

STATE OF NEW YORK

10416

IN ASSEMBLY

March 3, 2026

Introduced by M. of A. CUNNINGHAM -- read once and referred to the Committee on Economic Development

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 permitting certain retail licensees to purchase wine and liquor from certain other retail licensees (Part C); to amend the alcoholic beverage control law, in relation to permissible sales by license holders (Part D); to amend the alcoholic beverage control law, in relation to allowing multiple off-premises licenses (Part E); to amend the alcoholic beverage control law, in relation to licensing restrictions for manufacturers and wholesalers of alcoholic beverages and retail licensees (Part F); 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 G); to amend the alcoholic beverage control law, in relation to adjusting licensing fees regarding certain alcoholic beverages (Part H); to amend the alcoholic beverage control law, in relation to changes of ownership of a licensed business (Part I); 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 J); to amend the alcoholic beverage control law, in relation to establishing a temporary wholesale permit and allowing multiple wholesale licenses owned by the same person or entity to be located at the same premises (Part K); 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 L); 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 M)

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

LBD02017-01-5

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

1 Section 1. This act enacts into law major components of legislation
2 necessary to implement certain provisions regarding licensing and sales
3 under the alcoholic beverage control law. Each component is wholly
4 contained within a Part identified as Parts A through M. The effective
5 date for each particular provision contained within such Part is set
6 forth in the last section of such Part. Any provision in any section
7 contained within a Part, including the effective date of the Part, which
8 makes a reference to a section "of this act", when used in connection
9 with that particular component, shall be deemed to mean and refer to the
10 corresponding section of the Part in which it is found. Section three of
11 this act sets forth the general effective date of this act.

12 PART A

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

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

19 § 2. This act shall take effect immediately.

20 PART B

21 Section 1. Subdivision 1 of section 99 of the alcoholic beverage
22 control law, as amended by section 22 of part Z of chapter 85 of the
23 laws of 2002, is amended to read as follows:

24 1. Any person licensed to sell alcoholic beverages for consumption on
25 the premises pursuant to this chapter may apply to the liquor authority
26 for a special permit [~~to remain open on any week day between the hours~~
27 ~~of four o'clock a.m. or the closing hour prescribed by a rule adopted in~~
28 ~~a county on or before April first, nineteen hundred ninety-five or~~
29 ~~pursuant to subdivision eleven of section seventeen of this chapter, and~~
30 ~~eight o'clock a.m.]. A permit issued under this section shall authorize
31 the holder of a retail on-premises license to sell or serve alcoholic
32 beverages for consumption on the premises on the morning of January
33 first between four o'clock a.m. or such other hour that the sale of
34 alcoholic beverages for on-premises consumption must cease in the commu-
35 nity in which the licensed premises is located, and eight o'clock a.m.
36 The fee for such permit shall be fifty-one dollars per day.~~

37 § 2. This act shall take effect on the sixtieth day after it shall
38 have become a law. Effective immediately, the addition, amendment and/or
39 repeal of any rule or regulation necessary for the implementation of
40 this act on its effective date are authorized to be made and completed
41 on or before such effective date.

42 PART C

43 Section 1. Section 106 of the alcoholic beverage control law is
44 amended by adding a new subdivision 2-b to read as follows:

45 2-b. Notwithstanding any provision of this chapter to the contrary, a
46 retail licensee for on-premises consumption shall be authorized to
47 purchase up to twelve bottles of wine and liquor per week from an off-

premises retail licensee, and may resell any wine and liquor so purchased for consumption on the premises licensed therefor.

§ 2. Section 105 of the alcoholic beverage control law is amended by adding a new subdivision 2 to read as follows:

2. Notwithstanding any provision of this chapter to the contrary, a retail licensee to sell liquor and/or wine for consumption off the premises shall be authorized to sell up to twelve bottles of wine and liquor per week to a retail licensee for on-premises consumption.

§ 3. This act shall take effect immediately.

PART D

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

1 the purposes of this section, promotional items shall not include any
2 food, non-alcoholic beverage, or other drink or food mix, nor shall
3 these items be offered for sale to the general public as individual
4 items.

5 § 2. Paragraph (a) of subdivision 1 of section 104 of the alcoholic
6 beverage control law, as amended by chapter 24 of the laws of 2024, is
7 amended to read as follows:

8 (a) No wholesaler shall be engaged in any other business on the prem-
9 ises to be licensed; except that nothing contained in this chapter
10 shall: (1) prohibit a beer wholesaler from (i) acquiring, storing or
11 selling non-alcoholic snack foods, as defined in paragraph (b) of this
12 subdivision, (ii) manufacturing, bottling, storing, or selling non-alco-
13 holic carbonated beverages, (iii) manufacturing, storing or selling
14 non-alcoholic non-carbonated soft drinks, mineral waters, spring waters,
15 drinking water, non-taxable malt or cereal beverages, juice drinks,
16 fruit or vegetable juices, ice, liquid beverage mixes and dry or frozen
17 beverage mixes, (iv) acquiring, storing or selling wine products, (v)
18 the sale of promotional items on such premises, or (vi) the sale of
19 tobacco products at retail by wholesalers who are licensed to sell beer
20 and other products at retail; (2) prohibit a wholesaler authorized to
21 sell wine from manufacturing, acquiring or selling wine merchandise, as
22 defined in paragraph (d) of this subdivision; (3) prohibit a licensed
23 winery or licensed farm winery from engaging in the business of a wine
24 wholesaler for New York state labeled wines produced by any licensed
25 winery or licensed farm winery or prohibit such wine wholesaler from
26 exercising any of its rights pursuant to sections seventy-six and seven-
27 ty-six-a of this chapter provided that the operation of such beer and
28 wine wholesalers business shall be subject to such rules and regulations
29 as the liquor authority may prescribe; (4) prohibit a beer wholesaler
30 who is authorized to sell beer at retail from selling at retail: (i)
31 candy, chewing gum and cough drops; (ii) non-refrigerated salsa; (iii)
32 cigarette lighters, lighter fluid, matches and ashtrays; (iv) barbecue
33 and picnic-related products and supplies, which shall include, but not
34 be limited to, charcoal, grills, propane gas, plastic and paper cups,
35 paper or plastic tablecloths and coolers; (v) beer making and brewing
36 supplies and publications, which shall include, but not be limited to,
37 books, magazines, equipment and ingredients; (vi) steins, mugs and other
38 glassware appropriate for the consumption of beer, malt beverages and
39 wine products; (vii) items typically used to serve beer and malt bever-
40 ages including, but not limited to, taps, kegerators, koozies and beer
41 socks; (viii) lemons, limes and oranges, provided that no more than two
42 dozen of each shall be displayed at any one time; (ix) rock salt, ice
43 and snow melting compounds, snow shovels; windshield washer solvent;
44 firewood; beach umbrellas; sunglasses and sun block; and (x) prepaid
45 telephone cards; (5) prohibit the installation and operation of a single
46 automated teller machine in the premises of a beer wholesaler who is
47 authorized to sell beer at retail; ~~(6)~~ (6) prohibit a liquor or a wine
48 wholesaler from transporting or selling gifts or promotional items asso-
49 ciated with wine or liquor products as provided for in subdivision four
50 of section sixty-three of this chapter; or (7) prohibit a liquor whole-
51 saler from transporting or selling tonic water, bitters, maraschino
52 cherries or dealcoholized wine. For the purposes of this subdivision,
53 "automated teller machine" means a device which is linked to the
54 accounts and records of a banking institution and which enables consum-
55 ers to carry out banking transactions, including but not limited to,

