



NEW YORK STATE SENATOR

Thomas F. O'Mara

## O'Mara says State Legislature needs to immediately end curfew for restaurants and bars: Says local economies can't afford a tentative, slow, 'baby steps approach' to reopening

THOMAS F. O'MARA April 28, 2021

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**Albany, N.Y., April 28**—Senator Tom O'Mara (R,C,I-Big Flats) today called on the State Legislature to immediately act to end Governor Andrew Cuomo's emergency executive order implementing a curfew for bars and restaurants throughout New York State, saying that local economies "can't afford a baby steps approach to reopening."

O'Mara's call for swift action came following today's move by the Legislature's Democratic supermajorities to finally approve legislative resolutions rescinding a few of Cuomo's long-standing executive orders, including repealing Executive Order (202.52 of 2020), which has been in effect since last July, stating that establishments licensed by the State Liquor Authority (SLA) can only serve a customer an alcoholic beverage if the order is accompanied by the purchase of a food item – the so-called "Cuomo Chips" order.

Prior to today, O'Mara and his Senate GOP colleagues have advanced nearly 40 motions on the floor of the Senate to execute a straight-out repeal of the governor's emergency pandemic powers.

Under current rules, the Legislature can only repeal an emergency executive order by the governor through a concurrent resolution approved by both houses of the Legislature. O'Mara called today's Senate approval of a few of these resolutions "tentative steps in the right direction" but added that more serious actions need to be immediately forthcoming.

O'Mara said, "It's going to take more than this baby steps approach to reopening to help local economies find solid ground again. The Albany Democrats agreed to eliminate the laughingstock of these Cuomo executive orders, requiring food with a drink, but that's an easy one and these are tentative steps in the right direction. Now we need to go all-in. It's time for the Legislature to step all the way in and revisit Governor Cuomo's dozens of emergency executive orders and get them out of the way of a safe, practical, sensible, and badly needed reopening. One of the first that needs rescinding should be the arbitrary, capricious, non-scientific curfew that continues to prevent restaurants, bars, taverns, and the entire hospitality industry from truly beginning a full recovery from the COVID-19 economic shutdown."

Last November, Cuomo issued Executive Order 202.74 that imposed a 10 p.m. curfew for bars, restaurants, gyms, fitness centers, and other facilities throughout the state. Earlier this month, the curfew was lifted altogether for gyms, fitness centers, casinos, movie theaters, bowling alleys, and billiard halls.

Cuomo has left the arbitrary and damaging rule in place for bars and restaurants, however, subject only to his own periodic review. The curfew currently stands at midnight. Cuomo announced earlier today that the curfews would be lifted in stages from mid- to late-May.

O'Mara noted the hospitality industry has been one of the hardest hit of all economic sectors since New York began its COVID-19 shutdowns one year ago this week.

Since the onset of the pandemic last March, when Cuomo was first granted the emergency authorization, the governor's nearly 100 Executive Orders have allowed him to unilaterally change hundreds of state laws, as well as implement rules and regulations and make spending decisions, without legislative approval.