

ASSEMBLY, No. 1139

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman ROY FREIMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

SYNOPSIS

Makes various changes to law governing winery salesrooms.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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2

1 AN ACT concerning winery salesrooms, amending R.S.33:1-10, and
2 supplementing Title 33 of the 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.33:1-10 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 shall be from inventory in a warehouse located in this State
32 which is operated under a limited brewery license. The holder of
33 this license shall be entitled to sell this product at retail to
34 consumers on the licensed premises of the brewery for consumption
35 on the premises, but only in connection with a tour of the brewery,
36 or for consumption off the premises in a quantity of not more than
37 15.5 fluid gallons per person, and to offer samples for sampling
38 purposes only pursuant to an annual permit issued by the director.
39 The holder of this license shall not sell food or operate a restaurant
40 on the licensed premises. The fee for this license shall be graduated
41 as follows:

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

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

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.

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

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

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. For the
8 purposes of this subsection, "product" means any malt alcoholic
9 beverage that is produced on the premises licensed under this
10 subsection.

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

47 The holder of this license shall be entitled to offer samples of its
48 product for promotional purposes at charitable or civic events off

1 the licensed premises pursuant to an annual permit issued by the
2 director.

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

9 Plenary winery license. 2a. Provided that the holder is
10 engaged in growing and cultivating grapes or fruit used in the
11 production of wine on at least three acres on, or adjacent to, the
12 winery premises, the holder of this license shall be entitled, subject
13 to rules and regulations, to produce any fermented wines, and to
14 blend, fortify and treat wines, and to sell and distribute his products
15 to wholesalers licensed in accordance with this chapter and to
16 churches for religious purposes, and to sell and distribute without
17 this State to any persons pursuant to the laws of the places of such
18 sale and distribution, and to maintain a warehouse, and to sell his
19 products at retail to consumers on the licensed premises of the
20 winery for consumption on or off the premises and to offer samples
21 for sampling purposes only. The fee for this license shall be \$938.
22 A holder of this license who produces not more than 250,000
23 gallons per year shall also have the right to sell and distribute his
24 products to retailers licensed in accordance with this chapter, except
25 that the holder of this license shall not use a common carrier for
26 such distribution. The fee for this additional privilege shall be
27 graduated as follows: a licensee who manufactures more than
28 150,000 gallons, but not in excess of 250,000 gallons per annum,
29 \$1,000; a licensee who manufactures more than 100,000 gallons,
30 but not in excess of 150,000 gallons per annum, \$500; a licensee
31 who manufactures more than 50,000 gallons, but not in excess of
32 100,000 gallons per annum, \$250; a licensee who manufactures
33 50,000 gallons or less per annum, \$100. A holder of this license
34 who produces not more than 250,000 gallons per year shall have the
35 right to sell such wine at retail in original packages in 15
36 salesrooms apart from the winery premises for consumption on or
37 off the premises and for sampling purposes for consumption on the
38 premises, at a fee of \$250 for each salesroom. The director shall
39 approve or deny a winery salesroom application within 90 days of
40 receipt of the application.

41 Licensees shall not jointly control and operate salesrooms. A
42 licensee may pay the owner of a retail store or restaurant where a
43 saleroom is located a restocking fee for maintaining and operating
44 the salesroom in an amount to be agreed upon by the parties. The
45 fee may vary based upon the price of the wine delivered to the
46 salesroom.

47 Additionally, the holder of this license who produces not more
48 than 250,000 gallons per year may ship not more than 12 cases of
49 wine per year, subject to regulation, to any person within or without

1 this State over 21 years of age for personal consumption and not for
2 resale. A case of wine shall not exceed a maximum of nine liters.
3 A copy of the original invoice shall be available for inspection by
4 persons authorized to enforce the alcoholic beverage laws of this
5 State for a minimum period of three years at the licensed premises
6 of the winery. For the purposes of this subsection, "sampling"
7 means the selling at a nominal charge or the gratuitous offering of
8 an open container not exceeding one and one-half ounces of any
9 wine.

