

# ASSEMBLY, No. 4594

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED OCTOBER 18, 2018

**Sponsored by:**

**Assemblyman JOE HOWARTH**

**District 8 (Atlantic, Burlington and Camden)**

**Assemblyman WAYNE P. DEANGELO**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Amends current law to authorize certain activities in which holder of limited brewery license is permitted to engage.

**CURRENT VERSION OF TEXT**

As introduced.



A4594 HOWARTH, DEANGELO

2

1 AN ACT concerning limited brewery licenses and amending  
2 R.S.33:1-10.

3

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

6

7 1. R.S.33:1-10 is amended to read as follows:

8 33:1-10. Class A licenses shall be subdivided and classified as  
9 follows:

10 Plenary brewery license. 1a. The holder of this license shall be  
11 entitled, subject to rules and regulations, to brew any malt alcoholic  
12 beverages and to sell and distribute his products to wholesalers and  
13 retailers licensed in accordance with this chapter, and to sell and  
14 distribute without this State to any persons pursuant to the laws of  
15 the places of such sale and distribution, and to maintain a  
16 warehouse; provided, however, that the delivery of this product by  
17 the holder of this license to retailers licensed under this title shall be  
18 from inventory in a warehouse located in this State which is  
19 operated under a plenary brewery license. The fee for this license  
20 shall be \$10,625.

21 Limited brewery license. 1b. The holder of this license shall be  
22 entitled, subject to rules and regulations, to brew any malt alcoholic  
23 beverages in a quantity to be expressed in said license, dependent  
24 upon the following fees and not in excess of 300,000 barrels of 31  
25 fluid gallons capacity per year and to sell and distribute this product  
26 to wholesalers and retailers licensed in accordance with this  
27 chapter, and to sell and distribute without this State to any persons  
28 pursuant to the laws of the places of such sale and distribution, and  
29 to maintain a warehouse; provided, however, that the delivery of  
30 this product by the holder of this license to retailers licensed under  
31 this title or to a consumer's home shall be from inventory in a  
32 warehouse located in this State which is operated under a limited  
33 brewery license. Pourers and servers employed by the holder of  
34 this license shall not be required to be certified by an industry-  
35 recognized server training program. The holder of this license shall  
36 be entitled to sell this product at retail to consumers on the licensed  
37 premises of the brewery for consumption on the premises, **【but only**  
38 **in connection with a tour of the brewery,】** or **【for consumption off**  
39 **the premises】** in a quantity of not more than 15.5 fluid gallons per  
40 person for consumption off the premises, and to offer samples for  
41 sampling purposes only pursuant to an annual permit issued by the  
42 director. The holder of this license shall not sell food or operate a  
43 restaurant on the licensed premises. However, the licensee may sell  
44 soda, whether or not manufactured by the license holder; coordinate

**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 with a food vendor for the provision of food on the licensed  
2 premises; and provide menus to consumers for the sale of food.

3 The holder of this license shall be entitled to hold an unlimited  
4 number of on-premises special events, for which the license holder  
5 may sell tickets. The holder of the license shall not be required to  
6 obtain a permit or provide electronic notification to the Division of  
7 on-premises special events.

8 The holder of this license shall be entitled to hold up to 12 off-  
9 premises special events per year pursuant to a permit issued by the  
10 director for each off-premises special event. If an off-premises  
11 special event is to be held on a publicly-owned or controlled  
12 property, the holder of the license shall be required obtain the  
13 consent of the political subdivision that owns or controls the  
14 property or the Chief Law Enforcement Officer of the law  
15 enforcement agency that has jurisdiction over the property.

16 The fee for this license shall be graduated as follows:

17 to so brew not more than 50,000 barrels of 31 liquid gallons  
18 capacity per annum, \$1,250;

19 to so brew not more than 100,000 barrels of 31 fluid gallons  
20 capacity per annum, \$2,500;

21 to so brew not more than 200,000 barrels of 31 fluid gallons  
22 capacity per annum, \$5,000;

23 to so brew not more than 300,000 barrels of 31 fluid gallons  
24 capacity per annum, \$7,500.

