

SENATE, No. 2681

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JULY 6, 2020

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Senator T.Kean

SYNOPSIS

Establishes certain temporary and permanent privileges for certain alcoholic beverage licensees; authorizes certain activities, events, and festivals in which certain alcoholic beverage licensees may participate.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/29/2020)

1 AN ACT concerning alcoholic beverage licensing and
2 supplementing and amending various sections of statutory law.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. (New section) a. As used in this section,
8 “Crowler” means a fillable and machine-sealable can which
9 does not hold more than 32 ounces of malt alcoholic beverage and
10 may be used to package draft malt alcoholic beverages for
11 consumption off the licensed premises of a limited brewery with
12 event privileges.

13 “Growler” means a glass, ceramic, or stainless steel receptacle
14 which does not hold more than 128 ounces of malt alcoholic
15 beverage and is used to transport draft malt alcoholic beverage for
16 consumption off the licensed premises of a limited brewery with
17 event privileges.

18 b. The holder of a plenary retail consumption license issued
19 pursuant to R.S.33:1-10 or concessionaire permit who, following
20 the enactment of P.L.2020, c.33 and prior to the expiration of
21 P.L. , c. (pending before the Legislature as this bill), purchased
22 additional equipment necessary to package and sell malt alcoholic
23 beverages in a crowler or growler for consumption off the licensed
24 premises in response to the COVID-19 pandemic shall be entitled to
25 continue to use the equipment to sell malt alcoholic beverages in
26 crowlers or growlers following the expiration of P.L.2020, c.33.

27 c. The provisions of this section shall not apply to the holder
28 of:

29 (1) a plenary retail consumption license used in connection with
30 a hotel or motel; or

31 (2) a single plenary retail consumption license that is used in
32 connection with multiple restaurants or other establishments located
33 on the same licensed premises.

34

35 2. (New section) a. As used in P.L. , c. (pending before the
36 Legislature as this bill) and R.S.33:1-10:

37 “Extended premises activity” means any activity occurring on an
38 outdoor area either adjacent to or adjoining the licensed premises of
39 a winery, limited brewery, distillery, cidery, or meadery that is not
40 owned by the license holder and may include but not be limited to a
41 sidewalk or parking lot. An “extended premises activity” shall not
42 include an off-premises event or festival as defined by sections 3
43 and 4 of P.L. , c. (pending before the Legislature as this bill).

44 “Mercantile business” means the selling of goods or merchandise
45 that are not related to or incidental to the licensed business.

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.

1 A “mercantile business” shall not include a restaurant, food vendor,
2 or food truck.

3 “On-premises activity” means any activity that is open to the
4 public and held on the licensed premises of a winery, limited
5 brewery, craft distillery, cidery, meadery, or other outdoor area,
6 including but not limited to a parking lot that is owned by the
7 license holder and is adjacent to or adjoining the licensed premises.

8 An “on-premises activity” shall include, but not be limited to:

9 (1) private parties, birthdays, weddings, anniversaries, civic and
10 political functions, professional and trade association events, class
11 reunion and alumni events;

12 (2) video games;

13 (3) board games;

14 (4) card games for which wagers are not placed;

15 (5) trivia and quizzo;

16 (6) paint and sip events;

17 (7) craftmaking;

18 (8) shuffleboard;

19 (9) yard games;

20 (10) background or radio music;

21 (11) live music or music played by a disc jockey;

22 (12) educational events and seminars;

23 (13) movies and theatrical events;

24 (14) animal adoption, to the extent permitted by local ordinance;

25 (15) yoga and exercise classes; or

26 (16) any other similar activity held on the licensed premises or
27 other area owned by the licensee that is adjacent to or adjoining the
28 licensed premises.

29 b. The holder of a winery, limited brewery, craft distillery, or
30 cidery and meadery license issued pursuant to R.S.33:1-10 may
31 hold an unlimited number of extended premises or on-premises
32 activities as defined in subsection a. of this section.

