

New York - ATAP

This Alcohol Training Awareness Program (ATAP) is designed to introduce you to the lawful sale and service of alcohol in the State of New York. We will review New York specific laws and cases to help you better understand your responsibilities as a seller and server of alcoholic beverages.

According to Alcoholic Beverage Control Law section 65, no person shall sell, deliver or give away any alcoholic beverages to:

1. Any person, actually or apparently, under the age of 21;
2. Any visibly intoxicated person; or
3. Any known habitual drunkard.

The prohibitions of this section shall not apply to a person who gives or causes to be given any such alcoholic beverage to a person under the age of 21 who is a student in a curriculum licensed or registered by the state education department and is required to taste or imbibe alcoholic beverages in courses which are part of the required curriculum, provided such alcoholic beverages are used only for instructional purposes during classes conducted pursuant to such curriculum.

Licensees and servers can refuse service to these people without fear of criminal or civil action. However, service cannot be refused based on a person's race, creed, color or national origin.

New York State Liquor Authority

Functions, Powers and Duties

Pursuant to Alcoholic Beverage Control Law section 17.3, the authority shall have the following functions, powers and duties:

To revoke, cancel or suspend for cause any alcoholic beverage license or permit and/or to impose a civil penalty for cause against any holder of a license or permit. Any civil penalty so imposed shall not exceed the sum of \$10,000 as against the holder of any retail permit issued pursuant to sections 95, 97, 98, 99(b)(1)(f), and 99(d), and as against a retail licenses issued pursuant to sections 52, 53(a), 54, 54(a), 55, 55(a), 63, 64, 64(a)-(c), 69, 81 and 81(a) and the sum of \$30,000 as against the holder of a license issued pursuant to sections 53, 76, 76(a) and 78 of this chapter provided that the civil penalty against the holder of a wholesale license issued pursuant to section 53 of this chapter shall not exceed the sum of \$10,000 where that licensee violates provisions of this chapter during the course of the sale of beer at retail to a person for consumption at home, and the sum of \$100,000 as against the holder of any license issued pursuant to sections 51, 61, and 62 of this chapter. Any civil penalty so imposed shall be in addition to and separate and apart from the terms and provisions of the bond required pursuant to section 112 of this chapter.