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

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

1 manufacture between 30,000 and 50,000 gallons per annum, \$375;
2 to so manufacture between 2,500 and 30,000 gallons per annum,
3 \$250; to so manufacture between 1,000 and 2,500 gallons per
4 annum, \$125; to so manufacture less than 1,000 gallons per annum,
5 \$63. No farm winery license shall be held by the holder of a plenary
6 winery license or be situated on a premises licensed as a plenary
7 winery.

8 The holder of this license shall also have the right to sell and
9 distribute his products to retailers licensed in accordance with this
10 chapter, except that the holder of this license shall not use a
11 common carrier for such distribution. The fee for this additional
12 privilege shall be \$100. The holder of this license shall have the
13 right to sell his products in original packages at retail to consumers
14 in 15 salesrooms apart from the winery premises for consumption
15 on or off the premises, and for sampling purposes for consumption
16 on the premises, at a fee of \$250 for each salesroom. The director
17 shall approve or deny a winery salesroom application within 90
18 days of receipt of the application.

19 Licensees shall not jointly control and operate salesrooms. A
20 licensee may pay the owner of a retail store or restaurant where a
21 saleroom is located a restocking fee for maintaining and operating
22 the salesroom in an amount to be agreed upon by the parties. The
23 fee may vary based upon the price of the wine delivered to the
24 salesroom.

25 Additionally, the holder of this license may ship not more than
26 12 cases of wine per year, subject to regulation, to any person
27 within or without this State over 21 years of age for personal
28 consumption and not for resale. A case of wine shall not exceed a
29 maximum of nine liters. A copy of the original invoice shall be
30 available for inspection by persons authorized to enforce the
31 alcoholic beverage laws of this State for a minimum period of three
32 years at the licensed premises of the winery. For the purposes of
33 this subsection, "sampling" means the selling at a nominal charge or
34 the gratuitous offering of an open container not exceeding one and
35 one-half ounces of any wine.

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

40 Unless otherwise indicated, for the purposes of this subsection,
41 with respect to farm winery licenses, "manufacture" means the
42 vinification, aging, storage, blending, clarification, stabilization and
43 bottling of wine or juice from New Jersey fruit to the extent
44 required by this subsection.

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

47 Wine blending license. 2c. The holder of this license shall be
48 entitled, subject to rules and regulations, to blend, treat, mix, and
49 bottle fermented wines and fruit juices with non-alcoholic

1 beverages, and to sell and distribute his products to wholesalers and
2 retailers licensed in accordance with this chapter, and to sell and
3 distribute without this State to any persons pursuant to the laws of
4 the places of such sale and distribution, and to maintain a
5 warehouse. The fee for this license shall be \$625.

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

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

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

40 Out-of-State winery license. 2e. Provided that the applicant
41 does not produce more than 250,000 gallons of wine per year, the
42 holder of a valid winery license issued in any other state may make
43 application to the director for this license. The holder of this license
44 shall have the right to sell and distribute his products to wholesalers
45 licensed in accordance with this chapter and to sell such wine at
46 retail in original packages in 16 salesrooms apart from the winery
47 premises for consumption on or off the premises at a fee of \$250 for
48 each salesroom. The director shall approve or deny a winery
49 salesroom application within 90 days of receipt of the application.

1 Licensees shall not jointly control and operate salesrooms. A
2 licensee may pay the owner of a retail store or restaurant where a
3 saleroom is located a restocking fee for maintaining and operating
4 the salesroom in an amount to be agreed upon by the parties. The
5 fee may vary based upon the price of the wine delivered to the
6 salesroom.