25 For the purposes of this subsection **["sampling"]** :

26 “Off-premises special events” means special events that take  
27 place at a location other than on the licensed premises or the  
28 sidewalk, parking lot, or other area owned by the licensee that is  
29 adjacent to or adjoining the licensed premises and shall include, but  
30 not be limited to:

31 (1) beer, music, and arts festivals;

32 (2) civic events;

33 (3) 5K races, mud races, bike races and other athletic events;

34 (4) limited brewery anniversary celebrations; and

35 (5) holiday celebrations.

36 “On-premises special event” means an event that is open to the  
37 public and held on the licensed premises or the sidewalk, parking  
38 lot, or other area owned by the licensee that is adjacent to or  
39 adjoining the licensed premises. An on-premises special event shall  
40 include, but not be limited to:

41 (1) private parties, birthdays, weddings, anniversaries, civic and  
42 political functions, professional and trade association events, class  
43 reunion and alumni events;

44 (2) trivia and quizzo;

45 (3) paint and sip;

46 (4) craftmaking;

47 (5) pop up shops;

48 (6) DJs, live music, and open mic;

- 1       (7) televised or streamed sporting events;  
2       (8) educational events and seminars;  
3       (9) movies and theatrical events;  
4       (10) animal adoption, to the extent permitted by local ordinance;  
5       and  
6       (11) yoga and exercise classes.  
7       “Sampling” means the selling at a nominal charge or the  
8       gratuitous offering of an open container not exceeding four ounces  
9       of any malt alcoholic beverage. For the purposes of this subsection,  
10      "product" means any malt alcoholic beverage that is produced on  
11      the premises licensed under this subsection.

12      Restricted brewery license. 1c. The holder of this license shall be  
13      entitled, subject to rules and regulations, to brew any malt alcoholic  
14      beverages in a quantity to be expressed in such license not in excess  
15      of 10,000 barrels of 31 gallons capacity per year. Notwithstanding  
16      the provisions of R.S.33:1-26, the director shall issue a restricted  
17      brewery license only to a person or an entity which has identical  
18      ownership to an entity which holds a plenary retail consumption  
19      license issued pursuant to R.S.33:1-12, provided that such plenary  
20      retail consumption license is operated in conjunction with a  
21      restaurant regularly and principally used for the purpose of  
22      providing meals to its customers and having adequate kitchen and  
23      dining room facilities, and that the licensed restaurant premises is  
24      immediately adjoining the premises licensed under this subsection.  
25      The holder of this license shall be entitled to sell or deliver the  
26      product to that restaurant premises. The holder of this license also  
27      shall be entitled to sell and distribute the product to wholesalers  
28      licensed in accordance with this chapter. The fee for this license  
29      shall be \$1,250, which fee shall entitle the holder to brew up to  
30      1,000 barrels of 31 liquid gallons per annum. The licensee also shall  
31      pay an additional \$250 for every additional 1,000 barrels of 31 fluid  
32      gallons produced. The fee shall be paid at the time of application  
33      for the license, and additional payments based on barrels produced  
34      shall be paid within 60 days following the expiration of the license  
35      term upon certification by the licensee of the actual gallons brewed  
36      during the license term. No more than 10 restricted brewery  
37      licenses shall be issued to a person or entity which holds an interest  
38      in a plenary retail consumption license. If the governing body of the  
39      municipality in which the licensed premises will be located should  
40      file a written objection, the director shall hold a hearing and may  
41      issue the license only if the director finds that the issuance of the  
42      license will not be contrary to the public interest. All fees related to  
43      the issuance of both licenses shall be paid in accordance with  
44      statutory law. The provisions of this subsection shall not be  
45      construed to limit or restrict the rights and privileges granted by the  
46      plenary retail consumption license held by the holder of the  
47      restricted brewery license issued pursuant to this subsection.