1 account transfers, deposits, cash withdrawals, balance inquiries and
2 loan payments.
3 § 3. This act shall take effect immediately.

4 PART E

5 Section 1. Subdivision 5 of section 63 of the alcoholic beverage
6 control law is amended to read as follows:

7 5. Not more than [~~one license~~] two licenses shall be granted to any
8 person under this section.

9 § 2. This act shall take effect immediately.

10 PART F

11 Section 1. The opening paragraph of paragraph (a) of subdivision 1 of
12 section 101 of the alcoholic beverage control law, as amended by chapter
13 318 of the laws of 2016, is amended to read as follows:

14 Be interested directly or indirectly in any premises licensed under
15 this chapter where any alcoholic beverage is sold at retail; or in any
16 business licensed under this chapter devoted wholly or partially to the
17 sale of any alcoholic beverage at retail by stock ownership, interlock-
18 ing directors, mortgage or lien or any personal or real property, or by
19 any other means. The provisions of this paragraph shall not apply to

20 § 2. The opening paragraph of paragraph (a) of subdivision 13 of
21 section 106 of the alcoholic beverage control law, as amended by chapter
22 453 of the laws of 2018, is amended to read as follows:

23 No retail licensee for on-premises consumption shall be interested,
24 directly or indirectly, in any premises licensed under this chapter
25 where liquors, wines or beer are manufactured or sold at wholesale, by
26 stock ownership, interlocking directors, mortgage or lien on any
27 personal or real property or by any other means, except that liquors,
28 wines or beer may be manufactured or sold wholesale by the person
29 licensed as a manufacturer or wholesaler thereof:

30 § 3. This act shall take effect immediately.

31 PART G

32 Section 1. Subdivision 6 of section 63 of the alcoholic beverage
33 control law, as added by chapter 1024 of the laws of 1965, is amended to
34 read as follows:

35 6. Determinations under this section with respect to approving the
36 issuance of a new license or under section one hundred eleven of this
37 chapter with respect to the transfer to any other premises of a license
38 issued hereunder, shall be made [~~in accordance with public convenience~~
39 ~~and advantage~~] unless there is good cause shown for disapproval by the
40 liquor authority.

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

44 4. Determinations under this section with respect to approving the
45 issuance of a new license or under section one hundred eleven of this
46 chapter with respect to the transfer to any other premises of a license
47 issued hereunder shall be made [~~in accordance with public convenience~~
48 ~~and advantage~~] unless there is good cause shown for disapproval by the
49 liquor authority.

50 § 3. This act shall take effect immediately.

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PART H

2 Section 1. Subdivisions 3 and 4 of section 93 of the alcoholic beverage control law, subdivision 3 as amended by section 12 of part Z of chapter 85 of the laws of 2002 and subdivision 4 as amended by chapter 297 of the laws of 2016, are amended to read as follows:

6 3. The license fee for such permit shall be [~~twenty-six~~] twenty-five dollars per year, or for any part thereof, and the permit shall be issued for the calendar year.

9 4. Notwithstanding the foregoing provisions of this section, any duly licensed manufacturer or wholesaler may apply to the liquor authority for an annual temporary solicitor's employment permit. Such permit shall authorize such manufacturer or wholesaler to employ one or more persons as a solicitor for a period of not exceeding six months provided that within sixty days after such employee has been employed as a solicitor such employee shall file [~~his~~] their application for a solicitor's permit with the liquor authority. The license fee for such permit shall be [~~thirty-eight~~] thirty-five dollars per year, or for any part thereof, and the permit shall be issued for the calendar year. Such permit and the exercise of the privileges hereby granted thereunder, shall be subject to such terms and conditions as may be prescribed by the liquor authority.

22 § 2. Subdivision 2 of section 94 of the alcoholic beverage control law, as amended by section 14 of part Z of chapter 85 of the laws of 2002, is amended to read as follows:

25 2. Such permit shall be issued for the calendar year, and may cover one or more trucks and in cities having a population of one million or less to duly licensed taxicabs used to deliver only wine or liquor sold at retail and the fee therefor shall be at the rate of [~~fifty-one~~] fifty dollars per truck or such duly licensed taxicab per year.

30 § 3. Section 97 of the alcoholic beverage control law, as amended by chapter 204 of the laws of 1963, the section heading as amended by chapter 363 of the laws of 1977, subdivision 1 as amended by section 3 of part H of chapter 55 of the laws of 2024, subdivision 2 as amended by section 19 of part Z of chapter 85 of the laws of 2002, subdivision 4 as added by chapter 120 of the laws of 2012, and subdivision 5 as added by chapter 160 of the laws of 2024, is amended to read as follows:

37 § 97. Temporary beer and wine permit. 1. The liquor authority is hereby authorized to issue temporary permits effective for a period not to exceed twenty-four consecutive hours to authorize the sale of beer, wine, cider, mead and/or braggot, and liquor at outdoor or indoor gatherings, functions, occasions or events, within the hours fixed by or pursuant to subdivision five of section one hundred six of this chapter, during which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages at retail for on-premises consumption in the community in which is located the premises in which such gathering, function, occasion or event is held. The fee for such permit shall be [~~twenty-six~~] twenty-five dollars. Such permit and the exercise of the privilege granted thereby shall be subject to such rules of the liquor authority as it deems necessary.