33 Except as provided in subsection d. of this section, the holder of
34 a license shall not be required to obtain a permit or provide
35 notification to the division to hold an extended premises or on-
36 premises activity. A municipality may, by ordinance or resolution,
37 as appropriate, limit the types of extended premises or on-premises
38 activities that the licensee may hold on the licensed premises. The
39 ordinance or resolution shall not limit or restrict the rights and
40 privileges granted to the holder of a license issued pursuant to
41 R.S.33:1-10.

42 c. Application to hold an extended premises activity shall be
43 made to the clerk of the municipality in which the licensee intends
44 to hold the activity. The clerk of the municipality shall notify the
45 governing body of the municipality and the chief law enforcement
46 officer of the municipality. The governing body of the municipality
47 shall approve or deny the application.

1 The holder of the license shall be required to obtain this approval
2 at least 10 days prior to the extended premises event. The
3 governing body, in its discretion, may grant approval less than 10
4 days prior to the extended premises event.

5 d. The holder of a winery, limited brewery, distillery, or cidery
6 and meadery license issued pursuant to R.S.33:1-10 shall provide
7 electronic notification to the division at least 10 days prior to
8 hosting an on-premises or extended premises activity for which
9 tickets are sold in advance. The notification shall include the name
10 of the license holder, the date and hours during which the activity is
11 to be held, and the expected number of attendees of the activity. A
12 licensee shall submit to the division a \$250 filing fee with the
13 notification required pursuant to this section.

14 e. A licensee may host another mercantile business on the
15 licensed premises to sell goods or merchandise that are not related
16 to or incidental to the licensed business. The holder of the license
17 shall not own an interest in, or profit from, the sale of goods by the
18 mercantile establishment. The license holder shall not host any
19 mercantile business on the licensed premises on more than four
20 days during each month.

21 f. The extended premises activities and on-premises activities
22 authorized pursuant to this section shall adhere to executive or
23 administrative orders issued by the Governor or Commissioner of
24 Health establishing coronavirus-related occupancy or customer
25 seating restrictions applicable to licensed premises.

26

27 3. (New section) a. As used in this act, “off-premises event”
28 means an event that takes place off the licensed premises of a
29 winery, limited brewery, craft distillery, cidery, meadery, or other
30 adjacent or adjoining outdoor area owned by the license holder, and
31 shall include, but not be limited to, music and arts festivals; civic
32 events; five kilometer or other running races, mud races, bike races
33 and other athletic events; the license holder’s anniversary
34 celebrations; and holiday celebrations. An “off-premises event”
35 shall not include a festival as defined by section 4 of P.L. , c.
36 (pending before the Legislature as this bill).

37 b. The holder of a valid winery license, limited brewery
38 license, craft distillery license, or cidery and meadery license may
39 hold up to 25 off-premises events per year.

40 c. Application to hold an off-premises event activity shall be
41 made to the clerk of the municipality in which the licensee intends
42 to hold the activity. The clerk of the municipality shall notify the
43 governing body of the municipality and the chief law enforcement
44 officer of the municipality. The governing body of the municipality
45 shall approve or deny the application.

46 The holder of the license shall be required to obtain this approval
47 at least 10 days prior to the off premises event. The governing

1 body, in its discretion, may grant approval less than 10 days prior to
2 the off premises event.

3 d. A municipality that approves an off-premises event pursuant
4 to this section may request that the licensee provide a detailed
5 security plan to ensure general safety, as well as emergency medical
6 assistance. The plan shall include, but not be limited to, a procedure
7 for: age verification; prevention of intoxication; compliance with
8 regulatory requirements on sample sizes; identification of security
9 personnel, duties, numbers and experience; confirmation that all
10 servers shall be employees of the applicant; and proof that the
11 licensee hosting is certified by an industry recognized server training
12 program.

13 e. At least 10 days prior to an off-premises event, the license
14 holder shall provide electronic notification to the division of the
15 event. Notification to the director shall include the name of the
16 license or permit holder, the date and hours during which the event
17 is to be held, and the expected attendance.

