

STATE OF NEW YORK

7003

2025-2026 Regular Sessions

IN SENATE

March 28, 2025

Introduced by Sen. SEPULVEDA -- 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 the liquor authority to issue licenses to new premises for the sale of liquor where such premises is within two hundred feet of a place of worship, or where three or more such premises already exist in counties of a certain population

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

Section 1. Paragraphs (a), (b) and (f) of subdivision 7 of section 64 of the alcoholic beverage control law, paragraphs (a) and (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:

(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 that is 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, synagogue or other place of worship affirmatively states support for the issuance of such a license; or

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

(f) Notwithstanding the provisions of paragraph (b) of this subdivision, in a county having a population between one million six hundred

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

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thousand and one million seven hundred thousand as of the two thousand twenty census as conducted by the United States department of commerce,
the authority may issue a license pursuant to this section for a premises which shall be within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article if, after consultation with the municipality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons therefor. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality or community board at least fifteen days in advance of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality or community board may waive the fifteen day notice requirement. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of a building or buildings wherein three or more premises are licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article.

§ 2. Subparagraphs (i) and (ii) of paragraph (a) and paragraph (d) of subdivision 7 of section 64-a of the alcoholic beverage control law, subparagraphs (i) and (ii) of paragraph (a) as amended by chapter 463 of the laws of 2009 and paragraph (d) as amended by chapter 185 of the laws of 2012, are 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 that is 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, synagogue or other place of worship affirmatively states support for the issuance of such a license; or

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

(d) Notwithstanding the provisions of subparagraph (ii) of paragraph (a) of this subdivision, in a 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

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

31 § 3. Subparagraphs (i) and (ii) of paragraph (a) and paragraph (c) of
32 subdivision 5 of section 64-b of the alcoholic beverage control law,
33 subparagraphs (i) and (ii) of paragraph (a) as amended by chapter 463 of
34 the laws of 2009 and paragraph (c) as amended by chapter 185 of the laws
35 of 2012, are amended to read as follows:

36 (i) on the same street or avenue and within two hundred feet of a
37 building occupied exclusively as a school, church, synagogue or other
38 place of worship; provided, however, that the authority may issue a
39 retail license for on-premises consumption for a premises that is within
40 two hundred feet of a building occupied exclusively as a school, church,
41 synagogue or other place of worship if the owner or administrator of
42 such school, church, synagogue or other place of worship affirmatively
43 states support for the issuance of such a license; or

44 (ii) in a [~~city, town or village having a population of twenty thou-~~
45 ~~sand or more~~] county having a population between one million six hundred
46 thousand and one million seven hundred thousand as of the two thousand
47 twenty census as conducted by the United States department of commerce
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-c, and/or sixty-four-d of this article;

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

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

29 § 4. Subparagraphs (i) and (ii) of paragraph (a) and paragraph (c) of
30 subdivision 11 of section 64-c of the alcoholic beverage control law,
31 subparagraphs (i) and (ii) of paragraph (a) as amended by chapter 463 of
32 the laws of 2009 and paragraph (c) as amended by chapter 185 of the laws
33 of 2012, are amended to read as follows:

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; provided, however, that the authority may issue a
37 retail license for on-premises consumption for a premises that is within
38 two hundred feet of a building occupied exclusively as a school, church,
39 synagogue or other place of worship if the owner or administrator of
40 such school, church, synagogue or other place of worship affirmatively
41 states support for the issuance of such a license; or

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

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

sixty-four-d of this article if, after consultation with the municipality or community board, it determines that granting such license would be in the public interest. Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons therefor. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality or community board at least fifteen days in advance of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality or community board may waive the fifteen day notice requirement. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of a building or buildings wherein three or more premises are operating and licensed pursuant to this section or sections sixty-four, sixty-four-a, sixty-four-b and/or sixty-four-d of this article.

§ 5. Paragraphs (a), (b) and (e) of subdivision 8 of section 64-d of the alcoholic beverage control law, paragraphs (a) and (b) as amended by chapter 463 of the laws of 2009 and paragraph (e) as amended by chapter 185 of the laws of 2012, are 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 that is 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, synagogue or other place of worship affirmatively states support for the issuance of such a license; or

(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 within five hundred feet of an existing premises licensed and operating pursuant to the provisions of this section, or within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, and/or sixty-four-c of this article.

(e) notwithstanding the provisions of paragraph (b) of this subdivision, in a 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, the authority may issue a license pursuant to this section for a premises which shall be within five hundred feet of an existing premises licensed and operating pursuant to the provisions of this section or within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four,

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