50 2. The liquor authority is hereby authorized to issue an annual permit to brewers and beer wholesalers authorizing such licensees to sell beer for consumption at outdoor or indoor gatherings, functions, occasions or events, provided that such gatherings are not open to admission to the general public nor is admission thereto made contingent upon the payment of an admission fee, donation or contribution, and further provided that

1 such beer is not resold at such gatherings. Every brewer or beer whole-
2 saler to whom a permit shall be issued hereunder shall require every
3 person to whom beer shall be sold for use at such gatherings to make,
4 execute and file with such brewer or beer wholesaler, upon a form to be
5 prescribed by the liquor authority, a statement, that the beer purchased
6 by such person will not be sold or offered for sale by such person. Such
7 statement shall be accepted for all purposes as the equivalent of an
8 affidavit, and if false, shall subject the person making and executing
9 the same to the same penalties as if ~~he had~~ they have been duly sworn.
10 Such permit shall be issued in the form prescribed by the liquor author-
11 ity and shall run concurrently with the annual term of the brewer's
12 license or of the wholesale beer license, and the fee for such permit
13 shall be ~~[sixty-four]~~ sixty dollars. Such a permit and the exercise of
14 the privileges granted thereunder shall be subject to such rules by the
15 liquor authority as it deems necessary. The provisions hereof shall not
16 apply to the sale of beer for consumption in the home.

17 ~~[4-]~~ 3. The liquor authority is hereby authorized to issue a temporary
18 permit effective for a period not to exceed twenty-four consecutive
19 hours to any holder of a license to manufacture wine in this or any
20 other state, to sell wine at outdoor or indoor gatherings, functions,
21 occasions, or events, provided that such manufacturer produces not more
22 than one hundred fifty thousand gallons of wine annually. The fee for
23 such permit shall be ~~[twenty-six]~~ twenty-five dollars.

24 ~~[5-]~~ 4. The authority is authorized to allow a brewer, once per annum,
25 and after the property owner obtains a permit under this section, to
26 sell or offer at no cost beer, beginning at eight antemeridian and
27 ending at the hours fixed by or pursuant to subdivision five of section
28 one hundred six of this chapter, at the following two locations in the
29 city of Utica, county of Oneida, and bounded and described as follows:

30 PARCEL I

31 Beginning at the northwest corner of the beer storage building at the
32 corner of Edward Street and Wasmer Street and proceeding northerly for a
33 distance of 76 feet 1 inch; thence 128 feet 5 inches easterly along
34 Wasmer Street; thence continuing along said Wasmer Street northeasterly
35 for a distance of 202 feet 10 inches to the corner of Wasmer Street and
36 Hamilton Street.

37 Thence northerly along Hamilton Street for a distance of 46 feet 8 inch-
38 es to the intersection of Columbia Street. Thence northwesterly along
39 Columbia Street for a distance of 233 feet 6 inches. Thence southwester-
40 ly for a distance of 77 feet 7 inches to a fence. Thence northwesterly
41 for a distance of 62 feet and thence southwesterly a distance of 10 feet
42 6 inches to the southeastern corner of the brewery garage.

43 Thence, following the garage's perimeter: first in a southwesterly
44 direction for a distance of 133 feet 2 inches to the southwest corner of
45 the garage; thence in a northwesterly direction for a distance of 22
46 feet 5 inches; and thence in a northeasterly direction for a distance of
47 11 feet 2 inches, then in a northwesterly direction for a distance of
48 100 feet, to a fence just before the sidewalk on Schuyler Street; thence
49 southwesterly for a distance of 234 feet 5 inches to the Brewery main
50 complex.

51 Thence following the perimeter of the brewery complex buildings south-
52 east for a distance of 82 feet 8 inches, northeasterly for a distance of
53 81 feet 11 inches; thence southeasterly for a distance of 85 feet 3
54 inches; thence northeasterly for a distance of 21 feet 6 inches; and
55 thence southeasterly for a distance of 96 feet 8 inches to the north-
56 western corner of the shipping office.

1 From the northwestern corner of the shipping office, southeasterly for a
2 distance of 33 feet 9 inches; thence southwesterly for a distance of 37
3 feet 8 inches; thence southeasterly for a distance of 65 feet 8 inches;
4 thence southerly for a distance of 27 feet 4 inches; thence easterly for
5 a distance of 33 feet, to the point or place of beginning.

6 PARCEL II

7 Beginning at the iron fence which is 26 feet northwest of the southwest
8 corner of the tour center on Court Street; thence 66 feet, 7 inches
9 northeast, 11 feet 7 inches northwest to the west corner of the tour
10 center parking lot stairs. Proceeding northeasterly 71 feet 10 inches,
11 thence northwesterly 19 feet 10 inches to the southeastern corner of the
12 boiler room building. Thence northwesterly 161 feet; south by southwest
13 80 feet; southwest 58 feet 5 inches and finally southeast 155 feet to
14 the point or place of beginning.

15 § 4. Paragraph (b) of subdivision 2 and subdivision 4 of section 97-a
16 of the alcoholic beverage control law, paragraph (b) of subdivision 2 as
17 added by chapter 396 of the laws of 2010 and subdivision 4 as amended by
18 chapter 431 of the law of 2024, are amended to read as follows:

19 (b) the applicant shall have filed with the authority an application
20 for a temporary retail permit, accompanied by a nonrefundable filing fee
21 of one hundred [~~twenty-eight~~] twenty-five dollars for all retail beer
22 licenses or six hundred forty dollars for all other retail licenses;

23 4. A temporary retail permit issued by the authority pursuant to this
24 section shall be for a period not to exceed one hundred eighty days. A
25 temporary permit may be extended at the discretion of the authority, for
26 an additional thirty day period upon payment of an additional fee of
27 [~~sixty-four~~] sixty dollars for all retail beer licenses and [~~ninety-six~~]
28 ninety-five dollars for all other temporary permits and upon compliance
29 with all conditions required in this section. The authority may, in its
30 discretion, issue additional thirty day extensions upon payment of the
31 appropriate fee.