18 f. The license holders may remove any of the their unused or
19 unopened products following the event for the purpose of resale.

20 g. The fee for the first day and each consecutive day on which
21 an off-premise event is held shall be \$250 and shall be payable to
22 the division.

23 h. The extended premises activities and on-premises activities
24 authorized pursuant to this section shall adhere to executive or
25 administrative orders issued by the Governor or Commissioner of
26 Health establishing coronavirus-related occupancy or customer
27 seating restrictions applicable to licensed premises.

28

29 4. (New section) a. As used in this act:

30 "Festival" means an indoor or outdoor scheduled gathering,
31 function, occasion or event that shall be sponsored or hosted by the
32 holder of any winery license, limited brewery license, craft
33 distillery license, or cidery and meadery license, retail consumption
34 license, concessionaire permit, or a social affairs permit wherein
35 small samples of an alcoholic beverage are available from multiple
36 offerings from multiple suppliers, served for a single admission
37 price or per sample price.

38 "Third party promoter" means a person or entity engaged to
39 assist in operating or organizing the festival for a fee.

40 b. The holder of a winery license, limited brewery license, craft
41 distillery license, or cidery and meadery license, retail consumption
42 license, concessionaire permit, or a social affairs permit may hold
43 not more than five festivals per year.

44 The license holder shall provide, at least 45 days prior to a
45 festival, electronic notification to the division of the festival.
46 Notification to the director shall include the name of the license or
47 permit holder, the hours during which the festival is to be held, the
48 expected attendance of the festival, and the festival date.

1 c. Application to hold a festival shall be made to the clerk of
2 the municipality in which the licensee intends to hold the festival.
3 The clerk of the municipality shall notify the governing body of the
4 municipality and the chief law enforcement officer of the
5 municipality. The governing body of the municipality shall approve
6 or deny the application.

7 The holder of the license shall be required to obtain this approval
8 at least 10 days prior to the festival. The governing body, in its
9 discretion, may grant approval less than 10 days prior to the
10 festival.

11 d. A municipality that approves a festival pursuant to this
12 section may request that the licensee provide a detailed security
13 plan to assure general safety, as well as emergency medical
14 assistance. The plan shall include, but not be limited to, a procedure
15 for: age verification; prevention of intoxication; compliance with
16 regulatory requirements on sample sizes; identification of security
17 personnel, duties, numbers and experience; confirmation that all
18 servers shall be employees of the applicant; and proof that the
19 licensee hosting the festival is certified by an industry recognized
20 server training program.

21 e. The provisions of this section shall not prohibit a person
22 from applying to the director for a social affairs permit for an event
23 that does not constitute a festival as defined in subsection a. of this
24 section.

25 f. A festival shall be subject to the following conditions:

26 (1) the categories for festivals shall be malt alcoholic beverage,
27 wine, cider, mead, distilled spirits, or a combination thereof;

28 (2) the festival host shall be in control of and responsible for the
29 event and the premises at all times;

30 (3) the festival attendees shall be the legal age to purchase and
31 consume alcoholic beverages;

32 (4) alcoholic beverages used or consumed at a festival shall be
33 brand registered, stored securely with all transportation permits
34 intact and purchased in accordance with Title 33 of the Revised
35 Statutes and rules and regulations promulgated by the director;

36 (5) a festival session shall not exceed four hours in duration, but
37 multiple sessions separated by a break of at least one hour are
38 permitted provided attendees are not permitted to attend more than
39 one four hour session per day. The governing body of the
40 municipality may extend a session for not more than one hour upon
41 a showing of good cause;

42 (6) festival participants may sell alcoholic beverages in original
43 containers for off-premises consumption. However, the holder of a
44 limited brewery license may sell malt alcoholic beverages for off-
45 premises consumption in a crowler or growler as defined in
46 R.S.33:1-10;

