

2021-C169

Assembly Resolution No. 169

BY: M. of A. Barclay

CONCURRENT RESOLUTION OF THE SENATE AND THE ASSEMBLY
terminating the provisions of Executive Order number
202.74 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 202.74 of 2020 temporarily suspended or modified, and directed:

Executive Order 202.3, as extended, and Sections 105 and 106 of the Alcoholic Beverage Control Law, to the extent necessary to require that: all businesses that are licensed by the State Liquor Authority under sections 63 and 79 of the Alcoholic Beverage Control Law ("liquor stores" and "wine stores") shall cease all off premises sales and close at or before 10:00PM, and shall not reopen before existing county

opening hours permit, and; all businesses that are licensed by the State Liquor Authority for on premises service of alcoholic beverages, shall cease all on premises service and consumption of food and beverages (including alcoholic beverages), inside or outside, at or before 10:00PM and shall not reopen before the later of any stipulated opening hours or existing county opening hours permit; further, to-go and delivery service of food, and non-alcoholic beverages only, may continue at such business licensed for on premises service until the earlier of any stipulated closing hours or existing county closing hours permit.

All restaurants, irrespective of whether such restaurant is licensed by the State Liquor Authority, shall cease in-person dining at 10:00PM, but may continue curbside takeout and delivery service after 10:00PM so long as otherwise permitted, and may reopen no earlier than 5:00AM.

Any gym or fitness center shall cease operation and close to the public at 10:00PM, and cannot reopen until 5:00AM.

The directive contained in Executive Order 202.45, as extended, which amended the directives in Executive Order 202.42, 202.38, and 202.10, that limited all non-essential gatherings to allow gatherings of 50 or fewer individuals for any lawful purpose or reason, is hereby modified only insofar as to further limit non-essential private residential gatherings to 10 or fewer individuals for any lawful purpose or reason, provided that social distancing, face covering, and cleaning and disinfection protocols required by the Department of Health are adhered to.

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 202.74 of 2020 making such temporary suspensions and modifications and issuing such directives are hereby terminated.