32 § 5. Subdivisions 2 and 3 of section 99-d of the alcoholic beverage
33 control law, subdivision 2 as amended by chapter 560 of the laws of 2011
34 and subdivision 3 as amended by section 24 of part Z of chapter 85 of
35 the laws of 2002, are amended to read as follows:

36 2. Before any change in the members of a limited liability company or
37 the transfer or assignment of a membership interest in a limited liabil-
38 ity company or any corporate change in stockholders, stockholdings,
39 alcoholic beverage officers, officers or directors, except officers and
40 directors of a premises licensed as a club or a luncheon club under this
41 chapter can be effectuated for the purposes of this chapter, there shall
42 be filed with the liquor authority an application for permission to make
43 such change and there shall be paid to the liquor authority in advance
44 upon filing of the application a fee of one hundred [~~twenty-eight~~] twen-
45 ty-five dollars.

46 (a) The provisions of this section shall not be applicable where there
47 are ten or more stockholders and such change involves less than ten per
48 centum of the stock of the corporation and the stock holdings of any
49 stockholder are not increased thereby to ten per centum or more of the
50 stock.

51 (b) Where the same corporation operates two or more premises separate-
52 ly licensed under this chapter a separate corporate change shall be
53 filed for each such licensed premises, except as otherwise provided for
54 by rule of the liquor authority. The corporate change fee provided for
55 herein shall not be applicable to more than one license held by the same
56 corporation.

(c) Notwithstanding any corporate change approved by the authority, a licensed corporation or limited liability company shall be bound by the representations set forth in the original application and any amendments thereto approved by the authority.

3. Before any removal of a license to any premises other than the licensed premises or to any other part of the building containing the licensed premises, the licensee shall make an application to the liquor authority for permission to effect such removal and shall pay to the liquor authority in advance upon filing of the application a fee of one hundred ~~[ninety-two]~~ **ninety** dollars where the base license fee is five hundred dollars or more and ~~[thirty-two]~~ **thirty** dollars in all other instances.

§ 6. Paragraphs (a) and (b) of subdivision 4 of section 100 of the alcoholic beverage control law, as amended by chapter 423 of the laws of 2016, are amended to read as follows:

(a) if the licensed premises is a legitimate theatre or concert hall, or contiguous to and used in conjunction with a legitimate theatre or concert hall, additional bars, counters or contrivances may be permitted by the liquor authority upon payment to it of an annual fee of one hundred dollars for each such additional bar, counter or contrivance so permitted~~[7]~~ in addition to the annual license fee paid by such licensee;

(b) if such licensed premises be located at a baseball park, race track, or either outdoor or indoor athletic field, facility, arena or stadium, additional bars, counters or contrivances where beer shall be sold at retail for consumption on the premises may be permitted by the liquor authority, upon payment to it of the annual fee of thirty dollars for each such additional bar, counter or contrivance so permitted~~[7]~~ in addition to the amount of the annual license fee paid by the licensee; and

§ 7. Section 56 of the alcoholic beverage control law, as amended by section 1 of part Z of chapter 85 of the laws of 2002, subdivision 1 as amended by chapter 108 of the laws of 2012, paragraph (a) of subdivision 1 as amended by chapter 431 of the laws of 2014, and subdivision 11 as added by chapter 422 of the laws of 2016, is amended to read as follows:

§ 56. License fees. 1. The annual fee for a license to manufacture beer shall be:

(a) four thousand dollars for a brewer's license, unless the annual production of the brewer is less than seventy-five thousand barrels per year, in which case the annual fee shall be three hundred twenty dollars;

(b) three hundred twenty dollars for a farm brewery license.

2. The annual fee for a wholesaler's beer license shall be eight hundred dollars.

3. The annual fee for a vendor's license shall be one hundred ~~[forty-~~ **four]** **forty** dollars.

4. The annual fee for a license to sell beer at retail not to be consumed on the premises where sold shall be one hundred ten dollars. Where, however, the applicant is the holder of two such licenses, the annual fee for each additional license thereafter issued to such licensee shall be double the amount hereinabove set forth.

5. The annual fee for a license to sell beer at retail to be consumed on the premises where sold shall be three hundred twenty dollars in cities having a population of one hundred thousand or over, and one hundred sixty dollars elsewhere; provided, however, that where the premises to be licensed remain open only within the period commencing April

1 first and ending October thirty-first of any one year or only within the
2 period commencing October first and ending the following April thirti-
3 eth, the liquor authority, in its discretion, may grant a summer or
4 winter license effective only for such appropriate period of time, for
5 which an annual fee of one hundred sixty dollars shall be paid where the
6 premises are located in cities having a population of one hundred thou-
7 sand or over, and eighty dollars where such premises are located else-
8 where.

9 6. The annual fee for selling beer upon any railroad car to be
10 consumed on such car or any car connected therewith shall be [~~ninety-~~
11 ~~six~~] ~~ninety~~ dollars for each railroad car licensed.

12 7. The annual fee for selling beer upon any vessel in this state,
13 other than one regularly and exclusively engaged in the business of
14 carrying passengers for hire, by charter or otherwise, for fishing
15 purposes, to be consumed on such vessel, shall be one hundred sixty
16 dollars for each vessel licensed. The annual fee for selling beer upon a
17 vessel regularly and exclusively engaged in the business of carrying
18 passengers for hire, by charter or otherwise, for fishing purposes, to
19 be consumed on such vessel, shall be forty dollars for each vessel
20 licensed. The annual fee for selling beer for off-premise consumption
21 upon a vessel regularly and exclusively engaged, as a duly licensed
22 supply ship, in furnishing supplies to other vessels, shall be eighty
23 dollars.

24 8. The annual fee for selling beer at any baseball park, race track or
25 outdoor athletic field or stadium, to be consumed in any such baseball
26 park, race track, or outdoor athletic field or stadium, shall be one
27 hundred [~~ninety-two~~] ~~ninety~~ dollars.

28 9. The annual fee for a license to sell beer and wine products at
29 retail not to be consumed on the premises where sold shall be one
30 hundred [~~ninety-eight~~] ~~ninety-five~~ dollars.

31 10. The annual fee for a license to sell beer and wine products at
32 retail not to be consumed on the premises where sold, when the applicant
33 is the holder of two such licenses, the annual fee for each additional
34 license thereafter issued to such licensee shall be three hundred
35 [~~fifty-two~~] ~~fifty~~ dollars.

36 11. The annual fee for a license to operate a custom beermakers'
37 center shall be three hundred twenty dollars.

