STATE OF NEW YORK

10416--A

IN ASSEMBLY

March 3, 2026

Introduced by M. of A. CUNNINGHAM -- read once and referred to the Committee on Economic Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 118 of the laws of 2012 amending the alcoholic beverage control law relating to the powers of the chairman and members of the authority, in relation to the effectiveness of certain provisions thereof (Part A); to amend the alcoholic beverage control law, in relation to authorizing special permits to remain open during certain hours of the morning (Part B); to amend the alcoholic beverage control law, in relation to permissible sales by license holders (Part C); to amend the alcoholic beverage control law, in relation to allowing multiple off-premises licenses (Part D); to amend the alcoholic beverage control law, in relation to licensing restrictions for manufacturers and wholesalers of alcoholic beverages and retail licensees (Part E); 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 F); to amend the alcoholic beverage control law, in relation to changes of ownership of a licensed business (Part G); 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 H); to amend the alcoholic beverage control law, in relation to licenses issued for on-premises consumption within certain distances of a building occupied as a school, church, synagogue or other place of worship with consent of such building's owner or administrator (Part I); and to amend the alcoholic beverage control law, in relation to permitting licenses for premises located within five hundred feet of other premises outside of certain counties (Part J)

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

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

LBD02017-04-6

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 J. 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. Section 4 of chapter 118 of the laws of 2012 amending the alcoholic beverage control law relating to the powers of the chairman and members of the authority, as amended by section 1 of part J of chapter 55 of the laws of 2024, is amended to read as follows:

§ 4. This act shall take effect immediately [~~and shall expire and be deemed repealed fifteen years after such date~~].

§ 2. This act shall take effect immediately.

PART B

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 C

Section 1. Subdivision 4 of section 63 of the alcoholic beverage control law, as amended by chapter 24 of the laws of 2024, 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 **any of the following shall not constitute engaging in another business within the meaning of this subdivision:**

(a) lottery tickets, when duly authorized and lawfully conducted[~~, the sale of~~];

(b) reusable bags as defined in section 27-2801 of the environmental conservation law[~~, the sale of~~];

(c) corkscrews [~~or the sale of~~];

(d) ice [~~or the sale of~~];

(e) 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~~];

(f) non-carbonated, non-flavored mineral waters, spring waters and drinking waters [~~or the sale of~~];

(g) glasses designed for the consumption of wine or liquor, racks designed for the storage of wine, and devices designed to minimize oxidation in bottles of wine which have been uncorked[~~, or the sale of~~];

(h) gift bags, gift boxes, associated gift or promotional items, or wrapping, for alcoholic beverages purchased at the licensed premises [~~shall not constitute engaging in another business within the meaning of this subdivision~~];

(i) tonic water;

(j) bitters;

(k) maraschino cherries; and

(l) dealcoholized wine.

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. For the purposes of this section, gift or promotional items shall only include those items that are complimentary and directly associated with the sale of wine or liquor they are promoting and shall mean: (i) items that are de minimis in value, but in no instance shall merchandise be valued at more than fifteen dollars in total; (ii) items that are imprinted with the wine or liquor brand logo on the gift or promotional item; and (iii) items that are included as part of a manufactured pre-sealed package with the wine or liquor that is being gifted or promoted. Further, for the purposes of this section, promotional items shall not include any food, non-alcoholic beverage, or other drink or food mix, nor shall these items be offered for sale to the general public as individual items.

§ 2. Paragraph (a) of subdivision 1 of section 104 of the alcoholic beverage control law, as amended by chapter 24 of the laws of 2024, 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; (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; [~~or~~] (6) prohibit a liquor or a wine wholesaler from transporting or selling gifts or promotional items associated with wine or liquor products as provided for in subdivision four of section sixty-three of this chapter**; or (7) prohibit a liquor wholesaler from transporting or selling tonic water, bitters, maraschino cherries or dealcoholized wine**. 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. This act shall take effect immediately.

PART D

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 E

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 F

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. Subdivision 4 of section 79 of the alcoholic beverage control law, as added by chapter 1024 of the laws of 1965, is amended to read as follows:

4. 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**.

§ 3. This act shall take effect immediately.

PART G

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. **Such application shall be deemed approved and in effect if not disapproved by the authority prior to the expiration of ninety days after receipt by the authority.**

§ 2. This act shall take effect immediately.

PART H

Section 1. Subdivision 4 of section 97-a of the alcoholic beverage control law, as amended by chapter 431 of the laws of 2024, 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 one hundred eighty 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.

§ 2. 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.

§ 3. 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 N of chapter 55 of the laws of 2026, 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, 2027~~].