47 (7) a festival shall not be held on more than three consecutive
48 days;

1 (8) sample sizes used at a festival shall not exceed:
2 (a) two ounce samples for malt alcoholic beverages;
3 (b) one ounce samples for wine; and
4 (c) one-half ounce samples for distilled spirits.
5 (9) all pourers and servers shall be supervised by an employee
6 who is certified by an industry recognized server training program;
7 (10) a festival shall have sufficient food and non-alcoholic
8 beverages available, whether complimentary or for purchase; and
9 (11) a festival participant may remove any unused or unopened
10 products following the event. The holder of a winery license,
11 limited brewery license, craft distillery license, or cidery and
12 meadery license, retail consumption license, or concessionaire
13 permit may resell the unused or unopened products.
14 g. A third party promoter who participates in a festival shall
15 meet the qualifications of a licensee, permittee, or employee under
16 N.J.S.33:1-26 prior to the festival event.
17 h. The fee for a festival shall be paid to the municipality.
18 Except as provided in subsection i. and j. of this section, the fee for
19 the first day and each consecutive day on which a festival is held
20 shall be:
21 (1) \$300 for an expected attendance of less than 1,000 people;
22 (2) \$1,000 for an expected attendance of between 1,001 and
23 5,000 people;
24 (3) \$2,000 for an expected attendance of between 5,001 and
25 10,000 people; and
26 (4) \$3,000 for an expected attendance of more than 10,000
27 people.
28 i. The fee for the first day and each consecutive day shall be
29 \$150 for a festival held for the sole benefit of a non-profit
30 organization provided the festival does not involve a third-party
31 promoter.
32 j. The fee for the first day and each consecutive day of a
33 festival that utilizes a third party promoter shall be:
34 (1) \$2,500 for an expected attendance of less than 5,000 people;
35 and
36 (2) \$5,000 for an expected attendance of 5,000 or more people.
37 k. The festivals authorized pursuant to this section shall adhere
38 to executive or administrative orders issued by the Governor or
39 Commissioner of Health establishing coronavirus-related occupancy
40 or customer seating restrictions applicable to licensed premises.
41
42 5. (New section) The holder of a Class A license issued
43 pursuant to R.S.33:1-10 or Class C license issued pursuant to
44 R.S.33:1-12 who hosts an off-premises event or festival temporarily
45 authorized pursuant to P.L. , c. (pending before the Legislature
46 as this bill) shall maintain liquor liability insurance coverage to
47 insure against loss resulting from liability imposed by law for
48 bodily injury or death sustained by any person resulting from the

1 consumption of alcoholic beverages while on the premises. The
2 licensee shall submit a copy of the insurance policy to the Director
3 of the Division of Alcoholic Beverage Control and the clerk of the
4 municipality which the licensed premises are located.

5
6 6. (New section) a. Notwithstanding the provisions of
7 R.S.33:1-10 or any other law to the contrary, during the period this
8 section remains in effect:

9 (1) the holder of a limited brewery license and craft distillery
10 license shall not be required to provide a tour of the licensed
11 premises in connection with the sale of the licensee's products for
12 consumption on the licensed premises;

13 (2) the holder of a limited brewery license may sell the
14 licensee's product for consumption off the licensed premises in the
15 form of a keg, sixtel, case, six-pack, growler, crowler, or other
16 container; and

17 (3) the holder of a limited brewery license, cidery and meadery
18 license, and craft distillery license may:

19 (a) offer to consumers or maintain on the licensed premises
20 menus for the sale of food by any restaurant, food vendor, or food
21 truck that is situated off the licensed premises;

22 (b) allow a person to consume on the licensed premises food
23 that was prepared by a restaurant, food vendor, or food truck that is
24 situated off the licensed premises;

25 (c) sell any non-alcoholic beverages on the licensed premises,
26 whether or not manufactured by the license holder; and

27 (d) offer for sale or make the gratuitous offering of packaged
28 crackers, chips, nuts, and similar snacks to consumers.

