

# STATE OF NEW YORK

652--A

2025-2026 Regular Sessions

## IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. GIANARIS -- 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 establishing a license to sell liquor on premises commonly known as a for-profit club

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

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

3 § 64-f. License to sell liquor on premises commonly known as a for-  
4 profit club. 1. Any person may make an application to the state liquor  
5 authority to operate a "for-profit club" which is operated solely for a  
6 recreational, social, patriotic, political, benevolent, communal work-  
7 space, corporate dining space, or athletic purpose.

8 2. Such application shall be in such form and shall contain such  
9 information as shall be required by the liquor authority and shall be  
10 accompanied by a check or draft in the amount required by this article  
11 for such license. The fee for such license shall be twenty thousand  
12 dollars annually.

13 3. Section fifty-four of this chapter shall control so far as applica-  
14 ble the procedure in connection with such application. For-profit clubs  
15 that apply for a license pursuant to this section are also authorized to  
16 apply for a temporary retail permit as provided for in section ninety-  
17 seven-a of this chapter.

18 4. Such for-profit club license shall in form and in substance be a  
19 license to the person specifically licensed to operate a for-profit club  
20 and sell liquor at retail exclusively to members in good standing and  
21 their guests under the by-laws of the for-profit club to be consumed on

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

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1 the premises specifically licensed. Such license shall also be deemed to  
2 include a license to sell liquor, wine, beer, cider, mead and/or braggot  
3 at retail exclusively to members in good standing and their guests under  
4 the by-laws of the for-profit club to be consumed on the premises under  
5 the same terms and conditions, without the payment of any additional  
6 fee.

7 5. (a) A license under this section shall be required of any person,  
8 corporation, partnership, company, or any other for-profit entity which  
9 is the owner, lessee or occupant of a premises used exclusively for the  
10 for-profit club purposes, and which is operated solely for a recreation-  
11 al, social, patriotic, political, benevolent, communal workspace, corpo-  
12 rate dining space, or athletic purpose. A "member" of a for-profit club  
13 shall mean a person who whether a charter member or admitted in agree-  
14 ment with the by-laws of the for-profit club, has become a bona fide  
15 member thereof, who maintains membership by the payment of annual dues  
16 in a bona fide manner in accordance with the by-laws of the for-profit  
17 club and whose name and address is entered on the list of members of the  
18 for-profit club. A for-profit club must have one hundred or more  
19 members.

20 (b) For the purpose of a for-profit club license issued pursuant to  
21 this section solely for use as corporate dining space for their employ-  
22 ees and clients shall:

23 (i) include only such space directly used for corporate dining  
24 purposes where food and beverages are regularly available to employees,  
25 clients, and guests;

26 (ii) authorize that licensees do not have to meet member requirements;

27 (iii) authorize contracts with a third party licensed by the authority  
28 to provide food and beverages so long as any third party contract is  
29 disclosed to the authority; and

30 (iv) be responsible for maintaining records, filing all necessary  
31 applications, and providing other such documentation required or deemed  
32 necessary to be submitted to the authority.

33 6. The authority shall consider all of the following in determining  
34 whether public convenience and advantage and the public interest will be  
35 promoted by the granting of a license pursuant to this section:

36 (a) the number, classes and character of licenses in proximity to the  
37 location and in the particular municipality or subdivision thereof;

38 (b) evidence that applicants have secured all necessary licenses and  
39 permits from the state and all other governing bodies;

40 (c) the effect that the granting of the license will have on vehicular  
41 traffic and parking in the proximity of the location;

42 (d) the existing noise level at the location and any increase in noise  
43 level that would be generated by the proposed premises;

44 (e) the history of liquor violations and reported criminal activity at  
45 the proposed premises;

46 (f) any purpose or intention of discrimination by the applicant or any  
47 individual, corporation, partnership, company, or any other for-profit  
48 entity which is the owner, lessee or occupant of the premises to be  
49 licensed as a for-profit club premises; and

50 (g) any other factors specified by law or regulation that are relevant  
51 to determine the public convenience or advantage and necessary to find  
52 that the granting of such license shall be in the public interest.

53 7. No for-profit club license shall be granted for any premises which  
54 shall be:

1 (a) on the same street or avenue and within two hundred feet of a  
2 building occupied exclusively as a school, church, synagogue or other  
3 place of worship; or

4 (b) in a city, town or village having a population of twenty thousand  
5 or more within five hundred feet of an existing premises licensed and  
6 operating pursuant to the provisions of this section, or within five  
7 hundred feet of three or more existing premises licensed and operating  
8 pursuant to this section and sections sixty-four, sixty-four-a, sixty-  
9 four-b, sixty-four-c, and/or sixty-four-d of this article.