38 § 8. Subdivision 6 of section 64 of the alcoholic beverage control
39 law, as amended by chapter 204 of the laws of 1963, is amended to read
40 as follows:

41 6. Where an on-premise license shall be granted to the owner of a
42 hotel situated in a town or village the liquor authority may in its
43 discretion grant to such owner the right to sell liquor and wine for
44 off-premise consumption under the same terms and conditions as apply to
45 off-premise licenses upon the payment of an additional fee of [~~sixty-~~
46 ~~two~~] ~~sixty~~ dollars [~~and fifty cents~~]; provided, however, that this
47 permission shall not be granted if an off-premise license has been
48 granted for premises located within eight miles of such hotel.

49 § 9. Section 66 of the alcoholic beverage control law, as amended by
50 section 3 of part Z of chapter 85 of the laws of 2002, subdivision 1-a
51 as added by chapter 580 of the laws of 2002, subdivision 2-c as added by
52 chapter 564 of the laws of 2007, subdivision 3-a as added by chapter 297
53 of the laws of 2016, subdivision 4 as amended by chapter 703 of the laws
54 of 2022, and subdivision 10 as added by chapter 331 of the laws of 2004,
55 is amended to read as follows:

§ 66. License fees. 1. The annual fee for a distiller's license, class A, shall be twelve thousand dollars.

1-a. The annual fee for a distiller's license, class A-1, shall be two hundred fifty dollars.

2. The annual fee for a distiller's license, class B, shall be eight thousand dollars.

2-a. The annual fee for a distiller's license, class C, shall be one hundred ~~[twenty-eight]~~ twenty-five dollars.

2-b. The annual fee for a distiller's license, class B-1, shall be three hundred twenty dollars.

2-c. The annual fee for a distiller's license, class D, shall be one hundred ~~[twenty-eight]~~ twenty-five dollars.

3. The annual fee for a license to sell liquor at wholesale ~~[shall be sixty-four hundred dollars]~~:

(a) if such wholesaler has gross sales of at least seven hundred fifty million dollars within the previous year in New York state as reported to the department of taxation and finance on the annual beer, wine, and liquor wholesalers transaction information, shall be one million dollars; and

(b) if such wholesaler has gross sales of under seven hundred fifty million dollars within the previous year in New York state as reported to the department of taxation and finance on the annual beer, wine, and liquor wholesalers transaction information, shall be eight hundred dollars.

3-a. The annual fee for an importer's license shall be one hundred twenty-five dollars.

4. The annual fee for a license, under section sixty-four or sixty-four-a of this article, to sell liquor at retail to be consumed on the premises where sold shall be twenty-one hundred ~~[seventy-six]~~ seventy dollars in the counties of New York, Kings, Bronx and Queens; fifteen hundred ~~[thirty-six]~~ thirty-five dollars in the county of Richmond and in cities having a population of more than one hundred thousand and less than one million; twelve hundred ~~[sixteen]~~ ten dollars in cities having a population of more than fifty thousand and less than one hundred thousand; and the sum of eight hundred ~~[ninety-six]~~ ninety-five dollars elsewhere; except that the license fees for catering establishments and off-premises catering establishments shall be two-thirds the license fee specified herein and for clubs, except luncheon clubs and golf clubs, shall be seven hundred fifty dollars in the counties of New York, Kings, Bronx and Queens; five hundred dollars in the county of Richmond and in cities having a population of more than one hundred thousand and less than one million; three hundred fifty dollars in cities having a population of more than fifty thousand and less than one hundred thousand; and the sum of two hundred fifty dollars elsewhere. The annual fees for luncheon clubs shall be three hundred seventy-five dollars, and for golf clubs in the counties of New York, Kings, Bronx, Queens, Nassau, Richmond and Westchester, two hundred fifty dollars, and elsewhere one hundred ~~[eighty-seven]~~ eighty-five dollars ~~[and fifty cents]~~. Notwithstanding any other provision of law to the contrary, there shall be no annual fee for a license, under section sixty-four, to sell liquor at retail to be consumed on the premises where the applicant is an organization organized under section two hundred sixty of the military law and incorporated pursuant to the not-for-profit corporation law. Provided, however, that where any premises for which a license is issued pursuant to section sixty-four or sixty-four-a of this article remain open only within the period commencing April first and ending October

thirty-first of any one year, or only within the period commencing October first and ending the following April thirtieth, the liquor authority may, in its discretion, grant a summer or winter license effective only for such appropriate period of time, for which a license fee shall be paid to be pro-rated for the period for which such license is effective, at the rate provided for in the city, town or village in which such premises are located, except that no such license fee shall be less than one-half of the regular annual license fee; provided further that where the premises to be licensed are a race track or a golf course or are licensed pursuant to section sixty-four or sixty-four-a of this article, the period of such summer license may commence March first and end November thirtieth.

Where a hotel, restaurant, club, golf course or race track is open prior to April first and/or subsequent to October thirty-first by reason of the issuance of a caterer's permit or permits issued by the authority, such fact alone shall not affect the eligibility of the premises or the person owning or operating such hotel, restaurant, club, golf course or race track for a summer license.

5. The annual fee for a license to sell liquor at retail not to be consumed on the premises where sold shall be thirteen hundred ~~[sixty-six]~~ sixty dollars in the counties of New York, Kings, Bronx and Queens; eight hundred ~~[fifty-four]~~ fifty dollars in the county of Richmond and in cities having a population of more than one hundred thousand and less than one million; and elsewhere the sum of five hundred ~~[twelve]~~ ten dollars.

6. The annual fee for a license to sell liquor upon any railroad car to be consumed on such car or any car connected therewith shall be one hundred ~~[ninety-two]~~ ninety dollars for each railroad car licensed.

7. The annual fee for a license to sell liquor upon any vessel in this state to be consumed upon such vessel shall be sixteen hundred dollars for each vessel licensed, provided, however, that where a vessel is operated only within the period commencing April first and ending October thirty-first of any one year, the liquor authority may, in its discretion, grant for such vessel a summer license effective only for such period of time, for which a license fee of four hundred ~~[forty-eight]~~ forty dollars shall be paid.

8. The annual fee for a license to sell liquor upon an aircraft being operated on regularly scheduled flights by a United States certificated airline in this state shall be nineteen thousand two hundred ~~[twenty]~~ dollars per annum for an airline company operating up to and including twenty such aircraft and twenty-five thousand six hundred ~~[sixty]~~ dollars for such an airline operating more than twenty such aircraft.

