

# ASSEMBLY, No. 2204

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED JANUARY 27, 2014

**Sponsored by:**

**Assemblyman JOHN J. BURZICHELLI**

**District 3 (Cumberland, Gloucester and Salem)**

**Assemblywoman PAMELA R. LAMPITT**

**District 6 (Burlington and Camden)**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**SYNOPSIS**

Permits restaurants without a liquor license to advertise that they are BYOB or a winery salesroom.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/12/2014)**

1 AN ACT concerning restaurants that are not licensed for the sale of  
2 alcoholic beverages and amending P.L.1999, c.90.

3

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

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7 1. Section 5 of P.L.1999, c.90 (C.2C:33-27) is amended to read  
8 as follows:

9 5. Consumption of alcohol in restaurants.

10 a. No person who owns or operates a restaurant, dining room or  
11 other public place where food or liquid refreshments are sold or  
12 served to the general public, and for which premises a license or  
13 permit authorizing the sale of alcoholic beverages for on-premises  
14 consumption has not been issued:

15 (1) Shall allow the consumption of alcoholic beverages, other  
16 than wine or a malt alcoholic beverage, in a portion of the premises  
17 which is open to the public; or

18 (2) Shall charge any admission fee or cover, corkage or service  
19 charge **[**or advertise inside or outside of such premises that patrons  
20 may bring and consume their own wine or malt alcoholic beverages  
21 in a portion of the premises which is open to the public**]**.

22 (3) Shall allow the consumption of wine or malt alcoholic  
23 beverages at times or by persons to whom the service or  
24 consumption or alcoholic beverages on licensed premises is  
25 prohibited by State or municipal law or regulation.

26 b. (1) Nothing in this act shall restrict the right of a municipality  
27 or an owner or operator of a restaurant, dining room or other public  
28 place where food or liquid refreshments are sold or served to the  
29 general public from prohibiting the consumption of alcoholic  
30 beverages on those premises.

31 (2) Nothing in this act shall restrict the right of an owner or  
32 operator of a restaurant, dining room or other public place where  
33 food or liquid refreshments are sold or served to the general public,  
34 and for which premises a license or permit authorizing the sale of  
35 alcoholic beverages for on-premises consumption has not been  
36 issued, from advertising inside or outside of such premises that (a)  
37 patrons may bring and consume their own wine or malt alcoholic  
38 beverages in a portion of the premises which is open to the public;  
39 or (b) a winery salesroom has been established on the premises  
40 pursuant to R.S.33:1-10.

41 c. A person who violates any provision of this act is a disorderly  
42 person, and the court, in addition to the sentence imposed for the  
43 disorderly person violation, may by its judgment bar the owner or  
44 operator from allowing consumption of wine or malt alcoholic

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 beverages in his premises as authorized by this act.  
2 (cf: P.L.1999, c.90, s.5)

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4 2. This act shall take effect immediately.

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STATEMENT

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9 This bill permits restaurants that are not licensed to serve  
10 alcoholic beverages to advertise that patrons may bring wine or beer  
11 to consume on the premises.

12 Under current law, a person who owns or operates a restaurant,  
13 dining room or other public place where food or liquid refreshments  
14 are sold or served to the general public and who does not have a  
15 license authorizing on-premises consumption may allow patrons to  
16 bring onto the premises and consume wine or beer in any portion of  
17 the premises open to the public (known as "BYOB"). Current law  
18 also provides, however, that the restaurant may not advertise inside  
19 or outside of the premises that patrons may bring and consume their  
20 own wine or malt alcoholic beverages.

21 This bill changes current law to permit the owners of such  
22 restaurants to advertise inside or outside of the premises that  
23 patrons may bring wine or beer for consumption in any public  
24 portion of the restaurant. The bill further provides that the owner of  
25 the restaurant may advertise inside or outside the premises that a  
26 winery salesroom has been established on the restaurant premises.  
27 Under R.S.33:1-10, these salesrooms provide wineries with the  
28 opportunity to sell their products in original packages or to offer  
29 samples.