

# STATE OF NEW YORK

408--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

7 § 2. Subdivision 6 of section 64-a of the alcoholic beverage control  
8 law, as amended by section 2 of part CC of chapter 55 of the laws of  
9 2024, is amended to read as follows:

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

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

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1 lawful adult entertainment or recreational facility as the liquor  
2 authority, giving due regard to the convenience of the public and the  
3 strict avoidance of sales prohibited by this chapter, shall by regu-  
4 lation classify for eligibility.

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

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

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

21 8-a. A license issued for such premises as are being conducted as an  
22 airline lounge shall authorize the holder thereof to provide alcoholic  
23 beverages for on-premises consumption only to persons with lounge access  
24 privileges and their guests as authorized by the airline. Food shall be  
25 made regularly available for sale or otherwise to such persons for  
26 consumption on the premises.

27 § 5. Subdivision 3 of section 117-a of the alcoholic beverage control  
28 law, as amended by chapter 114 of the laws of 2000, is amended to read  
29 as follows:

30 3. With respect to an individual licensee, this section shall not  
31 apply to private functions not opened to the public, such as weddings,  
32 banquets, or receptions, or other similar functions, or to a package of  
33 food and beverages where the service of alcoholic beverages is inci-  
34 dental to the event or function, or to a licensed airline lounge where  
35 the service of alcoholic beverages is incidental to the services  
36 provided therein.

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