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

35 (d) Within the context of this subdivision, the word "entrance" shall  
36 mean a door of a school, of a house of worship, or of premises licensed  
37 and operating pursuant to this section and sections sixty-four, sixty-  
38 four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article  
39 or of the premises sought to be licensed, regularly used to give ingress  
40 to students of the school, to the general public attending the place of  
41 worship, and to patrons or guests of the premises licensed and operating  
42 pursuant to this section and sections sixty-four, sixty-four-a, sixty-  
43 four-b, sixty-four-c, and/or sixty-four-d of this article or of the  
44 premises sought to be licensed, except that where a school or house of  
45 worship or premises licensed and operating pursuant to this section and  
46 sections sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, and/or  
47 sixty-four-d of this article or the premises sought to be licensed is  
48 set back from a public thoroughfare, the walkway or stairs leading to  
49 any such door shall be deemed an entrance; and the measurement shall be  
50 taken to the center of the walkway or stairs at the point where it meets  
51 the building line or public thoroughfare. A door which has no exterior  
52 hardware, or which is used solely as an emergency or fire exit, or for  
53 maintenance purposes, or which leads directly to a part of a building  
54 not regularly used by the general public or patrons, is not deemed an  
55 "entrance".

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

35 (f) Within the context of this subdivision, a building occupied as a  
36 place of worship does not cease to be "exclusively" occupied as a place  
37 of worship by incidental uses that are not of a nature to detract from  
38 the predominant character of the building as a place of worship, such  
39 uses which include, but which are not limited to: (i) the conduct of  
40 legally authorized games of bingo or other games of chance held as a  
41 means of raising funds for the not-for-profit religious organization  
42 which conducts services at the place of worship or for other not-for-  
43 profit organizations or groups; use of the building for fund-raising  
44 performances by or benefitting the not-for-profit religious organization  
45 which conducts services at the place of worship or other not-for-profit  
46 organizations or groups; (ii) the use of the building by other religious  
47 organizations or groups for religious services or other purposes; the  
48 conduct of social activities by or for the benefit of the congregants;  
49 the use of the building for meetings held by organizations or groups  
50 providing bereavement counseling to persons having suffered the loss of  
51 a loved one, or providing advice or support for conditions or diseases  
52 including, but not limited to, alcoholism, drug addiction, cancer, cere-  
53 bral palsy, Parkinson's disease, or Alzheimer's disease; (iii) the use  
54 of the building for blood drives, health screenings, health information  
55 meetings, yoga classes, exercise classes or other activities intended to  
56 promote the health of the congregants or other persons; and (iv) use of

1 the building by non-congregant members of the community for private  
2 social functions. The building occupied as a place of worship does not  
3 cease to be "exclusively" occupied as a place of worship where the not-  
4 for-profit religious organization occupying the place of worship accepts  
5 the payment of funds to defray costs related to another party's use of  
6 the building.

7 8. All other provisions of this chapter relative to licenses to sell  
8 liquor at retail for consumption on the premises shall apply as far as  
9 applicable.

10 9. For purposes of this section, for-profit club licensees as author-  
11 ized herein shall be responsible for any violations of this chapter or  
12 the rules of the authority occurring while the license is in effect.  
13 Liability under the provisions of sections 11-100 and 11-101 of the  
14 general obligations law shall accrue to the licensee.

15 10. All for-profit club licensees shall be subject to such rules and  
16 regulations by the authority as is deemed necessary and are in conform-  
17 ity with the provisions of this chapter.

18 § 2. Subdivision 1 of section 110-b of the alcoholic beverage control  
19 law, as amended by chapter 560 of the laws of 2011, the opening para-  
20 graph as amended by section 1 of part H of chapter 55 of the laws of  
21 2024, paragraphs (c) and (d) as amended and paragraph (e) as added by  
22 chapter 106 of the laws of 2022, is amended to read as follows:

23 1. Not more than two hundred seventy days before filing any of the  
24 following applications, an applicant shall notify the municipality in  
25 which the premises is located of such applicant's intent to file such an  
26 application:

27 (a) for a license issued pursuant to section fifty-five, fifty-five-a,  
28 sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, sixty-four-d,  
29 sixty-four-f, eighty-one or eighty-one-a of this chapter;

30 (b) for a renewal under section one hundred nine of this chapter of a  
31 license issued pursuant to section fifty-five, fifty-five-a, sixty-four,  
32 sixty-four-a, sixty-four-c, sixty-four-d, sixty-four-f, eighty-one or  
33 eighty-one-a of this chapter if the premises is located within the city  
34 of New York;

