



NEW YORK STATE SENATOR

Robert G. Ortt

## Senate Republicans Introduce Resolution to Repeal Cuomo's Mandate Prohibiting Sale of Alcoholic Beverages Without Food

ROBERT G. ORTT March 10, 2021

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The New York State Senate Republican Conference today announced the introduction of a concurrent resolution (B477) to rescind Governor Cuomo's mandate that prohibits bars and restaurants from serving alcoholic beverages to patrons who do not order food.

The arbitrary Executive Order (202.52 of 2020), which was put into effect last July by Governor Cuomo, stated any establishment licensed by the SLA could only serve alcoholic

beverages if accompanied by the purchase of a food item by each individual being served an alcoholic beverage. The change was announced by Governor Cuomo during a news conference, with no guidance in place, and caused mass confusion within the bar and restaurant industry that was already struggling to comply with constantly changing regulations and mandates.

“While we all recognized the need to make adjustments to help contain the spread of the virus in the midst of the pandemic, this order was completely arbitrary, with absolutely no scientific data to back it up. Our bars and restaurants continue to struggle under burdensome mandates passed on by the Governor, and lifting this one is a no-brainer that would immediately help these businesses get back on their feet,” said Senate Republican Leader Rob Ortt.

“As we mark a year into the pandemic, the cumulative economic toll on our restaurants, hospitality businesses and their hardworking employees keeps growing. Burdened by the Governor’s overly restrictive and arbitrary mandates, New York’s industry is in worse shape than its peers in other states and, every day, we see more of these small businesses forced to close their doors. While the Governor is consumed with defending himself against a series of unfolding scandals, we need to be laser focused on doing everything in our power to help our struggling hospitality sector and the New Yorkers it employs by rescinding senseless directives like this one that accomplish nothing other than causing further economic harm,” said Senator George Borrello.

“Restaurants have been one of the businesses hit especially hard by pandemic-related restrictions, many of which are arbitrary and not based on science. The requirement for customers to purchase food when ordering alcoholic beverages is just one example. As we move to safely reopen our economy, we must continue to ease restrictions and eliminate unnecessary burdens on businesses and consumers,” said Senator Patrick Gallivan.

Last week on the floor of the Senate Chamber, Deputy Majority Leader Mike Gianaris stated, “for example, there is currently a rule in place that if you’re at an establishment and having a beverage, you have to also have food. It is our opinion that would no longer be able to be in effect because that is unrelated to public health.”

The comments were made by Senator Gianaris while discussing a Democrat-negotiated deal with the Governor’s office on legislation that was supposedly intended to remove the Governor’s emergency powers. However, that bill did not go far enough and was not an actual repeal.

Under the bill passed by the Majorities, directives already made by the Governor still remain in effect, and he maintains the ability to modify or extend them. Senator Gianaris stated “if there is something in there you don’t like, put it in a resolution and call for its repeal. We have the ability to do that with a simple majority.”

“I’m encouraged that Senator Gianaris shares our sentiment that there is no scientific reason for this mandate -- which hurts our bars and restaurants -- to remain in place. I look forward to our colleagues in the Majority bringing this to the floor, and joining us to support this commonsense resolution that would actually provide some relief to our small businesses,” said Leader Ortt.

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