

# STATE OF NEW YORK

7003

2025-2026 Regular Sessions

## IN SENATE

March 28, 2025

Introduced by Sen. SEPULVEDA -- 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 authorizing the liquor authority to issue licenses to new premises for the sale of liquor where such premises is within two hundred feet of a place of worship, or where three or more such premises already exist in counties of a certain population

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

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

5 (a) on the same street or avenue and within two hundred feet of a  
6 building occupied exclusively as a school, church, synagogue or other  
7 place of worship; provided, however, that the authority may issue a  
8 retail license for on-premises consumption for a premises that is within  
9 two hundred feet of a building occupied exclusively as a school, church,  
10 synagogue or other place of worship if the owner or administrator of  
11 such school, church, synagogue or other place of worship affirmatively  
12 states support for the issuance of such a license; or

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

20 (f) Notwithstanding the provisions of paragraph (b) of this subdivi-  
21 sion, in a county having a population between one million six hundred

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

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1 thousand and one million seven hundred thousand as of the two thousand  
2 twenty census as conducted by the United States department of commerce,  
3 the authority may issue a license pursuant to this section for a prem-  
4 ises which shall be within five hundred feet of three or more existing  
5 premises licensed and operating pursuant to this section and sections  
6 sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this  
7 article if, after consultation with the municipality or community board,  
8 it determines that granting such license would be in the public inter-  
9 est. Before it may issue any such license, the authority shall conduct a  
10 hearing, upon notice to the applicant and the municipality or community  
11 board, and shall state and file in its office its reasons therefor. The  
12 hearing may be rescheduled, adjourned or continued, and the authority  
13 shall give notice to the applicant and the municipality or community  
14 board of any such rescheduled, adjourned or continued hearing. Before  
15 the authority issues any said license, the authority or one or more of  
16 the commissioners thereof may, in addition to the hearing required by  
17 this paragraph, also conduct a public meeting regarding said license,  
18 upon notice to the applicant and the municipality or community board.  
19 The public meeting may be rescheduled, adjourned or continued, and the  
20 authority shall give notice to the applicant and the municipality or  
21 community board of any such rescheduled, adjourned or continued public  
22 meeting. Notice to the municipality or community board shall mean writ-  
23 ten notice mailed by the authority to such municipality or community  
24 board at least fifteen days in advance of any hearing scheduled pursuant  
25 to this paragraph. Upon the request of the authority, any municipality  
26 or community board may waive the fifteen day notice requirement. No  
27 premises having been granted a license pursuant to this section shall be  
28 denied a renewal of such license upon the grounds that such premises are  
29 within five hundred feet of a building or buildings wherein three or  
30 more premises are licensed and operating pursuant to this section and  
31 sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d  
32 of this article.

33 § 2. Subparagraphs (i) and (ii) of paragraph (a) and paragraph (d) of  
34 subdivision 7 of section 64-a of the alcoholic beverage control law,  
35 subparagraphs (i) and (ii) of paragraph (a) as amended by chapter 463 of  
36 the laws of 2009 and paragraph (d) as amended by chapter 185 of the laws  
37 of 2012, are amended to read as follows:

38 (i) on the same street or avenue and within two hundred feet of a  
39 building occupied exclusively as a school, church, synagogue or other  
40 place of worship; provided, however, that the authority may issue a  
41 retail license for on-premises consumption for a premises that is within  
42 two hundred feet of a building occupied exclusively as a school, church,  
43 synagogue or other place of worship if the owner or administrator of  
44 such school, church, synagogue or other place of worship affirmatively  
45 states support for the issuance of such a license; or

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

53 (d) Notwithstanding the provisions of subparagraph (ii) of paragraph  
54 (a) of this subdivision, in a county having a population between one  
55 million six hundred thousand and one million seven hundred thousand as  
56 of the two thousand twenty census as conducted by the United States

1 department of commerce, the authority may issue a license pursuant to  
2 this section for a premises which shall be within five hundred feet of  
3 three or more existing premises licensed and operating pursuant to this  
4 section and sections sixty-four, sixty-four-b, sixty-four-c, and/or  
5 sixty-four-d of this article if, after consultation with the municipi-  
6 pality or community board, it determines that granting such license  
7 would be in the public interest. Before it may issue any such license,  
8 the authority shall conduct a hearing, upon notice to the applicant and  
9 the municipality or community board, and shall state and file in its  
10 office its reasons therefor. Notice to the municipality or community  
11 board shall mean written notice mailed by the authority to such municipi-  
12 pality or community board at least fifteen days in advance of any hear-  
13 ing scheduled pursuant to this paragraph. Upon the request of the  
14 authority, any municipality or community board may waive the fifteen day  
15 notice requirement. The hearing may be rescheduled, adjourned or contin-  
16 ued, and the authority shall give notice to the applicant and the muni-  
17 cipality or community board of any such rescheduled, adjourned or  
18 continued hearing. Before the authority issues any said license, the  
19 authority or one or more of the commissioners thereof may, in addition  
20 to the hearing required by this paragraph, also conduct a public meeting  
21 regarding said license, upon notice to the applicant and the municipi-  
22 pality or community board. The public meeting may be rescheduled,  
23 adjourned or continued, and the authority shall give notice to the  
24 applicant and the municipality or community board of any such resched-  
25 uled, adjourned or continued public meeting. No premises having been  
26 granted a license pursuant to this section shall be denied a renewal of  
27 such license upon the grounds that such premises are within five hundred  
28 feet of a building or buildings wherein three or more premises are  
29 licensed and operating pursuant to this section and sections sixty-four,  
30 sixty-four-b, sixty-four-c, and/or sixty-four-d of this article.