9. The annual fee for a license for a bottle club shall be the same as the annual fee for a special license to sell liquor at retail to be consumed on the premises, as set forth in subdivision four of this section.

10. Notwithstanding any provision to the contrary, the annual fee for a license for an establishment defined as an owner-occupied residence providing at least three but no more than five rooms for temporary transient lodgers with sleeping accommodations and a meal in the forenoon of the day, known as a "bed and breakfast dwelling" as authorized by subdivision five-a of section sixty-four of this article, shall be two hundred dollars plus fifteen dollars per each available bedroom.

§ 10. Subdivision 1 of section 79-a of the alcoholic beverage control law, as amended by section 5 of part 2 of chapter 85 of the laws of 2002, is amended to read as follows:

1 1. Any person licensed to sell beer at retail for consumption off the
2 premises, pursuant to section fifty-four of this chapter, shall, by
3 virtue of such license and upon payment to the liquor authority of an
4 additional fee in the sum of one hundred sixty-five dollars in cities
5 having a population of one hundred thousand or over and [~~eighty-three~~
6 eighty] dollars elsewhere, be granted authorization to sell from the
7 licensed premises wine products in sealed containers for consumption off
8 such premises. Upon receipt of such additional fee, the liquor authority
9 shall promptly issue a permit authorizing such sales by the licensee.

10 § 11. Subdivisions 1 and 1-a of section 79-b of the alcoholic beverage
11 control law, as amended by section 6 of part Z of chapter 85 of the laws
12 of 2002, are amended to read as follows:

13 1. Any person licensed to sell beer at retail for consumption on the
14 premises, pursuant to section fifty-five of this chapter, shall, by
15 virtue of such license and upon payment to the liquor authority of an
16 additional fee in the sum of one hundred [~~ninety-two~~ ninety] dollars in
17 cities having a population of one hundred thousand or over and [~~ninety-~~
18 ~~six~~] ninety] dollars elsewhere, be granted authorization to sell from the
19 licensed premises wine products in sealed containers at retail for
20 consumption on or off such premises. Upon receipt of such additional
21 fee, the liquor authority shall promptly issue a permit authorizing such
22 sales by the licensee.

23 1-a. Any person licensed to sell beer at retail for consumption on the
24 premises, pursuant to section fifty-five-a of this chapter, shall, by
25 virtue of such license and upon payment to the liquor authority of an
26 additional fee in the sum of one hundred [~~ninety-two~~ ninety] dollars in
27 cities having a population of one hundred thousand or over and [~~ninety-~~
28 ~~six~~] ninety] dollars elsewhere, be granted authorization to sell from the
29 licensed premises wine products in sealed containers at retail for
30 consumption on such premises. Upon receipt of such additional fee, the
31 liquor authority shall promptly issue a permit authorizing such sales by
32 the licensee.

33 § 12. Section 83 of the alcoholic beverage control law, as amended by
34 section 7 of part Z of chapter 85 of the laws of 2002, subdivision 1-a
35 as amended by chapter 221 of the laws of 2011, subdivision 1-d as
36 amended by chapter 613 of the laws of 2008, subdivision 8 as added by
37 chapter 355 of the laws of 2013, and subdivision 9 as added by chapter
38 422 of the laws of 2016, is amended to read as follows:

39 § 83. License fees. 1. The annual fee for a winery license shall be
40 six hundred twenty-five dollars.

41 1-a. The annual fee for a farm winery license shall be one hundred
42 twenty-five dollars, provided that the annual fee for a farm winery
43 manufacturing no more than fifteen hundred finished gallons of wine
44 annually shall be fifty dollars.

45 1-d. The fee for each license issued for a winery or farm winery
46 licensee's authority to conduct wine tastings and the sale of New York
47 state labelled wines for off-premises consumption pursuant to paragraph
48 (c) of subdivision two of section seventy-six of this article shall be
49 forty dollars.

50 2. The annual fee for a license to sell wine at wholesale [~~shall be~~
51 ~~eight hundred dollars~~];

52 (a) if such wholesaler has gross sales of at least seven hundred fifty
53 million dollars within the previous year in New York state as reported
54 to the department of taxation and finance on the annual beer, wine, and
55 liquor wholesalers transaction information, shall be one million
56 dollars; and

(b) if such wholesaler has gross sales of under seven hundred fifty million dollars within the previous year in New York state as reported to the department of taxation and finance on the annual beer, wine, and liquor wholesalers transaction information, shall be eight hundred dollars.

3. The annual fee for a license to sell wine at retail, not to be consumed on the premises, shall be six hundred forty dollars for each such place where such business is carried on in cities having a population of one million or more; in cities having less than one million population and more than one hundred thousand, three hundred twenty dollars; and elsewhere, the sum of one hundred forty-five dollars.

4. The annual fee for selling wine at retail, to be consumed on the premises where sold, shall be as follows:

(a) In cities having a population of one hundred thousand or over the sum of four hundred eighty dollars per year; and

(b) Elsewhere, the sum of two hundred forty dollars per year.

4-a. The annual fee for a license to sell wine at retail to be consumed on the premises where sold where the premises to be licensed remain open only within the period commencing April first and ending October thirty-first of any one year or only within the period commencing October first and ending the following April thirtieth, the liquor authority, in its discretion, may grant a summer or winter license effective only for such appropriate period of time, for which an annual fee of one hundred [~~twelve~~ **ten**] dollars shall be paid.

5. The annual fee for a special license to sell wine at retail, to be consumed on the premises where sold, shall be as follows:

(a) In cities having a population of one hundred thousand or over, the sum of five hundred [~~seventy-six~~ **seventy-five**] dollars per year; and

(b) Elsewhere, the sum of two hundred seventy dollars per year.

