

**SENATE, No. 2846**

**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

INTRODUCED MAY 7, 2015

**Sponsored by:**

**Senator FRED H. MADDEN, JR.**

**District 4 (Camden and Gloucester)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**SYNOPSIS**

Prohibits sale of powdered alcohol.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning powdered alcohol and amending Title 33 of the  
2 Revised Statutes.

3

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

6

7 1. R.S.33:1-1 is amended to read as follows:

8 33:1-1. For the purpose of this chapter, the following words and  
9 terms shall be deemed to have the meanings herein given to them:

10 a. "Alcohol." Ethyl alcohol, hydrated oxide of ethyl or neutral  
11 spirits from whatever source or by whatever process produced.

12 b. "Alcoholic beverage." Any fluid or solid capable of being  
13 converted into a fluid, suitable for human consumption, and having  
14 an alcohol content of more than one-half of one per centum (1/2 of  
15 1%) by volume, including alcohol, beer, lager beer, ale, porter,  
16 naturally fermented wine, treated wine, blended wine, fortified  
17 wine, sparkling wine, distilled liquors, blended distilled liquors and  
18 any brewed, fermented or distilled liquors fit for use for beverage  
19 purposes or any mixture of the same, and fruit juices.

20 c. "Building." A structure of which licensed premises are or  
21 may be a part, including all rooms, cellars, outbuildings,  
22 passageways, closets, vaults, yards, attics, and every part of the  
23 structure of which the licensed premises are a part, and of any other  
24 structure to which there is a common means of access, and any  
25 other appurtenances.

26 d. "Commissioner." The Director of the Division of Alcoholic  
27 Beverage Control.

28 e. "Container." Any glass, can, bottle, vessel or receptacle of  
29 any material whatsoever used for holding alcoholic beverages,  
30 which container is covered, corked or sealed in any manner  
31 whatsoever.

32 f. "Eligible." The status of a person who is a citizen of the  
33 United States, a resident of this State, of good moral character and  
34 repute, and of legal age.

35 g. "Governing board or body." The board or body which  
36 governs a municipality, including a board of aldermen in  
37 municipalities so governed; but in every municipality having a  
38 board of public works which exercises general licensing powers  
39 such board shall be considered as the governing board or body.

40 h. "Importing." The act of bringing or causing to be brought  
41 any alcoholic beverage into this State.

42 i. "Illicit beverage." Any alcoholic beverage manufactured,  
43 distributed, bought, sold, bottled, rectified, blended, treated,  
44 fortified, mixed, processed, warehoused, possessed or transported in  
45 violation of this chapter, or on which any federal tax or tax imposed

**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 by the laws of this State has not been paid; and any alcoholic  
2 beverage possessed, kept, stored, owned or imported with intent to  
3 manufacture, sell, distribute, bottle, rectify, blend, treat, fortify,  
4 mix, process, warehouse or transport in violation of the provisions  
5 of this chapter.
- 6 j. "Licensed building." Any building containing licensed  
7 premises.
- 8 k. "Licensed premises." Any premises for which a license  
9 under this chapter is in force and effect.
- 10 l. "Magistrate." The Superior Court or municipal court.
- 11 m. "Manufacturer." Any person who, directly or indirectly,  
12 personally or through any agency whatsoever, engages in the  
13 making or other processing whatsoever of alcoholic beverages.
- 14 n. "Municipality." Any city, town, township, village, or  
15 borough, including a municipality governed by a board of  
16 commissioners or improvement commission, but excluding a  
17 county.
- 18 o. "Municipal board." The municipal board of alcoholic  
19 beverage control as established by this chapter.
- 20 p. "Officer." Any sheriff, deputy sheriff, constable, police  
21 officer, member of the Division of State Police, or any other person  
22 having the power to execute a warrant for arrest, or any inspector or  
23 investigator of the Division of Alcoholic Beverage Control.
- 24 q. "Original container." Any container in which an alcoholic  
25 beverage has been delivered to a retail licensee.
- 26 r. "Person." Any natural person or association of natural  
27 persons, association, trust company, partnership, corporation,  
28 organization, or the manager, agent, servant, officer, or employee of  
29 any of them.
- 30 s. "Premises." The physical place at which a licensee is or may  
31 be licensed to conduct and carry on the manufacture, distribution or  
32 sale of alcoholic beverages, but not including vehicular  
33 transportation.
- 34 t. "Restaurant." An establishment regularly and principally  
35 used for the purpose of providing meals to the public, having an  
36 adequate kitchen and dining room equipped for the preparing,  
37 cooking and serving of food for its customers and in which no other  
38 business, except such as is incidental to such establishment, is  
39 conducted.
- 40 u. "Retailer." Any person who sells alcoholic beverages to  
41 consumers.
- 42 v. "Rules and regulations." The rules and regulations  
43 established from time to time by the director.
- 44 w. "Sale." Every delivery of an alcoholic beverage otherwise  
45 than by purely gratuitous title, including deliveries from without  
46 this State and deliveries by any person without this State intended  
47 for shipment by carrier or otherwise into this State and brought  
48 within this State, or the solicitation or acceptance of an order for an

1 alcoholic beverage, and including exchange, barter, traffic in,  
2 keeping and exposing for sale, serving with meals, delivering for  
3 value, peddling, possessing with intent to sell, and the gratuitous  
4 delivery or gift of any alcoholic beverage by any licensee.