§ 4. 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 I

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 the authority may issue a retail license for on-premises consumption for a premises which shall be within two hundred feet of a building occupied exclusively as a school, church, synagogue, or other place of worship if the owner or administrator of such school, church, or other place of worship affirmatively state support for the issuance of such a license, or

§ 2. Subparagraph (i) of paragraph (a) of subdivision 7 of section 64-a of the alcoholic beverage control law, as amended by chapter 463 of the laws of 2009, is amended to read as follows:

(i) 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 the authority may issue a retail license for on-premises consumption for a premises which shall be within two hundred feet of a building occupied exclusively as a school, church, synagogue, or other place of worship if the owner or administrator of such school, church, or other place of worship affirmatively state support for the issuance of such a license; or

§ 3. Subparagraph (i) of paragraph (a) of subdivision 5 of section 64-b of the alcoholic beverage control law, as amended by chapter 463 of the laws of 2009, is amended to read as follows:

(i) 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 the authority may issue a retail license for on-premises consumption for a premises which shall be within two hundred feet of a building occupied exclusively as a school, church, synagogue, or other place of worship if the owner or administrator of such school, church, or other place of worship affirmatively state support for the issuance of such a license; or

§ 4. Subparagraph (i) of paragraph (a) of subdivision 11 of section 64-c of the alcoholic beverage control law, as amended by chapter 463 of the laws of 2009, is amended to read as follows:

(i) 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 the authority may issue a retail license for on-premises consumption for a premises which shall be within two hundred feet of a building occupied exclusively as a school, church, synagogue, or other place of worship if the owner or administrator of such school, church, or other place of worship affirmatively state support for the issuance of such a license; or

§ 5. Paragraph (a) of subdivision 8 of section 64-d 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 the authority may issue a retail license for on-premises consumption for a premises which shall be within two hundred feet of a building occupied exclusively as a school, church, synagogue, or other place of worship if the owner or administrator of such school, church, or other place of worship affirmatively state support for the issuance of such a license; or

§ 6. This act shall take effect immediately.

PART J

Section 1. Paragraphs (b) and (f) of subdivision 7 of section 64 of the alcoholic beverage control law, paragraph (b) as amended by chapter 463 of the laws of 2009 and paragraph (f) as amended by chapter 185 of the laws of 2012, are amended to read as follows:

(b) in a [~~city, town or village having a population of twenty thousand or more~~] county having a population between one million six hundred thousand and one million seven hundred thousand as of the two thousand twenty census as conducted by the United States department of commerce within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article;

(f) Notwithstanding the provisions of paragraph (b) of this subdivision, **in a county having a population between one million six hundred thousand and one million seven hundred thousand as of the two thousand twenty census as conducted by the United States department of commerce,** the authority may issue a license pursuant to this section for a premises which shall be within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article if, after consultation with the municipality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons therefor. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality or community board at least fifteen days in advance of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality or community board may waive the fifteen day notice requirement. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of a building or buildings wherein three or more premises are licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article.

§ 2. Paragraphs (a) and (d) of subdivision 7 of section 64-a of the alcoholic beverage control law, paragraph (a) as amended by chapter 463 of the laws of 2009 and paragraph (d) as amended by chapter 185 of the laws of 2012, are amended to read as follows:

(a) No special on-premises license shall be granted for any premises which shall be

(i) 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 or

(ii) in a [~~city, town or village having a population of twenty thousand or more~~] **county having a population between one million six hundred thousand and one million seven hundred thousand as of the two thousand twenty census as conducted by the United States department of commerce** within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article;

(iii) the measurements in subparagraphs (i) and (ii) of this paragraph are to be taken in straight lines from the center of the nearest entrance of the premises sought to be licensed to the center of the nearest entrance of such school, church, synagogue or other place of worship or to the center of the nearest entrance of each such premises licensed and operating pursuant to this section and sections sixty-four,

sixty-four-b, sixty-four-c, and/or sixty-four-d of this article; except that no license shall be denied to any premises at which a license under this chapter has been in existence continuously from a date prior to the date when a building on the same street or avenue and within two hundred feet of said premises has been occupied exclusively as a school, church, synagogue or other place of worship; and except that no license shall be denied to any premises, which is within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article, at which a license under this chapter has been in existence continuously on or prior to November first, nineteen hundred ninety-three. The liquor authority, in its discretion, may authorize the removal of any such licensed premises to a different location on the same street or avenue, within two hundred feet of said school, church, synagogue or other place of worship, provided that such new location is not within a closer distance to such school, church, synagogue or other place of worship.

(d) Notwithstanding the provisions of subparagraph (ii) of paragraph (a) of this subdivision, **in a county having a population between one million six hundred thousand and one million seven hundred thousand as of the two thousand twenty census as conducted by the United States department of commerce,** the authority may issue a license pursuant to this section for a premises which shall be within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article if, after consultation with the municipality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons therefor. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality or community board at least fifteen days in advance of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality or community board may waive the fifteen day notice requirement. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of a building or buildings wherein three or more premises are licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article.