6. The annual fee for a special winery license shall be six hundred twenty-five dollars.

7. The annual fee for a special farm winery license shall be one hundred twenty-five dollars.

8. The annual fee for a roadside farm market license shall be one hundred dollars.

9. The annual fee for a license to operate a custom winemakers' center shall be three hundred twenty dollars.

§ 13. Section 122 of the alcoholic beverage control law, as amended by chapter 408 of the laws of 1997, is amended to read as follows:

§ 122. Continuance of business by receiver or other representative. If a corporation or copartnership holding any license or holding a permit for which an annual fee of one hundred dollars or more is prescribed by this chapter shall be dissolved, or if a receiver or assignee for the benefit of creditors be appointed therefor, or if a receiver, assignee for the benefit of creditors or a committee or conservator of the property of an individual holding any license or holding a permit for which an annual fee of one hundred dollars or more is prescribed by this chapter be appointed, during the time for which such license or permit was granted, or if a person, including a member of a copartnership, holding any license or holding a permit for which an annual fee of one hundred dollars or more is prescribed by this chapter shall die during the term for which such license or permit was given, such corporation, copartnership, receiver or assignee, or the administrator or executor of the estate of such individual, or of such deceased member of a copartnership, or a committee of the property of a person adjudged to be incompetent, or a conservator of the property of an indi-

vidual, or a petition under title eleven of the United States code shall have been filed and a trustee has been appointed or the holder of the license ~~[ef]~~ or permit has been permitted to remain in possession without the appointment of a trustee, may continue to carry on such business upon such premises for the balance of the term for which such license or permit was effective, with the same rights and subject to the same restrictions and liabilities as if ~~[he]~~ they had been the original applicant for and the original holder, or one of either of them, of such license or permit, providing the approval of the liquor authority shall be first obtained. Before continuing such business, such receiver, assignee, individual, committee, or conservator, debtor in possession, or trustee in bankruptcy shall file a statement setting forth in such form and substance as the liquor authority may prescribe the facts and circumstances by which ~~[he has]~~ they have succeeded to the rights of the original licensee or permittee. The liquor authority may, in its discretion, permit the continuance of such business or may refuse to do so. In the event that the authority determines to permit the continuance of the business, the license or permit shall be submitted to the authority and shall have affixed thereto a certificate in the form prescribed by the authority. For each such certificate, a fee shall be paid to the liquor authority of fifty dollars by the applicant, except in the case of an off-premise beer license, such fee shall be ten dollars which shall be paid into the same fund as other license fees herein provided for.

§ 14. This act shall take effect on the first of January next succeeding the date on which 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 I

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 J

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 K of chapter 55 of the laws of 2024, 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, 2025]~~.

§ 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 K

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

§ 97-e. Temporary wholesale permit. 1. Any person may apply to the liquor authority for a temporary permit to operate any alcoholic beverage wholesale facility as may be licensed under this chapter. Such application shall be in writing and verified and shall contain information as the liquor authority shall require. Such application shall be accompanied by a check or draft in the amount of one hundred twenty-five dollars for such permit.

2. Upon application, the liquor authority may issue such temporary permit when:

(a) the applicant has a wholesale license application at the same premises pending before the liquor authority, together with all required filing and license fees;

(b) the applicant has obtained and provided evidence of all permits, licenses and other documents necessary for the operation of such a business; and

(c) any current license in effect at the premises has been surrendered or placed in safekeeping, or has been deemed abandoned by the authority.

3. The liquor authority in granting such permit shall ensure that:

1 (a) issuance of the permit will not inordinately hinder the operation
2 or effective administration of this chapter;

3 (b) the applicant would in all likelihood be able to ultimately obtain
4 the wholesale license being applied for; and

5 (c) the applicant has substantially complied with the requirements
6 necessary to obtain such license.

7 4. The application for a permit shall be approved or denied by the
8 liquor authority within forty-five days after the receipt of such appli-
9 cation.

10 5. A temporary permit shall authorize the permittee to operate a
11 wholesale facility for the purchase, warehousing, and sale of alcoholic
12 beverages according to the laws applicable to the type of wholesale
13 license being applied for.

14 6. Such temporary permit shall remain in effect for six months or
15 until the wholesale license being applied for is approved and the
16 license granted, whichever is shorter. Such permit may be extended at
17 the discretion of the liquor authority for additional three-month peri-
18 ods of time upon payment of an additional fee of fifty dollars for each
19 such extension.

20 7. Notwithstanding any provision of law to the contrary, a temporary
21 wholesale permit may be summarily cancelled or suspended at any time if
22 the liquor authority determines that good cause for cancellation or
23 suspension exists. The liquor authority shall promptly notify the
24 permittee in writing of such cancellation or suspension and shall set
25 forth the reasons for such action.

26 8. The liquor authority in reviewing such application shall review the
27 entire record and grant the temporary permit unless good cause is other-
28 wise shown. A decision on an application shall be based on substantial
29 evidence in the record and supported by a preponderance of the evidence
30 in favor of the applicant.

31 § 2. Section 104 of the alcoholic beverage control law is amended by
32 adding a new subdivision 4 to read as follows:

33 4. Notwithstanding any other provision of this chapter to the contra-
34 ry, the authority may issue a cider producer or wholesaler's license,
35 beer wholesaler's license, wine wholesaler's license, or liquor whole-
36 saler's license to the holder of any wholesaler's license issued pursu-
37 ant to this chapter for use at such licensee's existing licensed prem-
38 ises. The liquor authority is hereby authorized to adopt such rules as
39 it may deem necessary to carry out the purposes of this subdivision.

40 § 3. This act shall take effect immediately and shall apply to all
41 applications filed after such effective date.

42 PART L

43 Section 1. Paragraph (a) of subdivision 7 of section 64 of the alco-
44 holic beverage control law, as amended by chapter 463 of the laws of
45 2009, is amended to read as follows:

46 (a) on the same street or avenue and within two hundred feet of a
47 building occupied exclusively as a school, church, synagogue or other
48 place of worship; provided, however, that the authority may issue a
49 retail license for on-premises consumption for a premises which shall be
50 within two hundred feet of a building occupied exclusively as a school,
51 church, synagogue, or other place of worship if the owner or administra-
52 tor of such school, church, or other place of worship affirmatively
53 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 M

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

1 within five hundred feet of three or more existing premises licensed and
2 operating pursuant to this section and sections sixty-four-a, sixty-
3 four-b, sixty-four-c, and/or sixty-four-d of this article;

4 (f) Notwithstanding the provisions of paragraph (b) of this subdivi-
5 sion, in a county having a population between one million six hundred
6 thousand and one million seven hundred thousand as of the two thousand
7 twenty census as conducted by the United States department of commerce,

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

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

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

44 (i) on the same street or avenue and within two hundred feet of a
45 building occupied exclusively as a school, church, synagogue or other
46 place of worship or

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

51 within five hundred feet of three or more existing premises licensed and
52 operating pursuant to this section and sections sixty-four,
53 sixty-four-b, sixty-four-c, and/or sixty-four-d of this article;

