STATE OF NEW YORK

9405

IN SENATE

March 10, 2026

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 outdoor alcohol service for certain special events; and providing for the repeal of certain provisions upon the expiration thereof

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

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

§ 97-e. Outdoor alcohol service; special event. 1. Notwithstanding any provisions of section one hundred eleven-a of this chapter, or any other inconsistent provisions of law, rule or regulation:

(a) Subject to paragraph (d) of this subdivision and subdivision five of this section, a city, town or county may request, and the board may approve, expanded outdoor alcohol service for licensees within the whole city, town, county, or within a specific area or areas of the city, town, county, or as provided in paragraphs (b) and (c) of this subdivision for a period beginning June first, two thousand twenty-six and ending July thirty-first, two thousand twenty-six.

(b) For licensees identified in paragraph (c) of this subdivision who have requested approval from and been authorized by the board to conduct outdoor alcohol service, and who are located within an area of a city, town, or county that has been approved by the board for expanded outdoor alcohol service, the following authorizations and requirements apply:

(i) all outdoor alcohol service areas may be enclosed, at the licensee's discretion, by means of a permanent or movable barrier or by means of a permanent fence-free demarcation;

(ii) for an outdoor alcohol service area enclosed by means of a permanent or movable barrier of a minimum height specified by the board, the permanent or movable barrier is not required to meet minimum height requirements on sloped site conditions;

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

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(iii) the openings into and out of an outdoor alcohol service area may be up to a maximum distance apart as determined appropriate by the applicable city, town, or county;

(iv) licensees may share use of an outdoor alcohol service area with other licensees and licensees may share use of an outdoor alcohol service area with businesses that do not engage in the sale or service of alcohol, subject to requirements of the board. All participating licensees are jointly responsible for any violation or enforcement issues unless it can be demonstrated that the violation or enforcement issue was due to one or more licensee's specific conduct or action, in which case the violation or enforcement applies only to those identified licensees; and

(v) an employee of the licensee must be assigned to, but is not required to be in, the outdoor alcohol service area at all times that patrons are present. A direct line of sight is not required from inside the licensed premises to the outdoor alcohol service area.

(c) The authorization in this section is available to the holder of a retail on-premises license issued pursuant to sections fifty-five, sixty-four, sixty-four-a, sixty-four-c, sixty-four-d, eighty-one, or eighty-one-a of this chapter or a manufacturing license that includes a privilege to sell and/or serve alcoholic beverages at retail for on-premises consumption on the licensed premises issued pursuant to section thirty, thirty-one, fifty-one, fifty-one-a, fifty-eight, fifty-eight-c, subdivision two-c of section sixty-one, section seventy-six, seventy-six-a, seventy-six-c, or seventy-six-d of this chapter.

(d) A city, town or county that requests and is approved for expanded outdoor alcohol service shall provide, and document the provision of:

(i) adequate local resources, including law enforcement patrols in the area, to ensure safe operations of activities and the safety of the community; and

(ii) services to keep the area of the jurisdiction in which the activities occur clean and free of litter or other remnants of the use of public spaces for expanded outdoor alcohol service.

2. (a) A city may request, and the board may approve, expanded alcohol service during events on a publicly owned civic campus in the city for a period beginning June first, two thousand twenty-six and ending July thirty-first, two thousand twenty-six, as provided in this subdivision and subject to subdivision five of this section. No more than twenty-five events, up to seven of which may be multiday events, may be authorized for a city under this subdivision.

(b) Multiple licensees located on a publicly owned civic campus in a city that has been approved under paragraph (a) of this subdivision may share an alcohol service area encompassing the entire publicly owned civic campus, or part of the publicly owned civic campus, so long as:

(i) the board approves of the event perimeter enclosing the alcohol service area;

(ii) security and physical barriers are provided at all entry points to the event;

(iii) the campus operator notifies the board within a minimum time required by the board in rule before the event begins;

(iv) signage is conspicuously posted during the event notifying the public that the area is in use as an expanded alcohol service area and public notice of the upcoming use of the area as an expanded alcohol service area was conspicuously posted at least seven days in advance; and

