

# STATE OF NEW YORK

8141

## IN SENATE

January 9, 2024

Introduced by Sen. HARCKHAM -- 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 clarifying the method of measurement for the purposes of restrictions on the granting of retail licenses for on-premises consumption of liquor

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

1 Section 1. Paragraph (c) of subdivision 7 of section 64 of the alco-  
2 holic beverage control law, as amended by chapter 463 of the laws of  
3 2009, is amended to read as follows:

4 (c) the measurements in paragraphs (a) and (b) of this subdivision are  
5 to be taken in straight lines from the center of the nearest entrance of  
6 the premises sought to be licensed to the center of the nearest entrance  
7 of such school, church, synagogue or other place of worship or to the  
8 center of the nearest entrance of each such premises licensed and oper-  
9 ating pursuant to this section and sections sixty-four-a, sixty-four-b,  
10 sixty-four-c, and/or sixty-four-d of this article, if the entrance is  
11 set back from the sidewalk by a walkway or doorway, the measurements  
12 shall be taken in straight lines from the center of the nearest entrance  
13 of the premises sought to be licensed to the point directly adjacent to  
14 the center of the nearest entrance of such school, church, synagogue or  
15 other place of worship or to the center of the nearest entrance of each  
16 such premises licensed and operating pursuant to this section and  
17 sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d  
18 of this article; except, however, that no renewal license shall be  
19 denied because of such restriction to any premises so located which were  
20 maintained as a bona fide hotel, restaurant, catering establishment or  
21 club on or prior to December fifth, nineteen hundred thirty-three; and,  
22 except that no license shall be denied to any premises at which a  
23 license under this chapter has been in existence continuously from a  
24 date prior to the date when a building on the same street or avenue and  
25 within two hundred feet of said premises has been occupied exclusively  
26 as a school, church, synagogue or other place of worship; and except

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

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1 that no license shall be denied to any premises, which is within five  
2 hundred feet of three or more existing premises licensed and operating  
3 pursuant to this section and sections sixty-four-a, sixty-four-b,  
4 sixty-four-c, and/or sixty-four-d of this article, at which a license  
5 under this chapter has been in existence continuously on or prior to  
6 November first, nineteen hundred ninety-three; and except that this  
7 subdivision shall not be deemed to restrict the issuance of a hotel  
8 liquor license to a building used as a hotel and in which a restaurant  
9 liquor license currently exists for premises which serve as a dining  
10 room for guests of the hotel and a caterer's license to a person using  
11 the permanent catering facilities of a church, synagogue or other place  
12 of worship pursuant to a written agreement between such person and the  
13 authorities in charge of such facilities. The liquor authority, in its  
14 discretion, may authorize the removal of any such licensed premises to a  
15 different location on the same street or avenue, within two hundred feet  
16 of said school, church, synagogue or other place of worship, provided  
17 that such new location is not within a closer distance to such school,  
18 church, synagogue or other place of worship.

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