STATE OF NEW YORK

6936--A

2025-2026 Regular Sessions

IN ASSEMBLY

March 18, 2025

Introduced by M. of A. FALL -- 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 the alcoholic beverage control law, in relation to authorizing a certain property operating as a private membership establishment to sell alcohol for on-premises consumption to members and their guests

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

Section 1. Section 3 of the alcoholic beverage control law is amended by adding a new subdivision 39 to read as follows:

39. "Private membership establishment" means an association operated by an individual, corporation, partnership, company, or any other for-profit entity which is the owner, lessee, or occupant of a premises used exclusively for such association's purposes, and which is operated solely for a recreational, social, communal workspace or athletic purposes. A "member" of a private membership establishment shall mean a person who, whether a charter member or admitted in agreement with the by-laws of such private membership establishment, has become a bona fide member thereof, who maintains the private membership by the payment of their annual dues in a bona fide manner in accordance with the by-laws and whose name and address is entered on such private membership establishment's list of members. A private membership establishment must have one hundred or more members and shall be subject to the provisions of section one hundred ten of this chapter. Private membership establishments may have ticketed events for their members or members' guests, but a business or facility that sells tickets to the general public shall not be considered a private membership establishment.

§ 2. Subdivision 5 of section 64 of the alcoholic beverage control law, as amended by chapter 258 of the laws of 1976, is amended to read as follows:

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

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5. (a) No retail license under this section shall be granted except for such premises as are being conducted as a bona fide hotel provided that a restaurant is operated in such premises, restaurant, catering establishment, club, railroad car, vessel or aircraft being operated on regularly scheduled flights by a United States certificated airline.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority may issue a retail license for on-premises consumption for a premises being conducted as a private membership establishment, provided that a restaurant is operated in such premises, bounded and described as follows:

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, City, County, and State of New York, bounded and described as follows:

BEGINNING at the intersection of the southerly line of South Street, 135 feet wide, and the westerly line of Block 2 Lot 3;

THENCE RUNNING the following seven (7) courses and distances:

1. Along said westerly line of Block 2 Lot 3, South 16 degrees 50 minutes 39 seconds East a distance of 145.39 feet to a point;

2. Thence still along said westerly line of Block 2 Lot 3, North 73 degrees 09 minutes 21 seconds East a distance of 28.67 feet to a point;

3. Thence still along said westerly line of Block 2 Lot 3, South 16 degrees 50 minutes 39 seconds East a distance of 419.26 feet to a point on the U.S. Pierhead Line approved by Secretary of War, February 25, 1918;

4. Thence along said U.S. Pierhead Line, South 73 degrees 09 minutes 21 seconds West a distance of 317.76 feet to a point;

5. Thence still along said U.S. Pierhead Line, North 07 degrees 11 minutes 44 seconds West a distance of 36.57 feet to a point on the easterly line of Block 2 Lot 1;

6. Thence along the northerly line of Block 2 Lot 1, North 15 degrees 30 minutes 29 seconds West a distance of 555.84 feet to a point on said southerly line of South Street; and

7. Thence along said southerly line of South Street, North 73 degrees 09 minutes 21 seconds East a distance of 311.61 feet to the point of BEGINNING.

EXCEPTING THEREFROM the slips, and those certain portions of the ground floor as delineated on the diagrams annexed to the Sublease (i) with the cross-hatching on the schematic drawing of the ground floor depicted on page 1 of Annex 1 and (ii) with black shading or cross-hatching on the schematic drawing of Annex 2.

§ 3. Subdivision 8 of section 106 of the alcoholic beverage control law is amended to read as follows:

8. (a) A club or a luncheon club licensed to sell alcoholic beverages for on-premises consumption shall be permitted to sell such beverages only to its members and to their guests accompanying them.

(b) The following premises, if licensed to sell alcoholic beverages for on-premises consumption, shall be permitted to sell such beverages only to its members and to their guests accompanying them while operating as a private membership establishment, bounded and described as follows:

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, City, County, and State of New York, bounded and described as follows:

BEGINNING at the intersection of the southerly line of South Street, 135 feet wide, and the westerly line of Block 2 Lot 3;

THENCE RUNNING the following seven (7) courses and distances:

1. Along said westerly line of Block 2 Lot 3, South 16 degrees 50 minutes 39 seconds East a distance of 145.39 feet to a point;

2. Thence still along said westerly line of Block 2 Lot 3, North 73 degrees 09 minutes 21 seconds East a distance of 28.67 feet to a point;

3. Thence still along said westerly line of Block 2 Lot 3, South 16 degrees 50 minutes 39 seconds East a distance of 419.26 feet to a point on the U.S. Pierhead Line approved by Secretary of War, February 25, 1918;

4. Thence along said U.S. Pierhead Line, South 73 degrees 09 minutes 21 seconds West a distance of 317.76 feet to a point;

5. Thence still along said U.S. Pierhead Line, North 07 degrees 11 minutes 44 seconds West a distance of 36.57 feet to a point on the easterly line of Block 2 Lot 1;

6. Thence along the northerly line of Block 2 Lot 1, North 15 degrees 30 minutes 29 seconds West a distance of 555.84 feet to a point on said southerly line of South Street; and

7. Thence along said southerly line of South Street, North 73 degrees 09 minutes 21 seconds East a distance of 311.61 feet to the point of BEGINNING.

EXCEPTING THEREFROM the slips, and those certain portions of the ground floor as delineated on the diagrams annexed to the Sublease (i) with the cross-hatching on the schematic drawing of the ground floor depicted on page 1 of Annex 1 and (ii) with black shading or cross-hatching on the schematic drawing of Annex 2.

§ 4. (a) No license issued under the provisions of this act shall permit any form of discrimination in the sale, service, or availability of alcoholic beverages to any person on account of race, creed, color, national origin, sex, disability, marital status, sexual orientation, or age, except as provided under section 65 of the alcoholic beverage control law.

(b) The private membership establishment licensed under this act shall maintain a membership admission policy that is compliant with federal, state, and local anti-discrimination laws. No such establishment shall deny or restrict membership, services, or access based on any of such protected classes.

(c) The state liquor authority shall have the power to suspend or revoke any license issued under this act if it determines that a licensee has engaged in discriminatory practices inconsistent with the provisions of this section or section 65 of the alcoholic beverage control law.

§ 5. This act shall take effect immediately.