

STATE OF NEW YORK

3749

2025-2026 Regular Sessions

IN ASSEMBLY

January 30, 2025

Introduced by M. of A. RAMOS, BUTTENSCHON, SEAWRIGHT, LUCAS, TAYLOR, HYNDMAN, BICHOTTE HERMELYN, DAVILA, ZACCARO, SAYEGH, REYES -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to establishing a license to sell liquor at retail for consumption on premises in a cigar lounge; and to amend the labor law, in relation to requiring cigar lounges to provide written notification warning employees of the dangers of exposure to tobacco smoke

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

1 Section 1. Section 3 of the alcoholic beverage control law is amended
2 by adding a new subdivision 7-e to read as follows:

3 7-e. "Cigar lounge" means any bona fide retail store that: (a) caters
4 to patrons who purchase and smoke cigars; (b) generates sixty percent or
5 more of its quarterly adjusted gross revenue from the sale of cigar-re-
6 lated products, which is limited to cigars, humidors, cigar cutters,
7 cigar cases, lighters and ashtrays. Revenue from state lottery, mail
8 order, and internet sales, as well as revenue generated from other
9 tobacco sales in store, including cigarettes and loose tobacco sales,
10 shall not be used to determine whether an establishment satisfies the
11 definition of a cigar lounge; (c) has a humidor on the premises; (d) is
12 open to the public on a regular basis; (e) has capacity for a minimum of
13 fifteen patrons; (f) does not allow any person under the age of twenty-
14 one on the premises unless accompanied by a parent, legal guardian, or
15 adult spouse; (g) does not allow service of food and the smoking of
16 cigarettes, e-cigarettes, hookah or shisha; and (h) holds a current New
17 York retail dealer certificate of registration for cigarettes and tobac-
18 co products. A cigar lounge shall be a permanent structure where stock
19 is displayed and offered for sale and that has facilities to properly
20 secure any stock of alcoholic beverages.

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

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1 § 2. The alcoholic beverage control law is amended by adding a new
2 section 64-f to read as follows:

3 § 64-f. License to sell liquor at retail for consumption on premises
4 in a cigar lounge. 1. A cigar lounge means a business which meets the
5 requirements of a cigar lounge as defined in section three of this chap-
6 ter.

7 2. Any person currently licensed in New York with a retail dealer
8 certificate of registration for cigarettes and tobacco products may make
9 an application to the authority for a license to sell liquor at retail
10 to be consumed on the premises where sold and such license shall be
11 issued to all applicants except for good cause shown.

12 3. Such application shall be in such form and shall contain such
13 information as shall be required by the rules of the liquor authority
14 and shall be accompanied by a check or draft in the amount required by
15 this article for such license.

16 4. Such license shall, in form and in substance, be a license to the
17 person specifically licensed to sell liquor at retail to be consumed
18 upon the premises. Such license shall also be deemed to include a
19 license to sell wine and beer at retail to be consumed under the same
20 terms and conditions without the payment of any additional fee.

21 5. Food cannot be prepared or served by a licensee.

22 6. Such license shall require that a cigar lounge stock liquor, wine,
23 beer, cider, and wine products produced in New York state as at least
24 five percent of its liquor, beer and wine selections.

25 7. All applicants for employment at a cigar lounge shall be presented
26 with a written notice that states that working in a cigar lounge has
27 serious and permanent negative health effects, including, but not limit-
28 ed to, an increased risk of cancer and heart disease, and that no level
29 of exposure to second-hand smoke is safe.

30 8. Section fifty-four of this chapter shall control the procedure, so
31 far as applicable, in connection with such application.

32 9.(a) No cigar lounge license shall be granted for any premises which
33 shall be:

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

37 (ii) in a city, town or village having a population of twenty thousand
38 or more within five hundred feet of three or more existing premises
39 licensed and operating pursuant to provisions of this section and
40 sections sixty-four, sixty-four-b, sixty-four-c, sixty-four-d, and/or
41 sixty-four-e of this article.

42 (b) The measurements in subparagraphs (i) and (ii) of paragraph (a) of
43 this subdivision are to be taken in straight lines from the center of
44 the nearest entrance of the premises sought to be licensed to the center
45 of the nearest entrance of such school, church, synagogue or other place
46 of worship or to the center of the nearest entrance of each such prem-
47 ises licensed and operating pursuant to this section and sections
48 sixty-four, sixty-four-b, sixty-four-c, sixty-four-d and/or sixty-four-e
49 of this article; except that no license shall be denied to any premises
50 at which a license under this chapter has been in existence continuously
51 from a date prior to the date when a building on the same street or
52 avenue and within two hundred feet of said premises has been occupied
53 exclusively as a school, church, synagogue or other place of worship;
54 and except that no license shall be denied to any premises, which is
55 within five hundred feet of three or more existing premises licensed and
56 operating pursuant to this section and sections sixty-four,

1 sixty-four-b, sixty-four-c, and/or sixty-four-d of this article, at
2 which a license under this chapter has been in existence continuously on
3 or prior to November first, nineteen hundred ninety-three. The liquor
4 authority, in its discretion, may authorize the removal of any such
5 licensed premises to a different location on the same street or avenue,
6 within two hundred feet of said school, church, synagogue or other place
7 of worship, provided that such new location is not within a closer
8 distance to such school, church, synagogue or other place of worship.

9 (c) Within the context of this subdivision, the word "entrance" shall
10 mean a door of a school, of a house of worship, or of premises licensed
11 and operating pursuant to this section and sections sixty-four, sixty-
12 four-b, sixty-four-c, and/or sixty-four-d of this article or of the
13 premises sought to be licensed, regularly used to give ingress to
14 students of the school, to the general public attending the place of
15 worship, and to patrons or guests of the premises licensed and operating
16 pursuant to this section and sections sixty-four, sixty-four-b, sixty-
17 four-c, and/or sixty-four-d of this article or of the premises sought to
18 be licensed, except that where a school or house of worship or premises
19 licensed and operating pursuant to this section and sections sixty-four,
20 sixty-four-b, sixty-four-c, sixty-four-d, and/or sixty-four-e of this
21 article or the premises sought to be licensed is set back from a public
22 thoroughfare, the walkway or stairs leading to any such door shall be
23 deemed an entrance; and the measurement shall be taken to the center of
24 the walkway or stairs at the point where it meets the building line or
25 public thoroughfare. A door which has no exterior hardware, or which is
26 used solely as an emergency or fire exit, or for maintenance purposes,
27 or which leads directly to a part of a building not regularly used by
28 the general public or patrons, is not deemed an "entrance".

29 § 3. Section 66 of the alcoholic beverage control law is amended by
30 adding a new subdivision 11 to read as follows:

31 11. The annual fee for a license to sell liquor at retail for consump-
32 tion on premises in a cigar lounge shall be one thousand seven hundred
33 ninety-two dollars per year.

34 § 4. The labor law is amended by adding a new section 202-n to read as
35 follows:

36 § 202-n. Cigar lounge employees; tobacco smoke exposure notification.
37 A cigar lounge, as defined in section three of the alcoholic beverage
38 control law, shall provide written notice to all employees and appli-
39 cants for employment that working in a cigar lounge may cause serious
40 negative health effects, including an increased risk of cancer and heart
41 disease and that no level of exposure to environmental tobacco smoke is
42 safe.

43 § 5. This act shall take effect immediately.