1 The holder of this license shall be entitled to offer samples of its  
2 product for promotional purposes at charitable or civic events off  
3 the licensed premises pursuant to an annual permit issued by the  
4 director.

5 For the purposes of this subsection, "sampling" means the selling  
6 at a nominal charge or the gratuitous offering of an open container  
7 not exceeding four ounces of any malt alcoholic beverage product.  
8 For the purposes of this subsection, "product" means any malt  
9 alcoholic beverage that is produced on the premises licensed under  
10 this subsection.

11 Plenary winery license. 2a. Provided that the holder is engaged  
12 in growing and cultivating grapes or fruit used in the production of  
13 wine on at least three acres on, or adjacent to, the winery premises,  
14 the holder of this license shall be entitled, subject to rules and  
15 regulations, to produce any fermented wines, and to blend, fortify  
16 and treat wines, and to sell and distribute his products to  
17 wholesalers licensed in accordance with this chapter and to  
18 churches for religious purposes, and to sell and distribute without  
19 this State to any persons pursuant to the laws of the places of such  
20 sale and distribution, and to maintain a warehouse, and to sell his  
21 products at retail to consumers on the licensed premises of the  
22 winery for consumption on or off the premises and to offer samples  
23 for sampling purposes only. The fee for this license shall be \$938.  
24 A holder of this license who produces not more than 250,000  
25 gallons per year shall also have the right to sell and distribute his  
26 products to retailers licensed in accordance with this chapter, except  
27 that the holder of this license shall not use a common carrier for  
28 such distribution. The fee for this additional privilege shall be  
29 graduated as follows: a licensee who manufactures more than  
30 150,000 gallons, but not in excess of 250,000 gallons per annum,  
31 \$1,000; a licensee who manufactures more than 100,000 gallons,  
32 but not in excess of 150,000 gallons per annum, \$500; a licensee  
33 who manufactures more than 50,000 gallons, but not in excess of  
34 100,000 gallons per annum, \$250; a licensee who manufactures  
35 50,000 gallons or less per annum, \$100. A holder of this license  
36 who produces not more than 250,000 gallons per year shall have the  
37 right to sell such wine at retail in original packages in 15  
38 salesrooms apart from the winery premises for consumption on or  
39 off the premises and for sampling purposes for consumption on the  
40 premises, at a fee of \$250 for each salesroom. Licensees shall not  
41 jointly control and operate salesrooms. Additionally, the holder of  
42 this license who produces not more than 250,000 gallons per year  
43 may ship not more than 12 cases of wine per year, subject to  
44 regulation, to any person within or without this State over 21 years  
45 of age for personal consumption and not for resale. A case of wine  
46 shall not exceed a maximum of nine liters. A copy of the original  
47 invoice shall be available for inspection by persons authorized to  
48 enforce the alcoholic beverage laws of this State for a minimum

1 period of three years at the licensed premises of the winery. For the  
2 purposes of this subsection, "sampling" means the selling at a  
3 nominal charge or the gratuitous offering of an open container not  
4 exceeding one and one-half ounces of any wine.

5 A holder of this license who produces not more than 250,000  
6 gallons per year shall not own, either in whole or in part, or hold,  
7 either directly or indirectly, any interest in a winery that produces  
8 more than 250,000 gallons per year. In addition, a holder of this  
9 license who produces more than 250,000 gallons per year shall not  
10 own, either in whole or in part, or hold, either directly or indirectly,  
11 any interest in a winery that produces not more than 250,000  
12 gallons per year. For the purposes of this subsection, "product"  
13 means any wine that is produced, blended, fortified, or treated by  
14 the licensee on its licensed premises situated in the State of New  
15 Jersey. For the purposes of this subsection, "wine" shall include  
16 "hard cider" and "mead" as defined in this section.

