

ASSEMBLY, No. 4424

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JULY 20, 2020

Sponsored by:

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Co-Sponsored by:

Assemblywoman Stanfield and Assemblyman Holley

SYNOPSIS

Establishes wine consultant permit.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/8/2020)

1 AN ACT concerning wine consultants and supplementing Title 33 of
2 the Revised Statutes.

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 “Online” means any public-facing Internet website, Internet web
9 application, or computer or mobile application, including a social
10 networking website or publication.

11 “Private educational tasting event” means a scheduled event
12 hosted by a resident of New Jersey at a private residence, at which
13 samples may be provided and which shall not be open to the general
14 public, but shall be limited by invitation and for which invitations
15 are provided to guests not less than 24 hours in advance.

16 “Private residence” means a structure or portion of a structure
17 that is used as a dwelling, including single family dwellings,
18 multifamily dwellings as defined under subsection (k) of section 3
19 of the “Hotel and Multiple Dwelling Law,” P.L.1967, c.76
20 (C.55:13A-1 et seq.), and other rental unit property, and individual
21 residences within a horizontal property regime as defined pursuant
22 to the “Horizontal Property Act,” P.L.1963, c.168 (C.46:8A-
23 1 et seq.), or a condominium as defined pursuant to the
24 “Condominium Act,” P.L.1969, c.257 (C.46:8B-1 et seq.), units in a
25 cooperative, and units in a mutual housing corporation. The term
26 also shall include common areas for use by residents that are not
27 available for commercial purposes.

28 “Sampling” means an offering by a wine consultant to a
29 consumer of not more than one and one-half ounces of wine per
30 portion from each of an assortment of not more than six bottles of
31 wine, for the purpose of education or inducing or promoting a sale.

32 “Virtual tasting event” means a scheduled event in a private
33 residence, at which samples are discussed and orders are solicited
34 online.

35 “Wine consultant” means a person permitted under section 2 of
36 P.L. , c. (C.) (pending before the Legislature as this bill),
37 to describe and pour samples of wine to consumers attending
38 private educational tasting events and hold virtual tasting events. A
39 wine consultant may be: (1) an independent contractor; or (2) an
40 authorized representative or employee of a licensed supplier,
41 manufacturer, importer, or wholesaler licensed or permitted by the
42 Division of Alcoholic Beverage Control.

43
44 2. a. The Director of the Division of Alcoholic Beverage
45 Control may issue a wine consultant permit for the purposes of: (1)
46 education of and sampling of wine directly by consumers at least 21
47 years of age; and (2) soliciting of orders for the sale of wines tasted

1 during a private educational tasting event at a private residence or
2 an online virtual educational tasting.

3 b. A person shall apply to the director for a wine consultant
4 permit in a form and manner to be prescribed by the director. The
5 permit shall be issued on an annual basis.

6 c. An application for a permit or a permit renewal shall include
7 the applicant's:

8 (1) full name;

9 (2) residential address; and

10 (3) driver's license number.

11 The application shall be accompanied by a non-refundable
12 application fee of twenty five dollars.

13 d. A copy of the wine consultant permit shall be kept in any
14 vehicle transporting alcoholic beverages to or from an educational
15 event.

16 e. Wine consultants or wineries employing or contracting with
17 a wine consultant shall electronically register each educational
18 event with the director at least three days prior to the event.

19
20 3. a. A wine consultant shall not offer a sample at a tasting
21 event to any person under the legal age for consuming alcoholic
22 beverages or to an intoxicated person. The director shall
23 permanently revoke the permit if a wine consultant serves or allows
24 to be served alcoholic beverages to a person under 21 years of age.

25 b. A wine consultant shall not deliver or provide wine for sale
26 during an educational event. All wine used for educational events
27 shall be purchased from a licensed retailer or from a winery
28 authorized to engage in direct shipping pursuant to R.S.33:1-12.

29 c. If any unused wine remains in an open container at the end
30 of the educational event, a wine consultant shall:

31 (1) dispose of the unused wine through a sink or other
32 permanent method of disposal and dispose of the container; or

33 (2) securely reseal the open container of wine, place the
34 container in a tamper-proof, transparent bag which is sealed in a
35 manner that makes it visibly apparent if the bag is subsequently
36 tampered with or opened, and remove the container from the
37 premises.

38
39 4. A solicitor permit issued pursuant to R.S.33:1-67 and valid
40 on the date of enactment of P.L. , c. (C.) (pending before the
41 Legislature as this bill) or that expired after September 1, 2018 may
42 be converted to a wine consultant permit at the discretion of the
43 director.

44
45 5. The director shall promulgate rules and regulations to
46 effectuate the purposes of P.L. , c. (C.) (pending before the
47 Legislature as this bill.

1 wine used for educational events would be required to be purchased
2 from a licensed retailer or from a winery holding a valid direct
3 shipping license. Any unused wine in an open container remaining
4 at the end of the educational event, would be disposed of or
5 resealed in a tamper-proof manner prior to the wine consultant
6 leaving the premises.
7 Finally the bill provides that a solicitor permit valid on the date
8 of enactment, or which expired after September 1, 2018 could be
9 converted to a wine consultant permit at the discretion of the
10 director.