7 The annual fee for this license shall be \$938. A copy of a
8 current license issued by another state shall accompany the
9 application. The holder of this license also shall have the right to
10 sell and distribute his products to retailers licensed in accordance
11 with this chapter, except that the holder of this license shall not use
12 a common carrier for such distribution. The fee for this additional
13 privilege shall be graduated as follows: a licensee who
14 manufactures more than 150,000 gallons, but not in excess of
15 250,000 gallons per annum, \$1,000; a licensee who manufactures
16 more than 100,000 gallons, but not in excess of 150,000 gallons per
17 annum, \$500; a licensee who manufactures more than 50,000
18 gallons, but not in excess of 100,000 gallons per annum, \$250; a
19 licensee who manufactures 50,000 gallons or less per annum, \$100.
20 Additionally, the holder of this license may ship not more than 12
21 cases of wine per year, subject to regulation, to any person within or
22 without this State over 21 years of age for personal consumption
23 and not for resale. A case of wine shall not exceed a maximum of
24 nine liters. A copy of the original invoice shall be available for
25 inspection by persons authorized to enforce the alcoholic beverage
26 laws of this State for a minimum period of three years at the
27 licensed premises of the winery.

28 The licensee shall collect from the customer the tax due on the
29 sale pursuant to the "Sales and Use Tax Act," P.L.1966, c.30
30 (C.54:32B-1 et seq.) and shall pay the tax due on the delivery of
31 alcoholic beverages pursuant to the "Alcoholic beverage tax law,"
32 R.S.54:41-1 et seq. The Director of the Division of Taxation in the
33 Department of the Treasury shall promulgate such rules and
34 regulations necessary to effectuate the provisions of this paragraph,
35 and may provide by regulation for the co-administration of the tax
36 due on the delivery of alcoholic beverages pursuant to the
37 "Alcoholic beverage tax law," R.S.54:41-1 et seq. with the
38 administration of the tax due on the sale pursuant to the "Sales and
39 Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

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

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

46 Cidery and meadery license. 2f. The holder of this license shall
47 be entitled, subject to rules and regulations, to manufacture hard
48 cider and mead and to sell and distribute these products to
49 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 holder of this license shall be entitled to
4 sell these products at retail to consumers on the licensed premises
5 for consumption on or off the premises and to offer samples for
6 sampling purposes only. The holder of this license shall be
7 permitted to offer for sale or make the gratuitous offering of
8 packaged crackers, chips, nuts, and similar snacks to consumers, but
9 shall not operate a restaurant on the licensed premises. The fee for
10 this license shall be \$938.

11 The holder of this license shall be entitled to manufacture hard
12 cider in a quantity not to exceed 50,000 barrels of 31 fluid gallons
13 capacity per year. With respect to the sale and distribution of hard
14 cider to a wholesaler, the licensee shall be subject to the same
15 statutory and regulatory requirements as a brewer, and hard cider
16 shall be considered a malt alcoholic beverage, for the purposes of
17 the "Malt Alcoholic Beverage Practices Act," P.L.2005, c.243
18 (C.33:1-93.12 et seq.). The holder of this license shall not directly
19 ship hard cider either within or without this State.

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

30 "Hard cider" means a fermented alcoholic beverage derived
31 primarily from apples, pears, apple juice concentrate and water, or
32 pear juice concentrate and water, which may include spices, herbs,
33 honey, or other flavoring, and which contains at least one half of
34 one percent but less than eight and one half percent alcohol by
35 volume.

36 "Mead" means an alcoholic beverage primarily made from
37 honey, water, and yeast, and which may contain fruit, fruit juices,
38 spices, or herbs added before or after fermentation has completed,
39 except that the ratio of fermentable sugars from fruit or fruit juices
40 shall not exceed 49 percent of the total fermentable sugars used to
41 produce mead.

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

45 Plenary distillery license. 3a. The holder of this license shall be
46 entitled, subject to rules and regulations, to manufacture any
47 distilled alcoholic beverages and rectify, blend, treat and mix, and
48 to sell and distribute his products to wholesalers and retailers
49 licensed in accordance with this chapter, and to sell and distribute

1 without this State to any persons pursuant to the laws of the places
2 of such sale and distribution, and to maintain a warehouse. The fee
3 for this license shall be \$12,500.