29 b. The activities authorized pursuant to this section shall adhere
30 to executive or administrative orders issued by the Governor or
31 Commissioner of Health establishing coronavirus-related occupancy
32 or customer seating restrictions applicable to licensed premises.

33
34 7. R.S.33:1-12 is amended to read as follows:

35 33:1-12. Class C licenses shall be subdivided and classified as
36 follows:

37 Plenary retail consumption license. 1. The holder of this license
38 shall be entitled, subject to rules and regulations, to sell any
39 alcoholic beverages for consumption on the licensed premises by
40 the glass or other open receptacle, and also to sell any alcoholic
41 beverages in original containers for consumption off the licensed
42 premises; but this license shall not be issued to permit the sale of
43 alcoholic beverages in or upon any premises in which a grocery,
44 delicatessen, drug store or other mercantile business is carried on,
45 except as hereinafter provided. The holder of this license shall be
46 permitted to conduct consumer wine, beer and spirits tasting events
47 and samplings for a fee or on a complimentary basis pursuant to
48 conditions established by rules and regulations of the Division of

1 Alcoholic Beverage Control, provided however, that the holder of
2 this license complies with the terms and conditions set forth in
3 section 3 of P.L.2009, c.216 (C.33:1-12d). The holder of this
4 license shall be entitled to sell and deliver alcoholic beverages for
5 consumption off the licensed premises upon the enactment of an
6 ordinance pursuant to section 9 of P.L. _____, c. _____ (C. _____) (pending
7 before the Legislature as this bill).

8 The holder of this license who applies to the Director of the
9 Division of Alcoholic Beverage Control prior to the expiration of
10 P.L. _____, c. _____ (pending before the Legislature as this bill) may
11 thereafter, for a set price or cover charge, hold a promotional event
12 not more than once per month that allows for the unlimited
13 availability of alcoholic beverages for consumption on the licensed
14 premises in conjunction with a food pairing and an educational
15 component relating to the type of alcoholic beverages served or
16 promoted at the event.

17 The holder of this license also may hold a promotional event that
18 allows for the unlimited availability of alcoholic beverages for
19 consumption on the licensed premises on New Year's Eve in
20 addition to the 12 events permitted pursuant to this section. A
21 license holder who holds an event on New Year's Eve shall not be
22 required to offer a food pairing or educational component. Tickets
23 for a promotional event may be sold in advance or on the day of the
24 promotional event.

25 Subject to such rules and regulations established from time to
26 time by the director, the holder of this license shall be permitted to
27 sell alcoholic beverages in or upon the premises in which any of the
28 following is carried on: the keeping of a hotel or restaurant
29 including the sale of mercantile items incidental thereto as an
30 accommodation to patrons; the sale, at an entertainment facility as
31 defined in R.S.33:1-1, having a seating capacity for no less than
32 4,000 patrons, of mercantile items traditionally associated with the
33 type of event or program held at the site; the sale of distillers',
34 brewers' and vintners' packaged merchandise prepacked as a unit
35 with other suitable objects as gift items to be sold only as a unit; the
36 sale of novelty wearing apparel identified with the name of the
37 establishment licensed under the provisions of this section; the sale
38 of cigars, cigarettes, packaged crackers, chips, nuts and similar
39 snacks and ice at retail as an accommodation to patrons, or the retail
40 sale of nonalcoholic beverages as accessory beverages to alcoholic
41 beverages; or, in commercial bowling establishments, the retail sale
42 or rental of bowling accessories and the retail sale from vending
43 machines of candy, ice cream and nonalcoholic beverages. The fee
44 for this license shall be fixed by the governing board or body of the
45 municipality in which the licensed premises are situated, by
46 ordinance, at not less than \$250 and not more than \$2,500. No
47 ordinance shall be enacted which shall raise or lower the fee to be
48 charged for this license by more than 20% from that charged in the

1 preceding license year or **【\$500.00】** \$500, whichever is the lesser.
2 The governing board or body of each municipality may, by
3 ordinance, enact that no plenary retail consumption license shall be
4 granted within its respective municipality.