17 Farm winery license. 2b. The holder of this license shall be  
18 entitled, subject to rules and regulations, to manufacture any  
19 fermented wines and fruit juices in a quantity to be expressed in  
20 said license, dependent upon the following fees and not in excess of  
21 50,000 gallons per year and to sell and distribute his products to  
22 wholesalers and retailers licensed in accordance with this chapter  
23 and to churches for religious purposes and to sell and distribute  
24 without this State to any persons pursuant to the laws of the places  
25 of such sale and distribution, and to maintain a warehouse and to  
26 sell at retail to consumers for consumption on or off the licensed  
27 premises and to offer samples for sampling purposes only. The  
28 license shall be issued only when the winery at which such  
29 fermented wines and fruit juices are manufactured is located and  
30 constructed upon a tract of land exclusively under the control of the  
31 licensee, provided that the licensee is actively engaged in growing  
32 and cultivating an area of not less than three acres on or adjacent to  
33 the winery premises and on which are growing grape vines or fruit  
34 to be processed into wine or fruit juice; and provided, further, that  
35 for the first five years of the operation of the winery such fermented  
36 wines and fruit juices shall be manufactured from at least 51  
37 percent grapes or fruit grown in the State and that thereafter they  
38 shall be manufactured from grapes or fruit grown in this State at  
39 least to the extent required for labeling as "New Jersey Wine" under  
40 the applicable federal laws and regulations. The containers of all  
41 wine sold to consumers by such licensee shall have affixed a label  
42 stating such information as shall be required by the rules and  
43 regulations of the Director of the Division of Alcoholic Beverage  
44 Control. The fee for this license shall be graduated as follows: to so  
45 manufacture between 30,000 and 50,000 gallons per annum, \$375;  
46 to so manufacture between 2,500 and 30,000 gallons per annum,  
47 \$250; to so manufacture between 1,000 and 2,500 gallons per  
48 annum, \$125; to so manufacture less than 1,000 gallons per annum,

1 \$63. No farm winery license shall be held by the holder of a plenary  
2 winery license or be situated on a premises licensed as a plenary  
3 winery.

4 The holder of this license shall also have the right to sell and  
5 distribute his products to retailers licensed in accordance with this  
6 chapter, except that the holder of this license shall not use a  
7 common carrier for such distribution. The fee for this additional  
8 privilege shall be \$100. The holder of this license shall have the  
9 right to sell his products in original packages at retail to consumers  
10 in 15 salesrooms apart from the winery premises for consumption  
11 on or off the premises, and for sampling purposes for consumption  
12 on the premises, at a fee of \$250 for each salesroom. Licensees  
13 shall not jointly control and operate salesrooms. Additionally, the  
14 holder of this license may ship not more than 12 cases of wine per  
15 year, subject to regulation, to any person within or without this  
16 State over 21 years of age for personal consumption and not for  
17 resale. A case of wine shall not exceed a maximum of nine liters. A  
18 copy of the original invoice shall be available for inspection by  
19 persons authorized to enforce the alcoholic beverage laws of this  
20 State for a minimum period of three years at the licensed premises  
21 of the winery. For the purposes of this subsection, "sampling"  
22 means the selling at a nominal charge or the gratuitous offering of  
23 an open container not exceeding one and one-half ounces of any  
24 wine.

25 A holder of this license who produces not more than 250,000  
26 gallons per year shall not own, either in whole or in part, or hold,  
27 either directly or indirectly, any interest in a winery that produces  
28 more than 250,000 gallons per year.

29 Unless otherwise indicated, for the purposes of this subsection,  
30 with respect to farm winery licenses, "manufacture" means the  
31 vinification, aging, storage, blending, clarification, stabilization and  
32 bottling of wine or juice from New Jersey fruit to the extent  
33 required by this subsection.

