

STATE OF NEW YORK

408

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the alcoholic beverage control law, in relation to authorizing retail licenses to sell liquor for on-premises consumption at airline lounges

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

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

39. "Airline lounge" means and includes any premises located within an airport and such premises is owned, leased, or operated by a United States certificated airline which regularly and in a bona fide manner furnishes provisions and services therein.

§ 2. Subdivision 6 of section 64-a of the alcoholic beverage control law, as amended by section 2 of part CC of chapter 55 of the laws of 2024, is amended to read as follows:

6. No special on-premises license shall be granted except for premises in which the principal business shall be: (a) the sale of food or beverages at retail for consumption on the premises ~~[or]~~; (b) an airline lounge; or (c) the operation of a legitimate theatre, including a motion picture theatre that is a building or facility which is regularly used and kept open primarily for the exhibition of motion pictures for at least five out of seven days a week, or on a regular seasonal basis of no less than six contiguous weeks, to the general public where all auditorium seating is permanently affixed to the floor and at least sixty-five percent of the motion picture theatre's annual gross revenues is the combined result of admission revenue for the showing of motion pictures and the sale of food and non-alcoholic beverages, or such other lawful adult entertainment or recreational facility as the liquor

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

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1 authority, giving due regard to the convenience of the public and the
2 strict avoidance of sales prohibited by this chapter, shall by regu-
3 lation classify for eligibility.

4 § 3. Subdivision 6 of section 64-a of the alcoholic beverage control
5 law, as amended by chapter 475 of the laws of 2011, is amended to read
6 as follows:

7 6. No special on-premises license shall be granted except for premises
8 in which the principal business shall be: (a) the sale of food or bever-
9 ages at retail for consumption on the premises ~~[or]~~; (b) an airline
10 lounge; or (c) the operation of a legitimate theatre or such other
11 lawful adult entertainment or recreational facility as the liquor
12 authority, giving due regard to the convenience of the public and the
13 strict avoidance of sales prohibited by this chapter, shall by regu-
14 lation classify for eligibility. Nothing contained in this subdivision
15 shall be deemed to authorize the issuance of a license to a motion
16 picture theatre, except those meeting the definition of restaurant and
17 meals, and where all seating is at tables where meals are served.

18 § 4. Section 106 of the alcoholic beverage control law is amended by
19 adding a new subdivision 8-a to read as follows:

20 8-a. A license issued for such premises as are being conducted as an
21 airline lounge shall authorize the holder thereof to sell at retail or
22 give away alcoholic beverages only to persons with certain airline tick-
23 et or lounge access privileges and loyalty program members as authorized
24 by such licensee and only for consumption on the premises where sold.
25 Food shall be made regularly available for sale or otherwise to such
26 persons for consumption on the premises.

27 § 5. This act shall take effect immediately; provided, however, that
28 the amendments made to subdivision 6 of section 64-a of the alcoholic
29 beverage control law made by section two of this act shall be subject to
30 the expiration and reversion of such subdivision pursuant to section 5
31 of part CC of chapter 55 of the laws of 2024, as amended, when upon such
32 date the provisions of section three of this act shall take effect.