

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 3966

STATE OF NEW JERSEY
219th LEGISLATURE

ADOPTED MAY 11, 2020

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

Assemblyman ROY FREIMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblywoman SERENA DIMASO

District 13 (Monmouth)

Senator VIN GOPAL

District 11 (Monmouth)

Senator DECLAN J. O'SCANLON, JR.

District 13 (Monmouth)

Co-Sponsored by:

Assemblywoman Murphy, Assemblyman Webber, Assemblywoman Vainieri Huttle, Assemblymen Rooney, Space, Thomson, DePhillips, Wirths, Scharfenberger, Johnson, Assemblywoman Jimenez, Assemblymen McGuckin, Giblin, Spearman, Assemblywoman Schepisi, Assemblymen S.Kean, Catalano, Senators Oroho, Corrado, Holzapfel, Addiego, Bateman, Cardinale and Singer

SYNOPSIS

Concerns delivery and sale of alcoholic beverages during declared state of emergency; requires ABC director to notify licensees of certain tax exemptions during emergency.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Appropriations Committee.

(Sponsorship Updated As Of: 5/14/2020)

1 AN ACT concerning the delivery and sale of alcoholic beverages
2 during a state of emergency.

3

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

6

7 1. As used in this act:

8 “Retail consumption license or permit” means a plenary retail
9 consumption license, plenary retail consumption license used in
10 connection with a hotel or motel, or seasonal retail consumption
11 license issued pursuant to R.S.33:1-12, or concessionaire permit
12 issued pursuant to Title 33 of the Revised Statutes that authorizes
13 the sale of all alcoholic beverages for consumption on the licensed
14 premises.

15 “State of emergency” means the state of emergency declared by
16 the Governor pursuant to Executive Order No. 103 of 2020 in
17 response to the COVID-19 pandemic.

18

19 2. a. Notwithstanding the provisions of R.S.33:1-12 or any
20 other law to the contrary, during the period this section remains in
21 effect the holder of a retail consumption license or permit shall be
22 entitled to:

23 (1) sell on the licensed premises for consumption off the
24 licensed premises any alcoholic beverages in original containers or
25 in any other closed and sealed containers or any distilled alcoholic
26 beverages mixed or blended with other alcoholic or nonalcoholic
27 beverages in closed and sealed containers; and

28 (2) deliver, by common carrier or otherwise, to the residence of a
29 consumer within this State who is 21 years of age or older for
30 consumption off the licensed premises any alcoholic beverages in
31 original containers or in any other closed and sealed containers or
32 any distilled alcoholic beverages mixed or blended with other
33 alcoholic or nonalcoholic beverages in closed and sealed containers.

34 b. Containers in which alcoholic beverages are sold or
35 delivered pursuant to this section shall be affixed with a tamper
36 evident seal and may be of any size, except that containers, other
37 than original containers, in which any distilled alcoholic beverages
38 mixed or blended with other alcoholic beverages are sold or
39 delivered pursuant to this section shall have a maximum capacity of
40 16 fluid ounces.

41

42 3. a. Notwithstanding the provisions of R.S.33:1-10 or any
43 other law to the contrary, during the period this section remains in
44 effect the holder of a craft distillery license shall be entitled to sell
45 on the licensed premises for consumption off the licensed premises:

46 (1) distilled alcoholic beverages that are manufactured on the
47 licensed premises and mixed or blended with other alcoholic or

1 nonalcoholic beverages and sold in closed and sealed containers;
2 and

3 (2) distilled alcoholic beverages that are manufactured on the
4 licensed premises and sold in original containers and accompanied
5 by one or more nonalcoholic beverages or food stuffs that may be
6 combined by the consumer to prepare a mixed drink.

7 b. Containers in which distilled alcoholic beverages are sold
8 pursuant to this section shall be affixed with a tamper evident seal
9 and may be of any size, except that containers, other than original
10 containers, in which any distilled alcoholic beverages mixed or
11 blended with other alcoholic beverages are sold pursuant to this
12 section shall have a maximum capacity of 16 fluid ounces.

13 c. Any food stuffs sold pursuant to paragraph (2) of subsection
14 a. of this section shall be sold only as a mixed drink ingredient and
15 not as a separate meal.

16

17 4. The privileges established pursuant to sections 1 through 3 of
18 this act and Special Ruling No. 2020-1 issued by the Director of the
19 Division of Alcoholic Beverage Control shall remain in effect until:
20 (1) the date of expiration, termination, or rescission of any executive
21 or administrative orders issued by the Governor or Commissioner of
22 Health establishing coronavirus-related occupancy or customer seating
23 restrictions applicable to licensed premises; or (2) the first day of the
24 seventh month following the date on which the Governor declares that
25 the state of emergency has ended, whichever date occurs later.

26

27 5. Whenever the Governor declares a public health emergency
28 pursuant to the "Emergency Health Powers Act," P.L.2005, c.222
29 (C.26:13-1 et seq.), the Division of Alcoholic Beverage Control
30 shall publish on its website a notice to licensees advising that, in
31 accordance with R.S.54:43-2, no tax imposed pursuant to the
32 "Alcoholic Beverage Tax Law," R.S. 54:41-1 et seq. shall be
33 payable on any sale or delivery of alcohol used by a licensee in the
34 production of hand sanitizer and other patent, proprietary,
35 medicinal, pharmaceutical, antiseptic and toilet preparations,
36 provided that the license holder submits to the Division of Taxation
37 satisfactory evidence of such sale, delivery, and intended use of the
38 alcohol for such preparations.

39

40 6. This act shall take effect immediately and shall expire on:
41 (1) the date of expiration, termination, or rescission of any and all
42 executive or administrative orders issued by the Governor or
43 Commissioner of Health establishing coronavirus-related occupancy
44 or customer seating restrictions applicable to licensed premises; or
45 (2) the first day of the seventh month following the date on which
46 the Governor declares that the state of emergency has ended,
47 whichever date occurs later.