(v) all participating licensees submit a joint operating plan to the board for approval, in a format designated by the board, that describes: (A) how the licensees will prevent the sale and service of alcohol to persons under twenty-one years of age and those who appear to be intoxicated; (B) the ratio of alcohol service staff and security staff to the anticipated number of attendees, subject to a ratio requirement that may be set by the board; (C) training provided to staff who serve, regulate, or supervise the service of alcohol including that alcohol awareness training is required for all such staff; (D) the licensees' policy on the number of alcoholic beverages that will be served to an individual patron during one transaction, subject to a limit determined by the board; (E) an explanation of the alcoholic beverage containers that will be used to ensure they are significantly different from containers used from nonalcoholic beverages; (F) the barriers or demarcations to be used for an alcohol service area or event perimeter; and (G) other information required by the board in rule.

(c) At the board's discretion, violations of subparagraph (iii) or (iv) of paragraph (b) of this subdivision can be cause for denial of approval of events conducted under this subdivision and violations of subparagraph (iv) of paragraph (b) of this subdivision can also be cause for denial of a license of the participating licensees or denial of participation in future events under this section.

(d) Multiple licensees located on a publicly owned civic campus in a city, town or county that has been approved under paragraph (a) of this subdivision may share an indoor alcohol service area at certain times authorized by the campus operator, so long as:

(i) the campus operator notifies the board at least seven days in advance of the date licensees intend to begin operating the shared indoor alcohol service area;

(ii) the campus operator ensures security and physical barriers are provided at all entry points to the indoor alcohol service area; and

(iii) the licensees submit a joint operating plan to the board for approval meeting the requirements of subparagraph (v) of paragraph (b) of this subdivision.

(e) With respect to multiple licensees sharing an alcohol service area as authorized under paragraph (b) or (d) of this subdivision, all participating licensees are jointly responsible for any violation or enforcement issues unless it can be demonstrated that the violation or enforcement issue was due to one or more licensee's specific conduct or action, in which case the violation or enforcement applies only to those identified licensees.

(f) During the times a licensee is operating under the authorization in this subdivision or subdivision four of this section, the licensee may:

(i) operate without a permit from their local jurisdiction that may otherwise be required to allow the business to use the public space as an alcohol service area;

(ii) share an alcohol service area with another licensee: (A) without individually requesting approval from the board's licensing division; and (B) regardless of whether the licensees' property parcels or buildings are located in direct physical proximity to one another; and

(iii) sell and serve alcohol to customers from an alcohol service area without offering food service menu options, except that any required food service must still be provided within the licensed premises, and in any preexisting alcohol service area operated by the licensee under the board's rules that does not rely on the authorization in this section,

if the preexisting alcohol service area remains in place during an event.

3. (a) The authorization in subdivisions two and four of this section is available to the holder of a retail on-premises license issued pursuant to sections fifty-five, sixty-four, sixty-four-a, sixty-four-c, sixty-four-d, eighty-one, or eighty-one-a of this chapter or a manufacturing license that includes a privilege to sell and/or serve alcoholic beverages at retail for on-premises consumption on the licensed premises issued pursuant to section thirty, thirty-one, fifty-one, fifty-one-a, fifty-eight, fifty-eight-c, subdivision two-c of section sixty-one, section seventy-six, seventy-six-a, seventy-six-c, or seventy-six-d of this chapter.

(b) A caterer's license shall be issued to an eligible applicant for an event open to the public and held on a publicly owned civic campus in a city under subdivision two of this section or in an area or areas of a jurisdiction approved under subdivision four of this section, even if the sponsor of the event for which catering services are being provided is not otherwise authorized under this chapter, if license and regulatory requirements are otherwise met.

4. (a) A city, town or county may request, and the board may approve, expanded outdoor and indoor alcohol service for licensees within an area or areas of the jurisdiction for a period beginning June first, two thousand twenty-six and ending July thirty-first, two thousand twenty-six. The authorization in this subdivision may be used to allow expanded alcohol sales and service only during a single multiday event in each approved jurisdiction in either of the months of June or July of two thousand twenty-six.