34 For the purposes of this subsection, "wine" shall include "hard  
35 cider" and "mead" as defined in this section.

36 Wine blending license. 2c. The holder of this license shall be  
37 entitled, subject to rules and regulations, to blend, treat, mix, and  
38 bottle fermented wines and fruit juices with non-alcoholic  
39 beverages, and to sell and distribute his products to wholesalers and  
40 retailers licensed in accordance with this chapter, and to sell and  
41 distribute without this State to any persons pursuant to the laws of  
42 the places of such sale and distribution, and to maintain a  
43 warehouse. The fee for this license shall be \$625.

44 For the purposes of this subsection, "wine" shall include "hard  
45 cider" and "mead" as defined in this section.

46 Instructional winemaking facility license. 2d. The holder of  
47 this license shall be entitled, subject to rules and regulations, to  
48 instruct persons in and provide them with the opportunity to

1 participate directly in the process of winemaking and to directly  
2 assist such persons in the process of winemaking while in the  
3 process of instruction on the premises of the facility. The holder of  
4 this license also shall be entitled to manufacture wine on the  
5 premises not in excess of an amount of 10 percent of the wine  
6 produced annually on the premises of the facility, which shall be  
7 used only to replace quantities lost or discarded during the  
8 winemaking process, to maintain a warehouse, and to offer samples  
9 produced by persons who have received instruction in winemaking  
10 on the premises by the licensee for sampling purposes only on the  
11 licensed premises for the purpose of promoting winemaking for  
12 personal or household use or consumption. Wine produced on the  
13 premises of an instructional winemaking facility shall be used,  
14 consumed or disposed of on the facility's premises or distributed  
15 from the facility's premises to a person who has participated  
16 directly in the process of winemaking for the person's personal or  
17 household use or consumption. The holder of this license may sell  
18 mercantile items traditionally associated with winemaking and  
19 novelty wearing apparel identified with the name of the  
20 establishment licensed under the provisions of this section. The  
21 holder of this license may use the licensed premises for an event or  
22 affair, including an event or affair at which a plenary retail  
23 consumption licensee serves alcoholic beverages in compliance  
24 with all applicable statutes and regulations promulgated by the  
25 director. The fee for this license shall be \$1,000. For the purposes  
26 of this subsection, "sampling" means the gratuitous offering of an  
27 open container not exceeding one and one-half ounces of any wine.

28 For the purposes of this subsection, "wine" shall include "hard  
29 cider" and "mead" as defined in this section.

30 Out-of-State winery license. 2e. Provided that the applicant  
31 does not produce more than 250,000 gallons of wine per year, the  
32 holder of a valid winery license issued in any other state may make  
33 application to the director for this license. The holder of this license  
34 shall have the right to sell and distribute his products to wholesalers  
35 licensed in accordance with this chapter and to sell such wine at  
36 retail in original packages in 16 salesrooms apart from the winery  
37 premises for consumption on or off the premises at a fee of \$250 for  
38 each salesroom. Licensees shall not jointly control and operate  
39 salesrooms. The annual fee for this license shall be \$938. A copy  
40 of a current license issued by another state shall accompany the  
41 application. The holder of this license also shall have the right to  
42 sell and distribute his products to retailers licensed in accordance  
43 with this chapter, except that the holder of this license shall not use  
44 a common carrier for such distribution. The fee for this additional  
45 privilege shall be graduated as follows: a licensee who  
46 manufactures more than 150,000 gallons, but not in excess of  
47 250,000 gallons per annum, \$1,000; a licensee who manufactures  
48 more than 100,000 gallons, but not in excess of 150,000 gallons per



1 annum, \$500; a licensee who manufactures more than 50,000  
2 gallons, but not in excess of 100,000 gallons per annum, \$250; a  
3 licensee who manufactures 50,000 gallons or less per annum, \$100.  
4 Additionally, the holder of this license may ship not more than 12  
5 cases of wine per year, subject to regulation, to any person within or  
6 without this State over 21 years of age for personal consumption  
7 and not for resale. A case of wine shall not exceed a maximum of  
8 nine liters. A copy of the original invoice shall be available for  
9 inspection by persons authorized to enforce the alcoholic beverage  
10 laws of this State for a minimum period of three years at the  
11 licensed premises of the winery.

