Sponsored by:
Senator STEPHEN M. SWEENEY
District 3 (Salem, Cumberland and Gloucester)
Senator BRIAN P. STACK
District 33 (Hudson)

Co-Sponsored by:
Senators A.R. Bucco, Whelan, Cardinale, Van Drew, Beach and Gordon

SYNOPSIS
Permits direct shipping of wine to New Jersey consumers.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel
AN ACT concerning the direct shipping of wine and supplementing Title 33 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. a. A plenary winery licensee with retail privileges or a farm winery licensee may make application to the director for a Wine Direct Shipper License to ship wine in accordance with the provisions of this act. The licensee shall pay to the director a fee of $100. The licensee shall pay an annual renewal fee of $50.
   b. The licensee shall ship not more than 24 nine-liter cases of wine annually to any person in this State over 21 years of age for personal consumption and not for resale. A copy of the original invoice shall be available for inspection by persons authorized to enforce the alcoholic beverage control laws of this State for a minimum period of one year at the licensed premises of the winery.

2. a. A manufacturer, wholesaler or retailer of alcoholic beverages who is not licensed in this State and who holds a valid license issued by another state may make application to the director for a Wine Direct Shipper License. The manufacturer, wholesaler or retailer shall pay to the director an annual fee of $100. A copy of a current license issued by another state or the federal government held by such manufacturer, wholesaler or retailer shall accompany the application.
   b. A manufacturer, wholesaler or retailer who has obtained a permit pursuant to the provisions of this section may ship wine to any person in this State over 21 years of age for personal consumption and not for resale.
   c. All wine shipped pursuant to the provisions of this act shall be conspicuously labeled with the words “CONTAINS ALCOHOLIC BEVERAGES: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY.”

3. Notwithstanding the provisions of this act, no licensee shall ship wine to a municipality in which the sale of all alcoholic beverages at retail has been prohibited by referendum pursuant to R.S.33:1-46.

4. Manufacturers, wholesalers and retailers licensed in other states that directly ship wine to persons in this State pursuant to the provisions of this act shall file an annual report with the Director of the Division of Taxation detailing the total quantity shipped into this State. The report shall be accompanied by a certified check for the excise and sales taxes due to the State for the total amount of alcoholic beverages shipped. In order to ship wine pursuant to the
provisions of this act, the licensee shall agree to permit the director to perform an audit of the licensee’s records upon request.

5. The director may suspend or revoke any license issued pursuant to the provisions of this act or may impose any other administrative penalty. Pursuant to R.S.33:1-31, the director may accept from any licensee an offer in compromise in lieu of suspension for a violation of the provisions of this act.

6. a. Licensees shall ship wine by a parcel delivery service approved for that purpose by the director. An invoice or similar document shall be attached to each package stating the licensee's and purchaser's name and address, and the quantity and type of alcoholic beverages.

   b. It is the duty of personnel delivering wine for a licensee in accordance with the provisions of this act to determine that, at the time of delivery of wine, the party signing a delivery receipt is of legal age to consume alcoholic beverages.

   c. A parcel delivery service approved by the director under the provisions of this act shall not be required to comply with the provisions of R.S.33:1-13 and R.S.33:1-28.

7. A person who ships, transports, imports, or receives wine in violation of the provisions of this act is guilty of a disorderly persons offense.

8. A violation of the provisions of section 1 or 2 of this act shall be an unlawful practice in violation of P.L.1960, c.39 (C.56:8-1 et seq.), and subject the violator to all available State or private actions, remedies, damages, and penalties under that act, including, but not limited to, the Attorney General seeking and obtaining an injunction pursuant to section 8 of P.L.1960, c.39 (C.56:8-8) and the assessment of a civil penalty pursuant to section 1 of P.L.1966, c.39 (C.56:8-13).

9. Pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the director may promulgate rules and regulations to effectuate the provisions of this act.

10. This act shall take effect on the first day of the third month after enactment, except that section 9 shall take effect immediately.
This bill permits the direct shipping of wine to New Jersey consumers. The bill permits a New Jersey plenary winery licensee with retail privileges or a farm winery licensee to directly ship wine to New Jersey residents. The bill also permits manufacturers, wholesalers, and retailers licensed in other states to directly ship wine to a New Jersey resident for personal consumption.

The licensee is required to obtain a Wine Direct Shipper License from the Director of the Division of Alcoholic Beverage Control and pay an annual fee of $100. The license permits the licensee to ship wine to any person over age 21 in this State for personal consumption and not for resale.

The bill also permits manufacturers, wholesalers or retailers of alcoholic beverages who are licensed in a state other than New Jersey to register with the director to obtain the Wine Direct Shipper License. A copy of a current license issued by another state or the federal government held by such manufacturer, wholesaler or retailer must accompany the registration. The manufacturer, wholesaler or retailer is to pay an annual fee of $100.

The bill prohibits a licensee from shipping wine to a municipality in which the sale of all alcoholic beverages at retail has been prohibited by referendum.

Any alcoholic beverages shipped are to be accompanied by an invoice or similar document attached to each package stating the licensee's and purchaser's name and address, and the quantity and type of alcoholic beverages shipped.

Manufacturers, wholesalers and retailers licensed in other states that ship directly to New Jersey residents are required to file an annual report with the Director of the Division of Taxation detailing the type of alcoholic beverages shipped and the quantity. The report is to be accompanied by a certified check for the excise and sales taxes due to the State for the total amount of alcoholic beverages shipped.

The bill requires personnel delivering alcoholic beverages pursuant to the bill's provisions to determine that, at the time of delivery, the party signing a delivery receipt is of legal age to consume alcoholic beverages. All wine shipped is to be conspicuously labeled with the words “CONTAINS ALCOHOLIC BEVERAGES: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY.”

The bill authorizes the director to suspend or revoke any Wine Direct Shipper License and to impose any other administrative penalty. The director may accept from any licensee an offer in compromise in lieu of suspension for a violation of the bill’s provisions.
A person who ships, transports, imports, or receives wine in violation of the bill’s provisions is guilty of a disorderly persons offense. In addition, a violation section 1 or 2 of the bill constitutes an unlawful practice in violation of the Consumer Fraud Act and subjects the violator to all available State or private actions, remedies, damages, and penalties under that act, including, but not limited to, the Attorney General seeking and obtaining an injunction and the assessment of a civil penalty.

The United States Supreme Court has ruled that a state may not ban or severely limit the direct shipment of out-of-state wine while simultaneously authorizing direct shipment by in-state producers. This bill would restore direct shipping privileges to New Jersey wineries and also permit out-of-state wine producers to directly ship their products to New Jersey consumers.