
Empire State Restaurant & Tavern Association

Report From The Executive Director...Scott Wexler

February 2024

Campaign for ABC Reform Advances - Our work to change the Alcoholic Beverage Control Law to allow you to purchase liquor and wine from liquor stores, and the broader effort to modernize the ABC law is making demonstrable progress. We're gaining the support of legislators as we meet with them and explain the challenges of living in a world where your wholesalers have a monopoly on the products they sell and they use this market power to extract every last penny out of your pockets.

Last month we reported that Governor Hochul picked up the ABC Reform baton by including several proposals in her Executive Budget. There was nothing of tremendous significance in the Governor's initial budget plan, but the amendments she released last week include a proposal to make permanent the temporary law permitting you to sell cocktails-to-go. This comes as a surprise since the temporary law doesn't expire until 2025. The Governor was a big fan of cocktails-to-go so her advocacy for making it permanent is understandable – and appreciated.

We support the Governor's plan to make this privilege permanent, but we're seeking tweaks to the existing law to make it easier for you to use. You shouldn't have to pour drinks from the original container into another container – it's environmentally wasteful and just plain silly. Restaurants and taverns should not be able to become retail locations, as some did during the pandemic, but single and double servings of cocktails-in-a-can and bottles of wine are common products consumed inside our restaurants and should be allowed as part of the "to-go" experience.

We have more to do to get our views known and to gather support for our agenda so we're seeking every opportunity to spread the word. The Association was invited by the Assembly Small Business Committee and its new Chair Assemblywoman Carrie Woerner (D – Saratoga Springs) to share our views on the Governor's budget proposals. And we'll be appearing at a public hearing being conducted by the State Senate on March 1st to discuss the changes needed to make the SLA function better and the reforms needed to the law to bring it into modern times.

Things are starting to heat up at the Capital. The Assembly and Senate will put forward their responses to the Governor's budget over the next few weeks so we'll know where each side stands by the middle of next month. Historically, the State Assembly does not entertain policy initiatives such as ABC reform in the budget process so this may only be a prelude to our campaign at the end of the legislative session in June, but if that's the case the work we're doing now is laying the groundwork for our ongoing efforts.