31 § 3. Subparagraphs (i) and (ii) of paragraph (a) and paragraph (c) of  
32 subdivision 5 of section 64-b of the alcoholic beverage control law,  
33 subparagraphs (i) and (ii) of paragraph (a) as amended by chapter 463 of  
34 the laws of 2009 and paragraph (c) as amended by chapter 185 of the laws  
35 of 2012, are amended to read as follows:

36 (i) on the same street or avenue and within two hundred feet of a  
37 building occupied exclusively as a school, church, synagogue or other  
38 place of worship; provided, however, that the authority may issue a  
39 retail license for on-premises consumption for a premises that is within  
40 two hundred feet of a building occupied exclusively as a school, church,  
41 synagogue or other place of worship if the owner or administrator of  
42 such school, church, synagogue or other place of worship affirmatively  
43 states support for the issuance of such a license; or

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

51 (c) Notwithstanding the provisions of subparagraph (ii) of paragraph  
52 (a) of this subdivision, in a county having a population between one  
53 million six hundred thousand and one million seven hundred thousand as  
54 of the two thousand twenty census as conducted by the United States  
55 department of commerce, the authority may issue a license pursuant to  
56 this section for a premises which shall be within five hundred feet of

1 three or more existing premises licensed and operating pursuant to this  
2 section and sections sixty-four, sixty-four-a, sixty-four-c, and/or  
3 sixty-four-d of this article if, after consultation with the munici-  
4 pality or community board, it determines that granting such license  
5 would be in the public interest. Before it may issue any such license,  
6 the authority shall conduct a hearing, upon notice to the applicant and  
7 the municipality or community board, and shall state and file in its  
8 office its reasons therefor. The hearing may be rescheduled, adjourned  
9 or continued, and the authority shall give notice to the applicant and  
10 the municipality or community board of any such rescheduled, adjourned  
11 or continued hearing. Before the authority issues any said license, the  
12 authority or one or more of the commissioners thereof may, in addition  
13 to the hearing required by this paragraph, also conduct a public meeting  
14 regarding said license, upon notice to the applicant and the munici-  
15 pality or community board. The public meeting may be rescheduled,  
16 adjourned or continued, and the authority shall give notice to the  
17 applicant and the municipality or community board of any such resched-  
18 uled, adjourned or continued public meeting. Notice to the municipality  
19 or community board shall mean written notice mailed by the authority to  
20 such municipality or community board at least fifteen days in advance of  
21 any hearing scheduled pursuant to this paragraph. Upon the request of  
22 the authority, any municipality or community board may waive the fifteen  
23 day notice requirement. No premises having been granted a license pursu-  
24 ant to this section shall be denied a renewal of such license upon the  
25 grounds that such premises are within five hundred feet of a building or  
26 buildings wherein three or more premises are licensed and operating  
27 pursuant to this section and sections sixty-four, sixty-four-a, sixty-  
28 four-c, and/or sixty-four-d of this article.

29 § 4. Subparagraphs (i) and (ii) of paragraph (a) and paragraph (c) of  
30 subdivision 11 of section 64-c of the alcoholic beverage control law,  
31 subparagraphs (i) and (ii) of paragraph (a) as amended by chapter 463 of  
32 the laws of 2009 and paragraph (c) as amended by chapter 185 of the laws  
33 of 2012, are amended to read as follows:

34 (i) on the same street or avenue and within two hundred feet of a  
35 building occupied exclusively as a school, church, synagogue or other  
36 place of worship; provided, however, that the authority may issue a  
37 retail license for on-premises consumption for a premises that is within  
38 two hundred feet of a building occupied exclusively as a school, church,  
39 synagogue or other place of worship if the owner or administrator of  
40 such school, church, synagogue or other place of worship affirmatively  
41 states support for the issuance of such a license; or

42 (ii) in a [~~city, town or village having a population of twenty thou-~~  
43 ~~sand or more~~] county having a population between one million six hundred  
44 thousand and one million seven hundred thousand as of the two thousand  
45 twenty census as conducted by the United States department of commerce