35 (c) for approval of an alteration under section ninety-nine-d of this  
36 chapter if the premises is located within the city of New York and  
37 licensed pursuant to section fifty-five, fifty-five-a, sixty-four,  
38 sixty-four-a, sixty-four-c, sixty-four-d, sixty-four-f, eighty-one or  
39 eighty-one-a of this chapter;

40 (d) for approval of a substantial corporate change under section nine-  
41 ty-nine-d of this chapter if the premises is located within the city of  
42 New York and licensed pursuant to section fifty-five, fifty-five-a,  
43 sixty-four, sixty-four-a, sixty-four-c, sixty-four-d, sixty-four-f,  
44 eighty-one or eighty-one-a of this chapter; or

45 (e) for a temporary retail permit issued under paragraph (b) of subdi-  
46 vision one of section ninety-seven-a of this chapter where the estab-  
47 lishment is to be licensed pursuant to section fifty-five, fifty-five-a,  
48 sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, sixty-four-d,  
49 sixty-four-f, eighty-one or eighty-one-a of this chapter located in a  
50 city with a population of one million or more people. If an applicant  
51 subject to this paragraph shall, after filing an application for a  
52 retail license and providing proper notice for such application pursuant  
53 to paragraph (a) of this subdivision, subsequently file an application  
54 for a temporary retail permit pursuant to section ninety-seven-a of this  
55 chapter at the same premises, such applicant must file additional notice  
56 pursuant to this paragraph; provided, however, such notice will be

1 effective at the later of its proper service under this section or thir-  
2 ty days from the date proper notice was served under paragraph (a) of  
3 this subdivision for the license at the same premises.

4 § 3. Subdivision 3 of section 17 of the alcoholic beverage control  
5 law, as amended by section 8 of chapter 522 of the laws of 2018, is  
6 amended to read as follows:

7 3. To revoke, cancel or suspend for cause any license or permit issued  
8 under this chapter and/or to impose a civil penalty for cause against  
9 any holder of a license or permit issued pursuant to this chapter. Any  
10 civil penalty so imposed shall not exceed the sum of ten thousand  
11 dollars as against the holder of any retail permit issued pursuant to  
12 sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and  
13 paragraph f of subdivision one of section ninety-nine-b of this chapter,  
14 and as against the holder of any retail license issued pursuant to  
15 sections fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-  
16 five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b,  
17 sixty-four-c, ~~sixty-four-f~~, seventy-six-f, seventy-nine, eighty-one and  
18 eighty-one-a of this chapter, and the sum of thirty thousand dollars as  
19 against the holder of a license issued pursuant to sections thirty,  
20 thirty-one, fifty-three, sixty-one-a, sixty-one-b, seventy-six, seven-  
21 ty-six-a, and seventy-eight of this chapter, provided that the civil  
22 penalty against the holder of a wholesale license issued pursuant to  
23 section fifty-three of this chapter shall not exceed the sum of ten  
24 thousand dollars where that licensee violates provisions of this chapter  
25 during the course of the sale of beer at retail to a person for consump-  
26 tion at home, and the sum of one hundred thousand dollars as against the  
27 holder of any license issued pursuant to sections fifty-one, sixty-one,  
28 and sixty-two of this chapter. Any civil penalty so imposed shall be in  
29 addition to and separate and apart from the terms and provisions of the  
30 bond required pursuant to section one hundred twelve of this chapter.  
31 Provided that no appeal is pending on the imposition of such civil  
32 penalty, in the event such civil penalty imposed by the division remains  
33 unpaid, in whole or in part, more than forty-five days after written  
34 demand for payment has been sent by first class mail to the address of  
35 the licensed premises, a notice of impending default judgment shall be  
36 sent by first class mail to the licensed premises and by first class  
37 mail to the last known home address of the person who signed the most  
38 recent license application. The notice of impending default judgment  
39 shall advise the licensee: (a) that a civil penalty was imposed on the  
40 licensee; (b) the date the penalty was imposed; (c) the amount of the  
41 civil penalty; (d) the amount of the civil penalty that remains unpaid  
42 as of the date of the notice; (e) the violations for which the civil  
43 penalty was imposed; and (f) that a judgment by default will be entered  
44 in the supreme court of the county in which the licensed premises are  
45 located, or other court of civil jurisdiction or any other place  
46 provided for the entry of civil judgments within the state of New York  
47 unless the division receives full payment of all civil penalties due  
48 within twenty days of the date of the notice of impending default judg-  
49 ment. If full payment shall not have been received by the division with-  
50 in thirty days of mailing of the notice of impending default judgment,  
51 the division shall proceed to enter with such court a statement of the  
52 default judgment containing the amount of the penalty or penalties  
53 remaining due and unpaid, along with proof of mailing of the notice of  
54 impending default judgment. The filing of such judgment shall have the  
55 full force and effect of a default judgment duly docketed with such  
56 court pursuant to the civil practice law and rules and shall in all

1 respects be governed by that chapter and may be enforced in the same  
2 manner and with the same effect as that provided by law in respect to  
3 execution issued against property upon judgments of a court of record. A  
4 judgment entered pursuant to this subdivision shall remain in full force  
5 and effect for eight years notwithstanding any other provision of law.

