

P.L. 2020, CHAPTER 33, *approved May 15, 2020*
Assembly Committee Substitute for
Assembly, No. 3966

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

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

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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.

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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.

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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

1 effect the holder of a craft distillery license shall be entitled to sell
2 on the licensed premises for consumption off the licensed premises:

3 (1) distilled alcoholic beverages that are manufactured on the
4 licensed premises and mixed or blended with other alcoholic or
5 nonalcoholic beverages and sold in closed and sealed containers;
6 and

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

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

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

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

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

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44 6. This act shall take effect immediately and shall expire on:
45 (1) the date of expiration, termination, or rescission of any and all
46 executive or administrative orders issued by the Governor or
47 Commissioner of Health establishing coronavirus-related occupancy

1 or customer seating restrictions applicable to licensed premises; or
2 (2) the first day of the seventh month following the date on which
3 the Governor declares that the state of emergency has ended,
4 whichever date occurs later.

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