12 The licensee shall collect from the customer the tax due on the  
13 sale pursuant to the "Sales and Use Tax Act," P.L.1966, c.30  
14 (C.54:32B-1 et seq.) and shall pay the tax due on the delivery of  
15 alcoholic beverages pursuant to the "Alcoholic beverage tax law,"  
16 R.S.54:41-1 et seq. The Director of the Division of Taxation in the  
17 Department of the Treasury shall promulgate such rules and  
18 regulations necessary to effectuate the provisions of this paragraph,  
19 and may provide by regulation for the co-administration of the tax  
20 due on the delivery of alcoholic beverages pursuant to the  
21 "Alcoholic beverage tax law," R.S.54:41-1 et seq. with the  
22 administration of the tax due on the sale pursuant to the "Sales and  
23 Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

24 A holder of this license who produces not more than 250,000  
25 gallons per year shall not own, either in whole or in part, or hold,  
26 either directly or indirectly, any interest in a winery that produces  
27 more than 250,000 gallons per year.

28 For the purposes of this subsection, "wine" shall include "hard  
29 cider" and "mead" as defined in this section.

30 Cidery and meadery license. 2f. The holder of this license  
31 shall be entitled, subject to rules and regulations, to manufacture  
32 hard cider and mead and to sell and distribute these products to  
33 wholesalers and retailers licensed in accordance with this chapter,  
34 and to sell and distribute without this State to any persons pursuant  
35 to the laws of the places of such sale and distribution, and to  
36 maintain a warehouse. The holder of this license shall be entitled to  
37 sell these products at retail to consumers on the licensed premises  
38 for consumption on or off the premises and to offer samples for  
39 sampling purposes only. The holder of this license shall be  
40 permitted to offer for sale or make the gratuitous offering of  
41 packaged crackers, chips, nuts, and similar snacks to consumers, but  
42 shall not operate a restaurant on the licensed premises. The fee for  
43 this license shall be \$938.

44 The holder of this license shall be entitled to manufacture hard  
45 cider in a quantity not to exceed 50,000 barrels of 31 fluid gallons  
46 capacity per year. With respect to the sale and distribution of hard  
47 cider to a wholesaler, the licensee shall be subject to the same  
48 statutory and regulatory requirements as a brewer, and hard cider

1 shall be considered a malt alcoholic beverage, for the purposes of  
2 the "Malt Alcoholic Beverage Practices Act," P.L.2005, c.243  
3 (C.33:1-93.12 et seq.). The holder of this license shall not directly  
4 ship hard cider either within or without this State.

5 The holder of this license shall be entitled to manufacture not  
6 more than 250,000 gallons of mead per year. The holder of this  
7 license may ship not more than 12 cases of mead per year, subject  
8 to regulation, to any person within or without this State over 21  
9 years of age for personal consumption and not for resale. A case of  
10 mead shall not exceed a maximum of nine liters. A copy of the  
11 original invoice shall be available for inspection by persons  
12 authorized to enforce the alcoholic beverage laws of this State for a  
13 minimum period of three years at the licensed premises. As used in  
14 this subsection:

15 "Hard cider" means a fermented alcoholic beverage derived  
16 primarily from apples, pears, apple juice concentrate and water, or  
17 pear juice concentrate and water, which may include spices, herbs,  
18 honey, or other flavoring, and which contains at least one half of  
19 one percent but less than eight and one half percent alcohol by  
20 volume.

21 "Mead" means an alcoholic beverage primarily made from  
22 honey, water, and yeast, and which may contain fruit, fruit juices,  
23 spices, or herbs added before or after fermentation has completed,  
24 except that the ratio of fermentable sugars from fruit or fruit juices  
25 shall not exceed 49 percent of the total fermentable sugars used to  
26 produce mead.