6 § 4. Subdivision 3 of section 17 of the alcoholic beverage control  
7 law, as amended by section 9 of chapter 522 of the laws of 2018, is  
8 amended to read as follows:

9 3. To revoke, cancel or suspend for cause any license or permit issued  
10 under this chapter and/or to impose a civil penalty for cause against  
11 any holder of a license or permit issued pursuant to this chapter. Any  
12 civil penalty so imposed shall not exceed the sum of ten thousand  
13 dollars as against the holder of any retail permit issued pursuant to  
14 sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and  
15 paragraph f of subdivision one of section ninety-nine-b of this chapter,  
16 and as against the holder of any retail license issued pursuant to  
17 sections fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-  
18 five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b,  
19 sixty-four-c, **sixty-four-f**, seventy-six-f, seventy-nine, eighty-one, and  
20 eighty-one-a of this chapter, and the sum of thirty thousand dollars as  
21 against the holder of a license issued pursuant to sections thirty,  
22 thirty-one, fifty-three, sixty-one-a, sixty-one-b, seventy-six, seven-  
23 ty-six-a and seventy-eight of this chapter, provided that the civil  
24 penalty against the holder of a wholesale license issued pursuant to  
25 section fifty-three of this chapter shall not exceed the sum of ten  
26 thousand dollars where that licensee violates provisions of this chapter  
27 during the course of the sale of beer at retail to a person for consump-  
28 tion at home, and the sum of one hundred thousand dollars as against the  
29 holder of any license issued pursuant to sections fifty-one, sixty-one  
30 and sixty-two of this chapter. Any civil penalty so imposed shall be in  
31 addition to and separate and apart from the terms and provisions of the  
32 bond required pursuant to section one hundred twelve of this chapter.  
33 Provided that no appeal is pending on the imposition of such civil  
34 penalty, in the event such civil penalty imposed by the division remains  
35 unpaid, in whole or in part, more than forty-five days after written  
36 demand for payment has been sent by first class mail to the address of  
37 the licensed premises, a notice of impending default judgment shall be  
38 sent by first class mail to the licensed premises and by first class  
39 mail to the last known home address of the person who signed the most  
40 recent license application. The notice of impending default judgment  
41 shall advise the licensee: (a) that a civil penalty was imposed on the  
42 licensee; (b) the date the penalty was imposed; (c) the amount of the  
43 civil penalty; (d) the amount of the civil penalty that remains unpaid  
44 as of the date of the notice; (e) the violations for which the civil  
45 penalty was imposed; and (f) that a judgment by default will be entered  
46 in the supreme court of the county in which the licensed premises are  
47 located, or other court of civil jurisdiction, or any other place  
48 provided for the entry of civil judgments within the state of New York  
49 unless the division receives full payment of all civil penalties due  
50 within twenty days of the date of the notice of impending default judg-  
51 ment. If full payment shall not have been received by the division with-  
52 in thirty days of mailing of the notice of impending default judgment,  
53 the division shall proceed to enter with such court a statement of the  
54 default judgment containing the amount of the penalty or penalties  
55 remaining due and unpaid, along with proof of mailing of the notice of  
56 impending default judgment. The filing of such judgment shall have the

1 full force and effect of a default judgment duly docketed with such  
2 court pursuant to the civil practice law and rules and shall in all  
3 respects be governed by that chapter and may be enforced in the same  
4 manner and with the same effect as that provided by law in respect to  
5 execution issued against property upon judgments of a court of record. A  
6 judgment entered pursuant to this subdivision shall remain in full force  
7 and effect for eight years notwithstanding any other provision of law.

8 § 5. This act shall take effect on the one hundred eightieth day after  
9 it shall have become a law; provided however, that the amendments to  
10 subdivision 3 of section 17 of the alcoholic beverage control law made  
11 by section three of this act shall be subject to the expiration and  
12 reversion of such section pursuant to section 4 of chapter 118 of the  
13 laws of 2012, as amended, when upon such date the provisions of section  
14 four of this act shall take effect.

15 Effective immediately, the addition, amendment and/or repeal of any  
16 rule or regulation necessary for the implementation of this act on its  
17 effective date are authorized to be made and completed on or before such  
18 effective date.