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.

LBD11092-02-3

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:

Section 1. This act enacts into law major components of legislation necessary to implement certain provisions regarding licensing and sales under the alcoholic beverage control law. Each component is wholly contained within a Part identified as Parts A through O. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

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

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

§ 2. This act shall take effect immediately.

PART B

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 Section 105-a of the alcoholic beverage control law is REPEALED.

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

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

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

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

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

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

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 Subdivision 6 of section 117-a of the alcoholic beverage control law is REPEALED.

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

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

§ 7. This act shall take effect immediately.

PART C

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

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

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

PART D

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

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

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

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

§ 3. This act shall take effect immediately.

PART E

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

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

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

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

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

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

(a) No brand of liquor or wine shall be sold to or purchased by a wholesaler, irrespective of the place of sale or delivery, unless a schedule, as provided by this section, is transmitted to and received by the liquor authority, and is then in effect. Such schedule shall be transmitted to the authority in such form, manner, medium and format as the authority may direct; shall be deemed duly verified by the person submitting such schedule upon its transmission to the authority; and shall contain, with respect to each item, the exact brand or trade name, capacity of package, nature of contents, age and proof where stated on the label, the number of bottles contained in each case, the bottle and case price to wholesalers, the net bottle and case price paid by the seller, which prices, in each instance, shall be individual for each item and not in "combination" with any other item, the discounts for quantity, if any, and the discounts for time of payment, if any. Such brand of liquor or wine shall not be sold to wholesalers except at the price and discounts then in effect unless prior written permission of the authority is granted for good cause shown and for reasons not inconsistent with the purpose of this chapter. Such schedule shall be transmitted by (1) the owner of such brand, or (2) a wholesaler selling such brand and who is designated as agent for the purpose of filing such schedule if the owner of the brand is not licensed by the authority, or (3) with the approval of the authority, by a wholesaler, in the event that the owner of the brand is unable to transmit a schedule or designate an agent for such purpose. As used in this subdivision the term "item" shall be deemed to include a sealed, pre-wrapped package consisting of a sealed container **or containers** of liquor, wine or wine product and other merchandise reasonably used in connection with the preparation, storage**, promotion, gifting, consumption** or service of liquor,

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

§ 4. This act shall take effect immediately.

PART F

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

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

§ 2. This act shall take effect immediately.

PART G

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

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

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

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

§ 3. This act shall take effect immediately.

PART H

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

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

§ 2. This act shall take effect immediately.

PART I

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

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

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

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

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

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

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

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

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

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

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

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

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 day period upon payment of an additional fee of [~~sixty-four~~] sixty dollars for all retail beer licenses and [~~ninety-six~~] ninety-five 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 day extensions upon payment of the appropriate fee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

first and ending October thirty-first of any one year or only within the period commencing October first and ending the following April thirtieth, the liquor authority, in its discretion, may grant a summer or winter license effective only for such appropriate period of time, for which an annual fee of one hundred sixty dollars shall be paid where the premises are located in cities having a population of one hundred thousand or over, and eighty dollars where such premises are located elsewhere.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. The annual fee for a license, under section sixty-four or sixty-four-a of this article, to sell liquor at retail to be consumed on the premises where sold shall be twenty-one hundred [~~seventy-six~~] seventy dollars in the counties of New York, Kings, Bronx and Queens; fifteen hundred [~~thirty-six~~] thirty-five dollars in the county of Richmond and in cities having a population of more than one hundred thousand and less than one million; twelve hundred [~~sixteen~~] ten dollars in cities having a population of more than fifty thousand and less than one hundred thousand; and the sum of eight hundred [~~ninety-six~~] ninety-five dollars elsewhere; except that the license fees for catering establishments and off-premises catering establishments shall be two-thirds the license fee specified herein and for clubs, except luncheon clubs and golf clubs, shall be seven hundred fifty dollars in counties of New York, Kings, Bronx and Queens; five hundred dollars in the county of Richmond and in cities having a population of more than one hundred thousand and less than one million; three hundred fifty dollars in cities having a population of more than fifty thousand and less than one hundred thousand; and the sum of two hundred fifty dollars elsewhere. The annual fees for luncheon clubs shall be three hundred seventy-five dollars, and for golf clubs in the counties of New York, Kings, Bronx, Queens, Nassau, Richmond and Westchester, two hundred fifty dollars, and elsewhere one hundred [~~eighty-seven~~] eighty-five dollars [~~and fifty cents~~]. Notwithstanding any other provision of law to the contrary, there shall be no annual fee for a license, under section sixty-four, to sell liquor at retail to be consumed on the premises where the applicant is an organization organized under section two hundred sixty of the military law and incorporated pursuant to the not-for-profit corporation law. Provided, however, that where any premises for which a license is issued pursuant to section sixty-four or sixty-four-a of this article remain open only within the period commencing April first and ending October thirty-first of any one year, or only within the period commencing October first and ending the following April thirtieth, the liquor authority may, in its discretion, grant a summer or winter license effective only for such appropriate period of time, for which a license fee shall be