5 x. "Unlawful alcoholic beverage activity." The manufacture,  
6 sale, distribution, bottling, rectifying, blending, treating, fortifying,  
7 mixing, processing, warehousing or transportation of any alcoholic  
8 beverage in violation of this chapter, or the importing, owning,  
9 possessing, keeping or storing in this State of alcoholic beverages  
10 with intent to manufacture, sell, distribute, bottle, rectify, blend,  
11 treat, fortify, mix, process, warehouse or transport alcoholic  
12 beverages in violation of this chapter, or the owning, possessing,  
13 keeping or storing in this State of any implement or paraphernalia  
14 for the manufacture, sale, distribution, bottling, rectifying, blending,  
15 treating, fortifying, mixing, processing, warehousing or  
16 transportation of alcoholic beverages with intent to use the same in  
17 the manufacture, sale, distribution, bottling, rectifying, blending,  
18 treating, fortifying, mixing, processing, warehousing or  
19 transportation of alcoholic beverages in violation of this chapter, or  
20 to aid or abet another in the manufacture, sale, distribution, bottling,  
21 rectifying, blending, treating, fortifying, mixing, processing,  
22 warehousing or transportation of alcoholic beverages in violation of  
23 this chapter, or the aiding or abetting of another in any of the  
24 foregoing activities.

25 y. "Unlawful property." All illicit beverages and all  
26 implements, vehicles, vessels, airplanes, and paraphernalia for the  
27 manufacture, sale, distribution, bottling, rectifying, blending,  
28 treating, fortifying, mixing, processing, warehousing or  
29 transportation of illicit beverages used in the manufacture, sale,  
30 distribution, bottling, rectifying, blending, treating, fortifying,  
31 mixing, processing, warehousing or transportation of illicit  
32 beverages or owned, possessed, kept or stored with intent to use the  
33 same in the manufacture, sale, distribution, bottling, rectifying,  
34 blending, treating, fortifying, mixing, processing, warehousing or  
35 transportation of illicit beverages, whether such use be by the  
36 person owning, possessing, keeping, or storing the same, or by  
37 another with the consent of such person; and all alcoholic  
38 beverages, fixtures and personal property located in or upon any  
39 premises, building, yard or inclosure connected with a building, in  
40 which an illicit beverage is found, possessed, stored or kept.

41 z. "Wholesaler." Any person who sells an alcoholic beverage  
42 for the purpose of resale either to a licensed wholesaler or to a  
43 licensed retailer, or both.

44 aa. "Limousine." A motor vehicle used in the business of  
45 carrying passengers for hire to provide prearranged passenger  
46 transportation at a premium fare on a dedicated, nonscheduled,  
47 charter basis that is not conducted on a regular route, or is furnished  
48 without fare as an accommodation for a patron in connection with

1 other business purposes, and with a seating capacity in no event of  
2 more than 14 passengers, not including the driver, provided, that  
3 such a motor vehicle shall not have a seating capacity in excess of  
4 four passengers, not including the driver, beyond the maximum  
5 passenger seating capacity of the vehicle, not including the driver,  
6 at the time of manufacture. This shall not include taxicabs, hotel or  
7 airport shuttles and buses, buses employed solely in transporting  
8 school children or teachers to and from school, vehicles owned and  
9 operated directly or indirectly by businesses engaged in the practice  
10 of mortuary science when those vehicles are used exclusively for  
11 providing transportation related to the provision of funeral services  
12 or vehicles owned and operated without charge or remuneration by  
13 a business entity for its own purposes.

14 bb. "Entertainment facility" is a privately-owned facility in  
15 which athletic, commercial, cultural, or artistic events are featured.

16 cc. "Powdered alcohol." Any powder or crystalline substance  
17 containing alcohol, as defined in subsection a. of this section,  
18 produced for human consumption.

19 Any definition herein contained shall apply to the same word in  
20 any form. Thus "sell" means to make a "sale" as above defined.