27 "Sampling" means the selling at a nominal charge or the  
28 gratuitous offering of an open container not exceeding four ounces  
29 of hard cider or mead produced on the licensed premises.

30 Plenary distillery license. 3a. The holder of this license shall be  
31 entitled, subject to rules and regulations, to manufacture any  
32 distilled alcoholic beverages and rectify, blend, treat and mix, and  
33 to sell and distribute his products to wholesalers and retailers  
34 licensed in accordance with this chapter, and to sell and distribute  
35 without this State to any persons pursuant to the laws of the places  
36 of such sale and distribution, and to maintain a warehouse. The fee  
37 for this license shall be \$12,500.

38 Limited distillery license. 3b. The holder of this license shall  
39 be entitled, subject to rules and regulations, to manufacture and  
40 bottle any alcoholic beverages distilled from fruit juices and rectify,  
41 blend, treat, mix, compound with wine and add necessary  
42 sweetening and flavor to make cordial or liqueur, and to sell and  
43 distribute to wholesalers and retailers licensed in accordance with  
44 this chapter, and to sell and distribute without this State to any  
45 persons pursuant to the laws of the places of such sale and  
46 distribution and to warehouse these products. The fee for this  
47 license shall be \$3,750.

1       Supplementary limited distillery license. 3c. The holder of  
2 this license shall be entitled, subject to rules and regulations, to  
3 bottle and rebottle, in a quantity to be expressed in said license,  
4 dependent upon the following fees, alcoholic beverages distilled  
5 from fruit juices by such holder pursuant to a prior plenary or  
6 limited distillery license, and to sell and distribute his products to  
7 wholesalers and retailers licensed in accordance with this chapter,  
8 and to sell and distribute without this State to any persons pursuant  
9 to the laws of the places of such sale and distribution, and to  
10 maintain a warehouse. The fee for this license shall be graduated as  
11 follows: to so bottle and rebottle not more than 5,000 wine gallons  
12 per annum, \$313; to so bottle and rebottle not more than 10,000  
13 wine gallons per annum, \$625; to so bottle and rebottle without  
14 limit as to amount, \$1,250.

15       Craft distillery license. 3d. The holder of this license shall be  
16 entitled, subject to rules and regulations, to manufacture not more  
17 than 20,000 gallons of distilled alcoholic beverages, to rectify,  
18 blend, treat and mix distilled alcoholic beverages, to sell and  
19 distribute this product to wholesalers and retailers licensed in  
20 accordance with this chapter, and to sell and distribute without this  
21 State to any persons pursuant to the laws of the places of such sale  
22 and distribution, and to maintain a warehouse. The holder of this  
23 license shall be entitled to sell this product at retail to consumers on  
24 the licensed premises of the distillery for consumption on the  
25 premises, but only in connection with a tour of the distillery, and  
26 for consumption off the premises in a quantity of not more than five  
27 liters per person. In addition, the holder of this license may offer  
28 any person not more than three samples per calendar day for  
29 sampling purposes only. For the purposes of this subsection,  
30 "sampling" means the gratuitous offering of an open container not  
31 exceeding one-half ounce serving of distilled alcoholic beverage  
32 produced on the distillery premises. Nothing in this subsection shall  
33 be deemed to permit the direct shipment of distilled spirits either  
34 within or without this State.

35       The holder of this license shall not sell food or operate a  
36 restaurant on the licensed premises. A holder of this license who  
37 certifies that not less than 51 percent of the raw materials used in  
38 the production of distilled alcoholic beverages under this section are  
39 grown in this State or purchased from providers located in this State  
40 may, consistent with all applicable federal laws and regulations,  
41 label these distilled alcoholic beverages as "New Jersey Distilled."  
42 The fee for this license shall be \$938.

