



NEW YORK STATE SENATOR

Fred Akshar

Sen. Akshar and Senate Republicans Introduce Resolution to Repeal Cuomo's Mandate Prohibiting Sale of Alcoholic Beverages Without Food

FRED AKSHAR March 11, 2021

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Senator Fred Akshar and the New York State Senate Republican Conference this week 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.

“In the midst of this pandemic, we all recognized the need to make adjustments to help contain the spread of the virus, but 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 Senator Fred Akshar.

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.”

“Since our colleagues in the Senate Majority refuse to rescind the Governor’s Executive Powers or the orders already put into place, we must move forward introducing individual common-sense resolutions to begin to undo some of the damage done by ill-advised policies. I’m encouraged that Senator Gianaris shares our sentiment that there is no scientific reason for this specific mandate that hurts our bars and restaurants to remain in place. I urge our colleagues in the Majority to put the people of this state before politics and bring this legislation to the floor. It’s not a Democrat or Republican stance to support this commonsense resolution to provide some relief to our small businesses. It’s just good policy,” said Akshar.