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 122. Continuance of business by receiver or other representative. If a corporation or copartnership holding any license or holding a permit for which an annual fee of one hundred dollars or more is prescribed by this chapter shall be dissolved, or if a receiver or assignee for the benefit of creditors be appointed therefor, or if a receiver, assignee for the benefit of creditors or a committee or conservator of the property of an individual holding any license or holding a permit for which an annual fee of one hundred dollars or more is prescribed by this chapter be appointed, during the time for which such license or permit was granted, or if a person, including a member of a copartnership, holding any license or holding a permit for which an annual fee of one hundred dollars or more is prescribed by this chapter shall die during the term for which such license or permit was given, such corporation, copartnership, receiver or assignee, or the administrator or executor of the estate of such individual, or of such deceased member of a copartnership, or a committee of the property of a person adjudged to be incompetent, or a conservator of the property of an individual, or a petition under title eleven of the United States code shall have been filed and a trustee has been appointed or the holder of the license [~~of~~] **or** permit has been permitted to remain in possession without the appointment of a trustee, may continue to carry on such business upon such premises for the balance of the term for which such license or permit was effective, with the same rights and subject to the same restrictions and liabilities as if he had been the original applicant for and the original holder, or one of either of them, of such license

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

§ 14. This act shall take effect on the first of January next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART J

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

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

§ 2. This act shall take effect immediately.

PART K

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

Before any change in the members of a limited liability company or the transfer or assignment of a membership interest in a limited liability company or any corporate change in stockholders, stockholdings, alcoholic beverage officers, officers or directors, except officers and directors of a premises licensed as a club or a luncheon club under this chapter can be effectuated for the purposes of this chapter, there shall be filed with the liquor authority an application for permission to make such change and there shall be paid to the liquor authority in advance upon filing of the application a fee of one hundred twenty-eight dollars. **If the authority does not act within ninety days of receipt of such application, the change shall be deemed approved. Provided, however, any change which is in violation of any provision of this chapter,**

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

§ 2. This act shall take effect immediately.

PART L

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~~] 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 O of chapter 55 of the laws of 2023, 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, 2024~~].

§ 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.

PART M

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

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

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

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

(b) the applicant has obtained and provided evidence of all permits, licenses and other documents necessary for the operation of such a business; and

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

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

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

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

(c) the applicant has substantially complied with the requirements necessary to obtain such license.

4. The application for a permit shall be approved or denied by the liquor authority within forty-five days after the receipt of such application.

5. A temporary permit shall authorize the permittee to operate a wholesale facility for the sale of alcoholic beverages according to the laws applicable to the type of wholesale license being applied for.

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

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

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

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

PART N

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

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

§ 2. This act shall take effect immediately.

PART O

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

§ 2. This act shall take effect immediately.

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

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