54 (iii) the measurements in subparagraphs (i) and (ii) of this paragraph
55 are to be taken in straight lines from the center of the nearest
56 entrance of the premises sought to be licensed to the center of the

1 nearest entrance of such school, church, synagogue or other place of
2 worship or to the center of the nearest entrance of each such premises
3 licensed and operating pursuant to this section and sections sixty-four,
4 sixty-four-b, sixty-four-c, and/or sixty-four-d of this article; except
5 that no license shall be denied to any premises at which a license under
6 this chapter has been in existence continuously from a date prior to the
7 date when a building on the same street or avenue and within two hundred
8 feet of said premises has been occupied exclusively as a school, church,
9 synagogue or other place of worship; and except that no license shall be
10 denied to any premises, which is within five hundred feet of three or
11 more existing premises licensed and operating pursuant to this section
12 and sections sixty-four, sixty-four-b, sixty-four-c, and/or sixty-four-d
13 of this article, at which a license under this chapter has been in
14 existence continuously on or prior to November first, nineteen hundred
15 ninety-three. The liquor authority, in its discretion, may authorize the
16 removal of any such licensed premises to a different location on the
17 same street or avenue, within two hundred feet of said school, church,
18 synagogue or other place of worship, provided that such new location is
19 not within a closer distance to such school, church, synagogue or other
20 place of worship.

21 (d) Notwithstanding the provisions of subparagraph (ii) of paragraph
22 (a) of this subdivision, in a county having a population between one
23 million six hundred thousand and one million seven hundred thousand as
24 of the two thousand twenty census as conducted by the United States
25 department of commerce, the authority may issue a license pursuant to
26 this section for a premises which shall be within five hundred feet of
27 three or more existing premises licensed and operating pursuant to this
28 section and sections sixty-four, sixty-four-b, sixty-four-c, and/or
29 sixty-four-d of this article if, after consultation with the munici-
30 pality or community board, it determines that granting such license
31 would be in the public interest. Before it may issue any such license,
32 the authority shall conduct a hearing, upon notice to the applicant and
33 the municipality or community board, and shall state and file in its
34 office its reasons therefor. Notice to the municipality or community
35 board shall mean written notice mailed by the authority to such munici-
36 pality or community board at least fifteen days in advance of any hear-
37 ing scheduled pursuant to this paragraph. Upon the request of the
38 authority, any municipality or community board may waive the fifteen day
39 notice requirement. The hearing may be rescheduled, adjourned or contin-
40 ued, and the authority shall give notice to the applicant and the muni-
41 cipality or community board of any such rescheduled, adjourned or
42 continued hearing. Before the authority issues any said license, the
43 authority or one or more of the commissioners thereof may, in addition
44 to the hearing required by this paragraph, also conduct a public meeting
45 regarding said license, upon notice to the applicant and the munici-
46 pality or community board. The public meeting may be rescheduled,
47 adjourned or continued, and the authority shall give notice to the
48 applicant and the municipality or community board of any such resched-
49 uled, adjourned or continued public meeting. No premises having been
50 granted a license pursuant to this section shall be denied a renewal of
51 such license upon the grounds that such premises are within five hundred
52 feet of a building or buildings wherein three or more premises are
53 licensed and operating pursuant to this section and sections sixty-four,
54 sixty-four-b, sixty-four-c, and/or sixty-four-d of this article.

55 § 3. Paragraphs (a) and (c) of subdivision 5 of section 64-b of the
56 alcoholic beverage control law, paragraph (a) as amended by chapter 463

1 of the laws of 2009 and paragraph (c) as amended by chapter 185 of the
2 laws of 2012, are amended to read as follows:

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

5 (i) 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; or

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

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

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

1 regarding said license, upon notice to the applicant and the munici-
2 pality or community board. The public meeting may be rescheduled,
3 adjourned or continued, and the authority shall give notice to the
4 applicant and the municipality or community board of any such resched-
5 uled, adjourned or continued public meeting. Notice to the municipality
6 or community board shall mean written notice mailed by the authority to
7 such municipality or community board at least fifteen days in advance of
8 any hearing scheduled pursuant to this paragraph. Upon the request of
9 the authority, any municipality or community board may waive the fifteen
10 day notice requirement. No premises having been granted a license pursu-
11 ant to this section shall be denied a renewal of such license upon the
12 grounds that such premises are within five hundred feet of a building or
13 buildings wherein three or more premises are licensed and operating
14 pursuant to this section and sections sixty-four, sixty-four-a, sixty-
15 four-c, and/or sixty-four-d of this article.

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

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

22 (i) on the same street or avenue and within two hundred feet of a
23 building occupied exclusively as a school, church, synagogue or other
24 place of worship; or

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

29 within five hundred feet of three or more existing premises licensed and
30 operating pursuant to the provisions of this section or sections sixty-
31 four, sixty-four-a, sixty-four-b and/or sixty-four-d of this article; or

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

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

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

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

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

41 (e) notwithstanding the provisions of paragraph (b) of this subdivi-
42 sion, in a county having a population between one million six hundred
43 thousand and one million seven hundred thousand as of the two thousand
44 twenty census as conducted by the United States department of commerce,
45 the authority may issue a license pursuant to this section for a prem-
46 ises which shall be within five hundred feet of an existing premises
47 licensed and operating pursuant to the provisions of this section or
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-b, and/or sixty-four-c of this article if,
51 after consultation with the municipality or community board, it deter-
52 mines that granting such license would be in the public interest.
53 Before it may issue any such license, the authority shall conduct a
54 hearing, upon notice to the applicant and the municipality or community
55 board, and shall state and file in its office its reasons therefor. The
56 hearing may be rescheduled, adjourned or continued, and the authority

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

22 § 6. This act shall take effect immediately.

23 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
24 sion, section or part of this act shall be adjudged by any court of
25 competent jurisdiction to be invalid, such judgment shall not affect,
26 impair, or invalidate the remainder thereof, but shall be confined in
27 its operation to the clause, sentence, paragraph, subdivision, section
28 or part thereof directly involved in the controversy in which such judg-
29 ment shall have been rendered. It is hereby declared to be the intent of
30 the legislature that this act would have been enacted even if such
31 invalid provisions had not been included herein.

32 § 3. This act shall take effect immediately; provided, however, that
33 the applicable effective date of Parts A through M of this act shall be
34 as specifically set forth in the last section of such Parts.