
Empire State Restaurant & Tavern Association

Report From The Executive Director...Scott Wexler

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Governor Proposes Drinks-to-Go, SLA Improvements - Governor Kathy Hochul proposed her Executive Budget last week outlining her priorities for the year ahead featuring initiatives to help restaurants, bars, and other small businesses. The Governor highlighted her proposal to permanently authorize drinks-to-go in her speech, declaring “cheers, New York,” demonstrating the special importance of this issue. The Governor’s drinks-to-go proposal would allow to-go sales of wine and spirits, in addition to beer and cider which is already permitted. The State Liquor Authority would be granted regulatory power to establish “reasonable limitations” such as quantity and volume, food required at time of purchase, hours of sale, and the sealing of open containers. The liquor store lobby has once again made known their strong opposition to this proposal, so we’re in for a fight but with the Governor taking the lead I like our chances. Watch your mail, email, and social media for more information on our campaign to pass drinks-to-go.

Governor Hochul also proposed several measures to improve the licensing and permitting process including allowing the SLA to notify local municipalities using email, streamlining the application process, and extending the law that allows for temporary permits. Most importantly, the Executive Budget proposes to allocate \$2 million in additional funds to the Liquor Authority to support the licensing program. At the end of the day, the changes to the process are helpful, but it’s the appropriation of additional funds that will make a real impact on licensing delays.

The Executive Budget also included several proposals for small businesses including a tax credit for small business COVID-related expenses, small business tax relief, and a small business seed funding grant program. Other proposals of interest in the Executive Budget include making manufacturers responsible for disposing of the products they sell consumers and proposals to increase various Labor Law protections. Now that the Governor has proposed her Executive Budget, the Legislature will begin their review and consideration. We’ll be making our priorities known to the Governor and Legislature over the next few weeks and will be calling on you for help. Stay tuned!

Liquor Authority Cautions Licensees on Promoting Gambling - The SLA has posted a notice on the homepage of their website warning licensees that suffering and permitting gambling is still illegal. Our conversations with the Authority confirm that it will not be considered a violation and no charges will be filed against licensees if patrons are using their personal devices to place wagers. Any efforts by licensees to promote wagering, including advertising wagering sites, making computer terminals or devices available for patrons to use, or taking bets and placing them on behalf of your customers, is unlawful in the opinion of the Liquor Authority. We recommend consulting with your legal counsel or the State Liquor Authority before engaging in any activities involving mobile sports betting.

State Courts Overturns Mask Mandate Appeals Court Leaves Mandate in Place

New York State Supreme Court Judge Thomas Rademaker struck down Governor Kathy Hochul's statewide mask mandate for schools and public locations on January 24th. This include restaurants, taverns, bars, etc. According to the court document, Judge Rademaker stated that neither the Governor nor the New York State Health Commissioner have the authority to enact such a mandate without the approval of the New York State Legislature. The full court document can be found [here](#).

Governor Hochul has issued the following statement:

“My responsibility as Governor is to protect New Yorkers throughout this public health crisis, and these measures help prevent the spread of COVID-19 and save lives. We strongly disagree with this rule, and we are pursuing every option to reverse this immediately.”

As expected, the State of New York has filed an appeal in this case. The appeals court has stayed the lower court decision pending the appeal, so the mandate will remain in place while the appeal is pending.

The State Liquor Authority isn't party to the litigation so they are dependent on the statements from the Governor's Office and the Department of Health. For this reason, pay careful attention to our website and Facebook page for updates.

Please note that the State mask mandate is set to expire on February 1st so it may go away within the next week regardless of the court's decision.