

STATE OF NEW YORK  
LIQUOR AUTHORITY

TO: Retail licensees and not-for-profit organizations

SUBJECT: Guidance regarding gaming activities conducted by not-for-profit organizations at premises with retail on-premises licenses

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The Authority regularly receives inquiries with respect to the relationship between the gambling prohibitions that apply to retail on-premises licensees and the ability of not-for-profit organizations to conduct certain gaming activities. Section 106(6) of the Alcoholic Beverage Control Law prohibit any gambling in a retail licensed premises. However, exempted from that prohibition are certain activities sanctioned by the state. Under the Racing, Pari-Mutual Wagering and Breeding Law and the General Municipal Law, not-for-profit organizations are allowed to conduct certain gaming activities which may, or may not, require a license. In the view of the Authority, gaming activities conducted by a not-for-profit organization in accordance with applicable state laws and regulations is not "gambling" within the meaning of section 106(6).