43       Rectifier and blender license. 4. The holder of this license  
44 shall be entitled, subject to rules and regulations, to rectify, blend,  
45 treat and mix distilled alcoholic beverages, and to fortify, blend,  
46 and treat fermented alcoholic beverages, and prepare mixtures of  
47 alcoholic beverages, and to sell and distribute his products to  
48 wholesalers and retailers licensed in accordance with this chapter,

1 and to sell and distribute without this State to any persons pursuant  
2 to the laws of the places of such sale and distribution, and to  
3 maintain a warehouse. The fee for this license shall be \$7,500.

4 Bonded warehouse bottling license. 5. The holder of this  
5 license shall be entitled, subject to rules and regulations, to bottle  
6 alcoholic beverages in bond on behalf of all persons authorized by  
7 federal and State law and regulations to withdraw alcoholic  
8 beverages from bond. The fee for this license shall be \$625. This  
9 license shall be issued only to persons holding permits to operate  
10 Internal Revenue bonded warehouses pursuant to the laws of the  
11 United States.

12 The provisions of section 21 of P.L.2003, c.117 amendatory of  
13 this section shall apply to licenses issued or transferred on or after  
14 July 1, 2003, and to license renewals commencing on or after July  
15 1, 2003.

16 (cf: P.L.2017, c.80, s.1)

17

18 2. This act shall take effect immediately.

19

20

21

#### STATEMENT

22

23 This bill amends current law to authorize certain activities in  
24 which a holder of a limited brewery license is permitted to engage.  
25 Specifically, this bill authorizes the holder of a limited brewery  
26 license to engage in activities which include, but are not limited to:  
27 holding an unlimited number of on-premises special events, for  
28 which the license holder may sell tickets without requiring the  
29 license holder to obtain a permit or provide electronic notification  
30 to the Division of Alcoholic Beverage Control (ABC), and up to 12  
31 off-premises special events per year pursuant to a permit issued by  
32 the director of the ABC for each event. If an event is to be held on  
33 a publicly-owned or controlled property, the licensee would be  
34 required to obtain consent from the political subdivision that owns  
35 or controls the property or the Chief Law Enforcement Officer of  
36 the law enforcement agency that has jurisdiction over the property.  
37 Under the bill, a license holder also is permitted to deliver its  
38 product to a consumer's home; sell soda, whether or not  
39 manufactured by the license holder; coordinate with a food vendor  
40 to provide food on the licensed premises; and provide menus to  
41 consumers.

42 In addition, the bill eliminates the requirement that the license  
43 holder provide a tour to a consumer prior to serving alcoholic  
44 beverages for consumption on the licensed premises. The bill  
45 further provides that pourers and servers employed by the licensed  
46 brewery are not required to be certified by an industry-recognized  
47 server training program.

1       The bill defines “on-premises special event” to means an event  
2 that is open to the public and held on the licensed premises or the  
3 sidewalk, parking lot, or other area owned by the license holder that  
4 is adjacent to or adjoining the licensed premises and includes, but is  
5 not limited to: private parties such as birthdays, weddings,  
6 anniversaries, civic and political functions, professional and trade  
7 association events, class reunion and alumni events; trivia and  
8 quizzo; paint and sip; craftmaking; pop up shops; DJs, live music,  
9 and open mic; televised or streamed sporting events; educational  
10 events and seminars; movies and theatrical events; animal adoption,  
11 to the extent permitted by local ordinance; and yoga and other  
12 exercise classes.

13       “Off-premises events” means special events that take place at a  
14 location other than on the licensed premises or the sidewalk,  
15 parking lot, or other area owned by the license holder that is  
16 adjacent to or adjoining the licensed premises and include, but are  
17 not limited to: beer, music, and arts festivals; civic events; 5K  
18 races, mud races, bike races and other athletic events; limited  
19 brewery anniversary celebrations; and holiday celebrations.