

# ASSEMBLY REGULATED PROFESSIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 4424

# STATE OF NEW JERSEY

DATED: OCTOBER 8, 2020

The Assembly Regulated Professions Committee reports favorably Assembly Bill No. 4424.

This bill creates a wine consultant permit for the purposes of: (1) education of and sampling of wine directly by consumers at least 21 years of age; and (2) soliciting orders for the sale of wines tasted during a private educational tasting event at a private residence or a virtual educational tasting held online.

Under the provisions of the bill, a wine consultant is defined as a person who is authorized to describe and pour samples of wine to consumers attending private educational tasting events and to hold virtual tasting events. A wine consultant may be: (1) an independent contractor; or (2) an authorized representative or employee of a licensed supplier, manufacturer, importer, or wholesaler licensed or permitted by the Division of Alcoholic Beverage Control. Under the bill, a private educational tasting event is defined as a scheduled event hosted by a resident of New Jersey at a private residence, at which samples may be provided and which is not to be open to the general public. The definition further provides that the event may be attended by invitation only, and invitations would be required to be sent to guests not less than 24 hours in advance. Under the bill, a virtual tasting event is defined as a scheduled event at a private residence, at which samples are discussed and orders are solicited online.

The bill sets forth an application process and registration and recordkeeping requirements for wine consultants. Under the provisions of the bill, the application fee for a permit or a permit renewal would be \$25. A person with a permit would be required to apply for a renewal annually. The bill requires a copy of the wine consultant permit to be kept in any vehicle transporting alcoholic beverages to or from an educational event. Additionally, wine consultants or wineries employing or contracting with wine consultant would be required to electronically register each educational event with the Director of the Division of Alcoholic Beverage control at least three days prior to the event.

The bill also sets forth requirements for delivery, sale, and removal of wine by wine consultants. Under the bill, a wine consultant would not be permitted to offer a sample at a tasting event to any person under the legal age for consuming alcoholic

beverages or to an intoxicated person. The permit of a wine consultant who serves or allows to be served alcoholic beverages to a person under 21 years of age would be permanently revoked.

The bill provides that a wine consultant would not be permitted to deliver or provide wine for sale during an educational event. All wine used for educational events would be required to be purchased from a licensed retailer or from a winery holding a valid direct shipping license. Any unused wine in an open container remaining at the end of the educational event, would be disposed of or resealed in a tamper-proof manner prior to the wine consultant leaving the premises.

Finally the bill provides that a solicitor permit valid on the date of enactment, or which expired after September 1, 2018 could be converted to a wine consultant permit at the discretion of the director.