46 within five hundred feet of three or more existing premises licensed and  
47 operating pursuant to the provisions of this section or sections sixty-  
48 four, sixty-four-a, sixty-four-b and/or sixty-four-d of this article; or  
49 (c) Notwithstanding the provisions of subparagraph (ii) of paragraph  
50 (a) of this subdivision, in a county having a population between one  
51 million six hundred thousand and one million seven hundred thousand as  
52 of the two thousand twenty census as conducted by the United States  
53 department of commerce, the authority may issue a license pursuant to  
54 this section for a premises which shall be within five hundred feet of  
55 three or more existing premises licensed and operating pursuant to this  
56 section and sections sixty-four, sixty-four-a, sixty-four-b and/or

1 sixty-four-d of this article if, after consultation with the municipi-  
2 pality or community board, it determines that granting such license  
3 would be in the public interest. Before it may issue any such license,  
4 the authority shall conduct a hearing, upon notice to the applicant and  
5 the municipality or community board, and shall state and file in its  
6 office its reasons therefor. The hearing may be rescheduled, adjourned  
7 or continued, and the authority shall give notice to the applicant and  
8 the municipality or community board of any such rescheduled, adjourned  
9 or continued hearing. Before the authority issues any said license, the  
10 authority or one or more of the commissioners thereof may, in addition  
11 to the hearing required by this paragraph, also conduct a public meeting  
12 regarding said license, upon notice to the applicant and the municipi-  
13 pality or community board. The public meeting may be rescheduled,  
14 adjourned or continued, and the authority shall give notice to the  
15 applicant and the municipality or community board of any such resched-  
16 uled, adjourned or continued public meeting. Notice to the municipality  
17 or community board shall mean written notice mailed by the authority to  
18 such municipality or community board at least fifteen days in advance of  
19 any hearing scheduled pursuant to this paragraph. Upon the request of  
20 the authority, any municipality or community board may waive the fifteen  
21 day notice requirement. No premises having been granted a license pursu-  
22 ant to this section shall be denied a renewal of such license upon the  
23 grounds that such premises are within five hundred feet of a building or  
24 buildings wherein three or more premises are operating and licensed  
25 pursuant to this section or sections sixty-four, sixty-four-a, sixty-  
26 four-b and/or sixty-four-d of this article.

27 § 5. Paragraphs (a), (b) and (e) of subdivision 8 of section 64-d of  
28 the alcoholic beverage control law, paragraphs (a) and (b) as amended by  
29 chapter 463 of the laws of 2009 and paragraph (e) as amended by chapter  
30 185 of the laws of 2012, are amended to read as follows:

31 (a) on the same street or avenue and within two hundred feet of a  
32 building occupied exclusively as a school, church, synagogue or other  
33 place of worship; provided, however, that the authority may issue a  
34 retail license for on-premises consumption for a premises that is within  
35 two hundred feet of a building occupied exclusively as a school, church,  
36 synagogue or other place of worship if the owner or administrator of  
37 such school, church, synagogue or other place of worship affirmatively  
38 states support for the issuance of such a license; or

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

48 (e) notwithstanding the provisions of paragraph (b) of this subdivi-  
49 sion, in a county having a population between one million six hundred  
50 thousand and one million seven hundred thousand as of the two thousand  
51 twenty census as conducted by the United States department of commerce,  
52 the authority may issue a license pursuant to this section for a prem-  
53 ises which shall be within five hundred feet of an existing premises  
54 licensed and operating pursuant to the provisions of this section or  
55 within five hundred feet of three or more existing premises licensed and  
56 operating pursuant to this section and sections sixty-four,

1 sixty-four-a, sixty-four-b, and/or sixty-four-c of this article if,  
2 after consultation with the municipality or community board, it deter-  
3 mines that granting such license would be in the public interest.  
4 Before it may issue any such license, the authority shall conduct a  
5 hearing, upon notice to the applicant and the municipality or community  
6 board, and shall state and file in its office its reasons therefor. The  
7 hearing may be rescheduled, adjourned or continued, and the authority  
8 shall give notice to the applicant and the municipality or community  
9 board of any such rescheduled, adjourned or continued hearing. Before  
10 the authority issues any said license, the authority or one or more of  
11 the commissioners thereof may, in addition to the hearing required by  
12 this paragraph, also conduct a public meeting regarding said license,  
13 upon notice to the applicant and the municipality or community board.  
14 The public meeting may be rescheduled, adjourned or continued, and the  
15 authority shall give notice to the applicant and the municipality or  
16 community board of any such rescheduled, adjourned or continued public  
17 meeting. Notice to the municipality or community board shall mean writ-  
18 ten notice mailed by the authority to such municipality or community  
19 board at least fifteen days in advance of any hearing scheduled pursuant  
20 to this paragraph. Upon the request of the authority, any municipality  
21 or community board may waive the fifteen day notice requirement. No  
22 premises having been granted a license pursuant to this section shall be  
23 denied a renewal of such license upon the grounds that such premises are  
24 within five hundred feet of an existing premises licensed and operating  
25 pursuant to the provisions of this section or within five hundred feet  
26 of a building or buildings wherein three or more premises are licensed  
27 and operating pursuant to this section and sections sixty-four, sixty-  
28 four-a, sixty-four-b, and/or sixty-four-c of this article.

29 § 6. This act shall take effect immediately.