21 (cf: P.L.2001, c,416, s.1)

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23 2. R.S.33:1-2 is amended to read as follows:

24 33:1-2. a. It shall be unlawful to manufacture, sell, possess with  
25 intent to sell, transport, warehouse, rectify, blend, treat, fortify, mix,  
26 process, bottle or distribute alcoholic beverages in this State, except  
27 pursuant to and within the terms of a license, or as otherwise  
28 expressly authorized, under this chapter; but any drink actually  
29 intended for immediate personal use may be mixed by any person.  
30 Except as hereinafter provided, a person may, without limitation,  
31 purchase any amount of alcoholic beverages intended in good faith  
32 to be used solely for personal use and may personally transport  
33 those alcoholic beverages so purchased for personal use in any  
34 vehicle from a point within this State. Alcoholic beverages  
35 intended in good faith solely for personal use may be transported,  
36 by the owner thereof, in a vehicle other than that of the holder of a  
37 transportation license, from a point outside this State to the extent  
38 of, not exceeding 1/4 barrel or one case containing not in excess of  
39 12 quarts in all, of beer, ale or porter, and one gallon of wine and  
40 two quarts of other alcoholic beverages within any consecutive  
41 period of 24 hours; provided, however, that except pursuant to and  
42 within the terms of a license or permit issued by the director, no  
43 person shall transport into this State or receive from without this  
44 State into this State, alcoholic beverages where the alcoholic  
45 beverages are transported or received from a state which prohibits  
46 the transportation into that state of alcoholic beverages purchased or  
47 otherwise obtained in the State of New Jersey. If any person or  
48 persons desire to transport alcoholic beverages intended only for

1 personal use in quantities in excess of those above-mentioned, an  
2 application may be made to the director who may, upon being  
3 satisfied of the good faith of the applicant, and upon payment of a  
4 fee of \$25.00 issue a special permit limited by such conditions as  
5 the director may impose, authorizing the transportation of alcoholic  
6 beverages in quantities in excess of those above-mentioned.

7 b. A holder of a Class B license under R.S.33:1-11 shall not  
8 sell or deliver for sale in New Jersey any brand of alcoholic  
9 beverage for resale in this State unless the alcoholic beverage is  
10 acquired from the brand owner, or his authorized agent, or a  
11 wholesale licensee designated as the registered distributor by the  
12 brand owner, or his authorized agent.

13 c. No licensee shall knowingly sell, offer for sale, deliver,  
14 receive or purchase, for resale in this State, any alcoholic beverage,  
15 including private label brands owned by a retailer and exclusive  
16 brands owned by a manufacturer or wholesaler and offered for sale  
17 or sold by such manufacturer or wholesaler exclusively to one New  
18 Jersey retailer or affiliated retailer, unless the brand owner or his  
19 authorized agent files with the Director of the Division of Alcoholic  
20 Beverage Control a brand registration schedule containing such  
21 information as the director shall by rule or regulation require. Each  
22 brand registration schedule must be renewed annually by January 1  
23 of each year.

24 d. Each person who files a brand registration schedule and  
25 amendments thereto shall pay a filing fee of \$23 per filing for each  
26 initial brand registration and annual renewal and \$10 for each  
27 amendment. All wines shall be subject to the initial brand  
28 registration and annual renewal filings and fees, except that  
29 different vintages of the same wine shall not require separate brand  
30 registrations or renewals. Any registration may be suspended or  
31 revoked in the same manner as an alcoholic beverage license for  
32 any violation of Title 33 of the Revised Statutes and the rules and  
33 regulations promulgated thereto.

34 e. Nothing contained in this section shall be deemed to limit or  
35 modify the prohibition against discrimination in the sale of any  
36 nationally advertised brand of alcoholic beverages to currently  
37 authorized wholesalers as set forth in P.L.1966, c.59 (C.33:1-93.6 et  
38 seq.) nor shall this section be deemed to require the sale to anyone  
39 other than authorized retailers of private label brands which are  
40 owned by a retailer or exclusive brands which are owned by a  
41 manufacturer or wholesaler and offered for sale or sold by the  
42 manufacturer or wholesaler exclusively to one retailer or affiliated  
43 retailer, in this State.

44 f. No person shall sell, offer for sale, or deliver, receive or  
45 purchase for resale in this State, any product consisting of or  
46 containing powdered alcohol.

47 (cf: P.L.1996, c.152, s.1)

1       3. This act shall take effect immediately.

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STATEMENT

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6       This bill prohibits the sale of powdered alcohol in the State.  
7       Powdered alcohol is ethyl alcohol which is designed to be dissolved  
8       in liquid to produce alcoholic beverages. Because of its  
9       composition, powdered alcohol can easily be concealed,  
10      transported, and brought into venues where alcoholic beverages  
11      from other sources may not be permitted, or where there is a total  
12      ban on alcoholic beverages. Additionally, the nature of powdered  
13      alcohol allows for easy and dangerous misuse, such as inhaling the  
14      product or adding it to another person's food or beverage without  
15      that person's consent.

16      The bill provides that no person shall sell, purchase for resale in  
17      this State any product consisting of or containing powdered alcohol.  
18      The bill defines "powdered alcohol" as a powder or crystalline  
19      substance containing alcohol which is produced for human  
20      consumption.