§ 3. Paragraphs (a) and (c) of subdivision 5 of section 64-b of the alcoholic beverage control law, paragraph (a) as amended by chapter 463 of the laws of 2009 and paragraph (c) as amended by chapter 185 of the laws of 2012, are amended to read as follows:

(a) No bottle club license shall be granted for any premises which shall be

(i) 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; or

(ii) in a [~~city, town or village having a population of twenty thousand or more~~] county having a population between one million six hundred thousand and one million seven hundred thousand as of the two thousand twenty census as conducted by the United States department of commerce within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-c, and/or sixty-four-d of this article;

(iii) the measurements in subparagraphs (i) and (ii) of this paragraph are to be taken in straight lines from the center of the nearest entrance of the premises sought to be licensed to the center of the nearest entrance of such school, church, synagogue or other place of worship or to the center of the nearest entrance of each such premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-c, and/or sixty-four-d of this article; except that no license shall be denied to any premises at which a license under this chapter has been in existence continuously from a date prior to the date when a building on the same street or avenue and within two hundred feet of said premises has been occupied exclusively as a school, church, synagogue or other place of worship; and except that no license shall be denied to any premises, which is within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-c, and/or sixty-four-d of this article, at which a license under this chapter has been in existence continuously on or prior to November first, nineteen hundred ninety-three. The liquor authority, in its discretion, may authorize the removal of any such licensed premises to a different location on the same street or avenue, within two hundred feet of said school, church, synagogue or other place of worship, provided that such new location is not within a closer distance to such school, church, synagogue or other place of worship.

(c) Notwithstanding the provisions of subparagraph (ii) of paragraph (a) of this subdivision, in a county having a population between one million six hundred thousand and one million seven hundred thousand as of the two thousand twenty census as conducted by the United States department of commerce, the authority may issue a license pursuant to this section for a premises which shall be within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-c, and/or sixty-four-d of this article if, after consultation with the municipality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons therefor. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled,

adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality or community board at least fifteen days in advance of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality or community board may waive the fifteen day notice requirement. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of a building or buildings wherein three or more premises are licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-c, and/or sixty-four-d of this article.

§ 4. Paragraphs (a) and (c) of subdivision 11 of section 64-c of the alcoholic beverage control law, paragraph (a) as amended by chapter 463 of the laws of 2009 and paragraph (c) as amended by chapter 185 of the laws of 2012, are amended to read as follows:

(a) No restaurant-brewer license shall be granted for any premises which shall be:

(i) 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; or

(ii) in a [~~city, town or village having a population of twenty thousand or more~~] **county having a population between one million six hundred thousand and one million seven hundred thousand as of the two thousand twenty census as conducted by the United States department of commerce** within five hundred feet of three or more existing premises licensed and operating pursuant to the provisions of this section or sections sixty-four, sixty-four-a, sixty-four-b and/or sixty-four-d of this article; or

(iii) the measurements in subparagraphs (i) and (ii) of this paragraph are to be taken in straight lines from the center of the nearest entrance of the premises sought to be licensed to the center of the nearest entrance of such school, church, synagogue or other place of worship or to the center of the nearest entrance of each such premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b and/or sixty-four-d of this article; except that no license shall be denied to any premises at which a license under this chapter has been in existence continuously from a date prior to the date when a building on the same street or avenue and within two hundred feet of said premises has been occupied exclusively as a school, church, synagogue or other place of worship and except that no license shall be denied to any premises, which is within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b and/or sixty-four-d of this article, at which a license under this chapter has been in existence continuously on or prior to November first, nineteen hundred ninety-three.

(c) Notwithstanding the provisions of subparagraph (ii) of paragraph (a) of this subdivision, **in a county having a population between one million six hundred thousand and one million seven hundred thousand as of the two thousand twenty census as conducted by the United States department of commerce,** the authority may issue a license pursuant to this section for a premises which shall be within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b and/or sixty-four-d of this article if, after consultation with the munici-

pality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons therefor. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality or community board at least fifteen days in advance of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality or community board may waive the fifteen day notice requirement. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of a building or buildings wherein three or more premises are operating and licensed pursuant to this section or sections sixty-four, sixty-four-a, sixty-four-b and/or sixty-four-d of this article.

§ 5. Paragraphs (b) and (e) of subdivision 8 of section 64-d of the alcoholic beverage control law, paragraph (b) as amended by chapter 463 of the laws of 2009 and paragraph (e) as amended by chapter 185 of the laws of 2012, are amended to read as follows:

(b) in a [~~city, town or village having a population of twenty thousand or more~~] **county having a population between one million six hundred thousand and one million seven hundred thousand as of the two thousand twenty census as conducted by the United States department of commerce** within five hundred feet of an existing premises licensed and operating pursuant to the provisions of this section, or within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, and/or sixty-four-c of this article.

(e) notwithstanding the provisions of paragraph (b) of this subdivision, **in a county having a population between one million six hundred thousand and one million seven hundred thousand as of the two thousand twenty census as conducted by the United States department of commerce,** the authority may issue a license pursuant to this section for a premises which shall be within five hundred feet of an existing premises licensed and operating pursuant to the provisions of this section or within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, and/or sixty-four-c of this article if, after consultation with the municipality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons therefor. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before

the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality or community board at least fifteen days in advance of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality or community board may waive the fifteen day notice requirement. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of an existing premises licensed and operating pursuant to the provisions of this section or within five hundred feet of a building or buildings wherein three or more premises are licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, and/or sixty-four-c of this article.

§ 6. 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 J of this act shall be as specifically set forth in the last section of such Parts.