5 The holder of this license shall be permitted to obtain a restricted
6 brewery license issued pursuant to subsection 1c. of R.S.33:1-10
7 and to operate a restricted brewery immediately adjoining the
8 licensed premises in accordance with the restrictions set forth in
9 that subsection. All fees related to the issuance of both licenses
10 shall be paid in accordance with statutory law.

11 Seasonal retail consumption license. 2. (1) The holder of this
12 license shall be entitled, subject to rules and regulations, to sell any
13 alcoholic beverages for consumption on the licensed premises by
14 the glass or other open receptacle, and also to sell any alcoholic
15 beverages in original containers for consumption off the licensed
16 premises, during the summer season from May 1 until November
17 14, inclusive, or during the winter season from November 15 until
18 April 30, inclusive.

19 (2) In addition, the director shall issue to the holder of this
20 license, upon request by the licensee, one-day permits that shall
21 entitle the license holder to sell alcoholic beverages for
22 consumption on the licensed premises during the season when the
23 license holder is not authorized to sell alcoholic beverages pursuant
24 to subparagraph (1) of this subsection. The number of one-day
25 permits issued to a licensee pursuant to this subsection shall not
26 exceed an aggregate of 14 permits in one calendar year. A one-day
27 permit issued pursuant to this subsection shall be valid for 24
28 consecutive hours. The fee for each one-day permit shall be \$500.

29 The governing body of the municipality in which the licensed
30 premises is situated may place reasonable conditions upon a one-
31 day permit for the purpose of maintaining public safety on the
32 licensed premises and immediately surrounding area. The costs
33 associated with the reasonable conditions placed on the one-day
34 permit shall be assumed by the holder of this license.

35 (3) This license shall not be issued to permit the sale of
36 alcoholic beverages in or upon any premises in which a grocery,
37 delicatessen, drug store or other mercantile business is carried on,
38 except as hereinafter provided. Subject to such rules and
39 regulations established from time to time by the director, the holder
40 of this license shall be permitted to sell alcoholic beverages in or
41 upon the premises in which any of the following is carried on: the
42 keeping of a hotel or restaurant including the sale of mercantile
43 items incidental thereto as an accommodation to patrons; the sale of
44 distillers', brewers' and vintners' packaged merchandise prepacked
45 as a unit with other suitable objects as gift items to be sold only as a
46 unit; the sale of novelty wearing apparel identified with the name of
47 the establishment licensed under the provisions of this section; the
48 sale of cigars, cigarettes, packaged crackers, chips, nuts and similar

1 snacks and ice at retail as an accommodation to patrons; or the retail
2 sale of nonalcoholic beverages as accessory beverages to alcoholic
3 beverages. The fee for this license shall be fixed by the governing
4 board or body of the municipality in which the licensed premises
5 are situated, by ordinance, at 75% of the fee fixed by said board or
6 body for plenary retail consumption licenses. The governing board
7 or body of each municipality may, by ordinance, enact that no
8 seasonal retail consumption license shall be granted within its
9 respective municipality.

10 Plenary retail distribution license. 3. a. The holder of this license
11 shall be entitled, subject to rules and regulations, to sell any
12 alcoholic beverages for consumption off the licensed premises, but
13 only in original containers; except that licensees shall be permitted
14 to conduct consumer wine, beer, and spirits tasting events and
15 samplings on a complimentary basis pursuant to conditions
16 established by rules and regulations of the Division of Alcoholic
17 Beverage Control, provided however, that the holder of this license
18 complies with the terms and conditions set forth in section 3 of
19 P.L.2009, c.216 (C.33:1-12d).

