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# Empire State Restaurant & Tavern Association

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*Report From The Executive Director...Scott Wexler*

## April 2024

Drinks to Go Extended, Most ABC Reform Left Out of State Budget - The Assembly and Senate completed adoption of the state budget last week before heading home for a two week break. The final state budget includes an extension of drinks-to-go until 2030 and a number of other minor changes. Most of the recommendations of the ABC Reform Commission were left on the cutting room floor, including our proposal to allow restaurants, taverns, and bars to purchase up to 12 bottles of liquor and wine each week from liquor stores.

Governor Hochul proposed making drinks-to-go permanent as part of her 30-day budget amendments in February. It was met with resistance in the legislature because the current temporary law does not expire until next year. The enacted budget will extend the drinks-to-go law by five years. Instead of expiring in 2025 it will continue until 2030. Drinks-to-go has been a useful addition to some of our members' businesses so we've been supportive of its continuation and we're pleased the final budget includes this provision.

Other changes to the alcoholic beverage control law in the enacted budget include:

- eliminates the 30-day waiting period to file an application after notifying the locality
- extends the SLA's power to issue temporary permits for one year
- makes permanent the ability to get permits to use non-contiguous municipal spaces
- allows catering permits to be issued for outdoor spaces
- expands one-day permits for non-profits to include the sale of braggot, cider, mead, and liquor
- extends the authority of the SLA Chair to serve as head of the agency for three years
- allows movie theaters to obtain liquor licenses
- creates a wholesale temporary permit

Our proposal got more attention and progressed further than we've been able to in the past. Senator James Skoufis worked tirelessly to advance the proposal through the Senate, into the Senate one-house budget, and he pushed it throughout the three-way negotiations between the Assembly, Senate, and Executive. SLA Chair Lily Fan also distinguished herself as an active supporter of our proposal. She knows better than most the stranglehold Empire and Southern have on small retailers and told legislators directly.

So what happened? It boils down to the simple fact that there was not enough support to overcome the opposition from Empire, Southern, and liquor stores. It's always easier to stop something from happening than to make something happen, especially when the Assembly takes the position that they do not want to include "policy" in the budget. And that's the approach the State Assembly took towards our proposal. They raised concerns about how the system would work and probed about potential tax revenue losses our opponents claimed would result from this proposed change. In the limited timeframe of the budget, we ran out of time to inform and mobilize our advocates.

Now that the budget is resolved we've got until the end of the legislative session at the beginning of June to advance our proposal and our target is clear. Given the strong support of Senator Skoufis, our advocacy efforts need to focus on his counterpart in the Assembly, Assemblyman Al Stirpe, and the members of the Assembly Economic Development Committee. They need to hear your stories about paying split case fees and delivery charges. The facts are on our side – we just need to make sure they know them!

Employer Changes Part of State Budget – The final budget also includes some items of importance to all employers in New York State:

- *Sunsetting COVID-19 Sick Leave* - the Governor proposed ending the COVID-19 Sick Leave requirements on July 1, 2024 but the final budget allows it to continue until July 1, 2025. We'll see whether the legislature will seek to extend this next year or will they allow it to expire as now scheduled.
- *Allowing for Prenatal Leave* - the budget includes a provision requiring employers to grant up to 20 hours of prenatal paid-leave within an 52-week period, effective January 1, 2025.
- *Requiring Breaks to allow for Breast Milk Expression* - the budget requires employers to provide 30 minutes paid break time daily, and permits additional leave to be used as needed, for breast milk expression, effective 60 days after the Governor signs this into law (on or about June 20, 2024).

New Member Referral Program - Current Empire State Restaurant & Tavern Association members can receive a \$50 credit on their dues invoice for each new member they refer to the Association. If the amount of referral credits exceeds the dues in a given billing period, those credits will be carried over into the next billing period.

We've also set up a referral program for members of our workers' compensation safety group. Current Safety Group 554 members who refer a new participant in the safety group will receive a 10% credit on their Group Manager's Fee for the next billing cycle for every new safety group member they refer.

Contact the state association office at 518.436.8121 or email us at [esrta@verizon.net](mailto:esrta@verizon.net) with your referrals. If you refer a potential member or safety group participant, we'll make sure you get the credit you deserve. Help grow the association and its impact while sharing the benefits of association membership with your friends and colleagues.