

## 2021-C170

Assembly Resolution No. 170

BY: M. of A. Barclay

CONCURRENT RESOLUTION OF THE SENATE AND THE ASSEMBLY  
terminating the provisions of Executive Order number  
202.52 issued by the Governor pursuant to section  
29-a of the Executive Law

WHEREAS, the Governor was given the authority pursuant to Executive Law section 29-a by Executive Order to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a state disaster emergency if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, and to issue any directive during a disaster emergency necessary to cope with the disaster; and

WHEREAS, Executive Order number 202.52 of 2020 temporarily suspended or modified, and directed, any provision of the Alcoholic Beverage Control Law to the extent necessary to require that all businesses that are licensed by the State Liquor Authority for on premises service of alcoholic beverages, and which are required as a license condition to make food available, shall serve alcoholic beverages for on premises consumption or for off premises consumption only if the service of such alcoholic beverage is accompanied by the purchase of a food item by each individual that is being served an alcoholic beverage, consistent with the food availability requirement of the license under the Alcoholic Beverage Control Law. The Chairman of the State Liquor Authority shall be authorized to promulgate any reasonable guidance to effectuate this provision.

WHEREAS, the State Legislature has the authority to terminate by concurrent resolution Executive Orders issued under section 29-a of the Executive Law; now, therefore, be it

RESOLVED, (if the &HOUSE concur), that Executive Order number 202.52 of 2020 making such temporary suspensions and modifications and issuing such directives are hereby terminated.