12 For each such certificate, a fee shall be paid to the liquor authority
13 of fifty dollars by the applicant, except in the case of an off-premise
14 beer license, such fee shall be ten dollars which shall be paid into the
15 same fund as other license fees herein provided for.

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

21

PART J

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

25 Not [~~less than thirty nor~~] more than two hundred [~~and~~] seventy days
26 before filing any of the following applications provided for in this
27 subdivision, an applicant shall notify the municipality in which the
28 premises is located of such applicant's intent to file such an applica-
29 tion. The proof of notification, provided for in subdivisions six and
30 six-a of this section, must be provided at the time of application;
31 failure to so provide shall constitute good cause for denial. The
32 authority may not act to approve any application subject to this section
33 prior to the passage of thirty days from the date notification was
34 provided to the municipality. This section shall apply to an
35 application:

36 § 2. This act shall take effect immediately.

37

PART K

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

41 Before any change in the members of a limited liability company or the
42 transfer or assignment of a membership interest in a limited liability
43 company or any corporate change in stockholders, stockholdings, alcohol-
44 ic beverage officers, officers or directors, except officers and direc-
45 tors of a premises licensed as a club or a luncheon club under this
46 chapter can be effectuated for the purposes of this chapter, there shall
47 be filed with the liquor authority an application for permission to make
48 such change and there shall be paid to the liquor authority in advance
49 upon filing of the application a fee of one hundred twenty-eight
50 dollars. If the authority does not act within ninety days of receipt of
51 such application, the change shall be deemed approved. Provided, howev-
52 er, any change which is in violation of any provision of this chapter,

1 including but not limited to those in sections one hundred one, one
2 hundred twenty-six, and one hundred twenty-eight of this chapter, may
3 not be approved or deemed approved.

4 § 2. This act shall take effect immediately.

5 PART L

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

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

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

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

1 § 3. Subdivision 6 of section 97-a of the alcoholic beverage control
2 law, as added by chapter 396 of the laws of 2010, is amended to read as
3 follows:

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

15 § 4. Section 5 of chapter 396 of the laws of 2010 amending the alco-
16 holic beverage control law relating to liquidator's permits and tempo-
17 rary retail permits, as amended by section 1 of part 0 of chapter 55 of
18 the laws of 2023, is amended to read as follows:

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

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

26 PART M

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

29 § 97-d. Temporary wholesale permit. 1. Any person may apply to the
30 liquor authority for a temporary permit to operate any alcoholic beverage
31 wholesale business as may be licensed under this chapter. Such
32 application shall be in writing and verified and shall contain information
33 as the liquor authority shall require. Such application shall be
34 accompanied by a check or draft in the amount of one hundred twenty-five
35 dollars for such permit.

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

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

41 (b) the applicant has obtained and provided evidence of all permits,
42 licenses and other documents necessary for the operation of such a busi-
43 ness; and

44 (c) any current license in effect at the premises that may not under
45 law operate concurrently has been surrendered or placed in safekeeping,
46 or has been deemed abandoned by the authority.

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

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

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

52 (c) the applicant has substantially complied with the requirements
53 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 sale of alcoholic beverages according to the
6 laws applicable to the type of wholesale license being applied for.

7 6. Such temporary permit shall remain in effect until the wholesale
8 license being applied for is approved and the license granted or a
9 determination is made to reject the application for the license.

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

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

21 § 2. This act shall take effect on the ninetieth day after it shall
22 have become a law.

23 PART N

24 Section 1. Paragraph (a) of subdivision 7 of section 64 of the alco-
25 holic beverage control law, as amended by chapter 463 of the laws of
26 2009, is amended to read as follows:

27 (a) on the same street or avenue and within two hundred feet of a
28 building occupied exclusively as a school, church, synagogue or other
29 place of worship; provided, however, that such restriction shall only
30 apply to if the school, church, synagogue or other place of worship has
31 occupied its current location, in whole or in part, for at least five
32 years prior to the date of application for a license to sell liquor at
33 retail for consumption on the premises, or

34 § 2. This act shall take effect immediately.

35 PART O

36 Section 1. Paragraphs b and f of subdivision 7 of section 64 of the
37 alcoholic beverage control law are REPEALED.

38 § 2. This act shall take effect immediately.

39 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
40 sion, section or part of this act shall be adjudged by any court of
41 competent jurisdiction to be invalid, such judgment shall not affect,
42 impair, or invalidate the remainder thereof, but shall be confined in
43 its operation to the clause, sentence, paragraph, subdivision, section
44 or part thereof directly involved in the controversy in which such judg-
45 ment shall have been rendered. It is hereby declared to be the intent of
46 the legislature that this act would have been enacted even if such
47 invalid provisions had not been included herein.

48 § 3. This act shall take effect immediately provided, however, that
49 the applicable effective date of Parts A through O of this act shall be
50 as specifically set forth in the last section of such Parts.