

A Resolution Submitted By Legislator Patrick Burke

RE: MIMOSA RESOLUTION

WHEREAS, in New York State it is illegal to serve or sell alcohol on Sundays before noon pursuant to Article 8, Section 106.5 A of New York State’s Alcoholic Beverage Control Law; and

WHEREAS, this statute is known as a “blue law,” designed to restrict or ban Sunday activities for religious reasons, particularly to promote the observance of a day of worship or rest. This law originated after the repeal of prohibition in an effort to appease those who were in favor of an outright ban on the consumption of alcohol; and

WHEREAS, the vast majority of blue laws have been repealed in the United States; and

WHEREAS, by prohibiting the sale of alcohol on Sundays prior to 12pm, as opposed to 8am on Monday through Saturday, this law is creating an inconvenience for businesses as well as consumers; and

WHEREAS, local and state governments are losing valuable tax revenue from restaurants as well as retailers; and

WHEREAS, because Sunday is the second busiest retail shopping day of the week, prohibiting the sale of alcohol poses an obstacle that hinders the profits of businesses; and

WHEREAS, this restriction has no positive economic or social impact for our state or county. Furthermore, the sale of alcohol on Sundays should be a matter for individual businesses to decide, not government; and

NOW, THEREFORE IT BE

RESOLVED, that the Erie County Legislature encourages the State of New York to eliminate the outdated precedent that prohibits the sale of alcohol on Sunday and amend Article 8, Section 106.5 A of New York State’s Alcoholic Beverage Control Law; and

RESOLVED, that the Clerk of the Legislature forward certified copies of this resolution to the Erie County Executive, Mark Poloncarz; the New York State Governor, Andrew Cuomo; The Board of Directors of Buffalo Place, and all State representatives of the WNY delegation.

Fiscal Impact: None for resolution.