(b) Multiple licensees located within an area of a city, town or county approved under this subdivision for expanded alcohol service may share an alcohol service area encompassing the entire approved area or areas, during the event, so long as:

(i) the board approves of the event perimeter enclosing the alcohol service area;

(ii) security and physical barriers are provided at all entry points to the event;

(iii) the applicable city, town or county through a designated official notifies the board within a minimum time required by the board in rule before the event begins;

(iv) signage is conspicuously posted during the event notifying the public that the area is in use as an expanded alcohol service area and public notice of the upcoming use of the area as an expanded alcohol service area was conspicuously posted at least seven days in advance; and

(v) all participating licensees submit a joint operating plan to the board for approval, in a format designated by the board, that meets the requirements of subparagraph (v) of paragraph (b) of subdivision two of this section.

(c) Licensees operating under this subdivision may share use of an alcohol service area with other licensees and licensees may share use of an alcohol service area with businesses that do not engage in the sale or service of alcohol, subject to requirements of the board. All participating licensees are jointly responsible for any violation or enforcement issues unless it can be demonstrated that the violation or enforcement issue was due to one or more licensee's specific conduct or action, in which case the violation or enforcement applies only to those identified licensees.

(d) During the times a licensee is operating under the authorization in this subdivision the licensee may operate as provided in paragraph (f) of subdivision two of this section.

5. (a) The board shall impose a fee on any or all of the following licensees and local governments in order to cover, but not exceed, the board's administrative and enforcement costs related to activities authorized under this section:

(i) a licensee seeking to operate under the authorization in this section, as a condition to exercising privileges in this section;

(ii) a city, town or county applying for expanded outdoor alcohol service privileges for licensees under subdivision one of this section;

(iii) a city applying for expanded alcohol service privileges for licensees during events on a publicly owned civic campus under subdivision two of this section; and

(iv) a city, town or county applying for expanded alcohol service privileges for licensees during an event under subdivision four of this section in an approved area or areas of the jurisdiction.

(b) The board may establish an additional daily fee for each day of operation at an event conducted under subdivision two or four of this section.

6. A licensee may not sell wine in original, unopened containers for on-premises consumption at events conducted under subdivision two or four of this section.

7. The following definitions shall apply to this section, unless the context clearly requires otherwise:

(a) "Alcohol service area" means an area in which liquor may be sold, served, and consumed as authorized under this title and rules of the board.

(b) "Board" means the state liquor authority.

(c) "Campus operator" means the person who has primary responsibility for making managerial or executive decisions relating to operations and activities at a publicly owned civic campus or the person's designee.

(d) "Publicly owned civic campus" means the buildings, facilities, grounds, lands, and spaces owned by a city and designated as a city center, and used for civic, arts, cultural, sports, and other community and family events and activities, being not more than one hundred acres in size on the effective date of this section.

8. The board shall, on an emergency basis, promulgate any rules or regulations necessary for the implementation of this section, by May first, two thousand twenty-six.

§ 2. A publicly owned civic campus identified in subdivision 2 of section 97-e of the alcoholic beverage control law that has requested and been approved for expanded alcohol service for a period beginning June 1, 2026 and ending July 31, 2026 and that uses such authorization shall issue a report to the legislature and the liquor authority by January 1, 2027 which shall include a description of the activities conducted, the benefits realized, and challenges encountered, while this section was in effect.

§ 3. (a) By September 1, 2026, a city, town or county that has requested and been approved by the liquor authority for expanded alcohol service under subdivision 1, 2 or 4 of section 97-e of the alcoholic beverage control law, and that uses such authorization, shall conduct a public engagement review by contacting local organizations, individual residents, businesses, and others in the local community where expanded alcohol sales and service occurred or is occurring, to gain a balanced understanding of how the activities were or are being experienced by

people in the community. The public engagement review required by this section shall include examining:

(i) whether adequate local resources, including law enforcement patrols in the area, were or are provided during times that expanded alcohol service was or is offered, to ensure community safety;

(ii) whether services were or are provided to keep the area of the jurisdiction in which the activities occurred or are occurring clean and free of litter or other remnants of the use of public spaces for expanded alcohol service; and

(iii) the costs and benefits to the community of expanded alcohol sales and service perceived by residents throughout the community.

(b) A city, town or county conducting a review under this subdivision shall submit the results in a report to the board by September 1, 2026.

§ 4. This act shall take effect immediately; provided that section one of this act shall expire and be deemed repealed July 31, 2026.