4 Limited distillery license. 3b. The holder of this license shall be
5 entitled, subject to rules and regulations, to manufacture and bottle
6 any alcoholic beverages distilled from fruit juices and rectify,
7 blend, treat, mix, compound with wine and add necessary
8 sweetening and flavor to make cordial or liqueur, and to sell and
9 distribute to wholesalers and retailers licensed in accordance with
10 this chapter, and to sell and distribute without this State to any
11 persons pursuant to the laws of the places of such sale and
12 distribution and to warehouse these products. The fee for this
13 license shall be \$3,750.

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

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

48 The holder of this license shall not sell food or operate a
49 restaurant on the licensed premises. A holder of this license who

1 certifies that not less than 51 percent of the raw materials used in
2 the production of distilled alcoholic beverages under this section are
3 grown in this State or purchased from providers located in this State
4 may, consistent with all applicable federal laws and regulations,
5 label these distilled alcoholic beverages as "New Jersey Distilled."
6 The fee for this license shall be \$938.

7 Rectifier and blender license. 4. The holder of this license shall
8 be entitled, subject to rules and regulations, to rectify, blend, treat
9 and mix distilled alcoholic beverages, and to fortify, blend, and
10 treat fermented alcoholic beverages, and prepare mixtures of
11 alcoholic beverages, and to sell and distribute his products to
12 wholesalers and retailers licensed in accordance with this chapter,
13 and to sell and distribute without this State to any persons pursuant
14 to the laws of the places of such sale and distribution, and to
15 maintain a warehouse. The fee for this license shall be \$7,500.

16 Bonded warehouse bottling license. 5. The holder of this license
17 shall be entitled, subject to rules and regulations, to bottle alcoholic
18 beverages in bond on behalf of all persons authorized by federal and
19 State law and regulations to withdraw alcoholic beverages from
20 bond. The fee for this license shall be \$625. This license shall be
21 issued only to persons holding permits to operate Internal Revenue
22 bonded warehouses pursuant to the laws of the United States.

23 The provisions of section 21 of P.L.2003, c.117 amendatory of
24 this section shall apply to licenses issued or transferred on or after
25 July 1, 2003, and to license renewals commencing on or after July
26 1, 2003.

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

28

29 2. (New section) Unless otherwise prohibited by federal
30 statute or regulation, a plenary winery, farm winery, or out-of-State
31 winery licensee may provide samples of wine and sell wine in
32 original packages in any area of a salesroom operated pursuant to
33 R.S.33:1-10.

34

35 3. This act shall take effect immediately.

36

37

38

STATEMENT

39

40 This bill makes various changes to the law governing winery
41 salesrooms. Specifically, the bill requires applications for winery
42 salesrooms to be processed within 90 days, permits winery licensees
43 to vary certain fees associated with the salesrooms, and permits
44 winery licensees to provide samples of wine and sell wine in any
45 area of a salesroom.

46 Under current law, holders of a plenary winery license who do
47 not produce more than 250,000 gallons of wine per year and holders
48 of a farm winery license are permitted to sell their wines in 15
49 salesrooms apart from the winery premises. In addition, the holder

1 of an out-of-State winery license is permitted to sell the licensee's
2 wine in 16 salesrooms in this State, provided that the licensee does
3 not produce more than 250,000 gallons of wine per year.

4 This bill requires the Director of the Division of Alcoholic
5 Beverage Control to approve or deny a winery salesroom
6 application within 90 days of receipt of the application.

7 In addition, this bill clarifies that the holder of a plenary winery
8 license, a farm winery license, or an out-of-State winery license
9 may vary the restocking fee paid to the owner of a retail store or
10 restaurant where a winery salesroom is located. The restocking fee
11 is for the maintenance and operation of the salesroom and is set at
12 an amount agreed upon by the parties.

13 Currently, under the Alcohol Management Plan for Retail Outlets
14 the restocking fee may only vary based upon the volume of the
15 bottles of wine that the licensee delivers to the salesroom. Under
16 this bill, the fee may vary based upon the price of the wine
17 delivered to the salesroom.

18 Finally, the bill allows plenary winery, farm winery, and out-of-
19 State winery licensees to provide samples of wine and sell wine in
20 original packages in any area of a salesroom, unless otherwise
21 prohibited by federal law.