

STATE OF NEW YORK
LIQUOR AUTHORITY

TO: Hotel off-premises permit holders, package and wine store licensees
and agency staff

SUBJECT: Hotel off-premises permits

The purpose of this Advisory is to provide guidance to licensees with respect to the issuance and renewal of hotel off-premises permits issued under subdivision 6 of section 64 of the Alcoholic Beverage Control Law ("ABCL"). Divisional Order 426 (issued on June 6, 1957) and Divisional Order 426a (issued on March 8, 1965) are hereby rescinded.

Subdivision 6 of section 64 allows the Authority to issue to a hotel licensee a permit to sell liquor and wine at retail for off-premises consumption. This is otherwise known as a HOP permit. The permit is issued under the same terms and conditions that apply to an off-premises liquor license issued under section 63. However, the permit may only be issued if there is an establishment with an off-premises liquor license located within eight miles of the hotel.

Measurement

The distance of eight miles shall be measured using the driving distance between the hotel and the establishment with an off-premises liquor license. The measurement shall be taken from the points on the public road which are closest to the entrances of the hotel and the establishment with the off-premises liquor license.

Standard for issuance of HOP permits

Determinations on applications for HOP permits shall be made in accordance with public convenience and advantage. As with applications for off-premises liquor or wine licenses, HOP permit applicants shall identify the four closest off-premises liquor or wine licensees.

Continuation of HOP permits

In the event that an off-premises liquor license is issued within eight miles of a hotel licensee with an HOP permit, such permit may remain in effect and be renewed notwithstanding the issuance of the off-premises liquor license.

Impact of HOP permits on applications for off-premises liquor and wine licenses

For purposes of determining public convenience and advantage, the presence of any existing HOP permit shall be considered with respect to an application for an off-premises liquor or wine license or an HOP permit. The presence of an existing HOP permit does not require the disapproval of an application for another HOP permit within eight miles of the existing permit.