20 The governing board or body of each municipality may, by
21 ordinance, enact that this license shall not be issued to permit the
22 sale of alcoholic beverages in or upon any premises in which any
23 other mercantile business is carried on, except that any such
24 ordinance, heretofore or hereafter adopted, shall not prohibit the
25 retail sale of distillers', brewers' and vintners' packaged
26 merchandise prepacked as a unit with other suitable objects as gift
27 items to be sold only as a unit; the sale of novelty wearing apparel
28 identified with the name of the establishment licensed under the
29 provisions of this act; cigars, cigarettes, packaged crackers, chips,
30 nuts and similar snacks, ice, and nonalcoholic beverages as
31 accessory beverages to alcoholic beverages. The fee for this license
32 shall be fixed by the governing board or body of the municipality in
33 which the licensed premises are situated, by ordinance, at not less
34 than \$125 and not more than \$2,500. No ordinance shall be enacted
35 which shall raise or lower the fee to be charged for this license by
36 more than 20% from that charged in the preceding license year or
37 \$500.00, whichever is the lesser. The governing board or body of
38 each municipality may, by ordinance, enact that no plenary retail
39 distribution license shall be granted within its respective
40 municipality.

41 Limited retail distribution license. 3. b. The holder of this license
42 shall be entitled, subject to rules and regulations, to sell any
43 unchilled, brewed, malt alcoholic beverages in quantities of not less
44 than 72 fluid ounces for consumption off the licensed premises, but
45 only in original containers; provided, however, that this license
46 shall be issued only for premises operated and conducted by the
47 licensee as a bona fide grocery store, meat market, meat and
48 grocery store, delicatessen, or other type of bona fide food store at

1 which groceries or other foodstuffs are sold at retail; and provided
2 further that this license shall not be issued except for premises at
3 which the sale of groceries or other foodstuffs is the primary and
4 principal business and at which the sale of alcoholic beverages is
5 merely incidental and subordinate thereto. The fee for this license
6 shall be fixed by the governing body or board of the municipality in
7 which the licensed premises are situated, by ordinance, at not less
8 than \$31 and not more than \$63. The governing board or body of
9 each municipality may, by ordinance, enact that no limited retail
10 distribution license shall be granted within its respective
11 municipality.

12 Plenary retail transit license. 4. The holder of this license shall be
13 entitled, subject to rules and regulations, to sell any alcoholic
14 beverages, for consumption only, on railroad trains, airplanes,
15 limousines and boats, while in transit. The fee for this license for
16 use by a railroad or air transport company shall be \$375, for use by
17 the owners of limousines shall be \$31 per vehicle, and for use on a
18 boat shall be \$63 on a boat 65 feet or less in length, \$125 on a boat
19 more than 65 feet in length but not more than 110 feet in length,
20 and \$375 on a boat more than 110 feet in length; such boat lengths
21 shall be determined in the manner prescribed by the Bureau of
22 Customs of the United States Government or any federal agency
23 successor thereto for boat measurement in connection with issuance
24 of marine documents. A license issued under this provision to a
25 railroad or air transport company shall cover all railroad cars and
26 planes operated by any such company within the State of New
27 Jersey. A license for a boat or limousine issued under this
28 provision shall apply only to the particular boat or limousine for
29 which issued, and shall permit the purchase of alcoholic beverages
30 for sale or service in a boat or limousine to be made from any Class
31 A and B licensee or from any Class C licensee whose license
32 privilege permits the sale of alcoholic beverages in original
33 containers for off-premises consumption. An interest in a plenary
34 retail transit license issued in accordance with this section shall be
35 excluded in determining the maximum number of retail licenses
36 permitted under P.L.1962, c.152 (C.33:1-12.31 et seq.).

37 Club license. 5. The holder of this license shall be entitled,
38 subject to rules and regulations, to sell any alcoholic beverages but
39 only for immediate consumption on the licensed premises and only
40 to bona fide club members and their guests. The fee for this license
41 shall be fixed by the governing board or body of the municipality in
42 which the licensed premises are situated, by ordinance, at not less
43 than \$63 and not more than \$188. The governing board or body of
44 each municipality may, by ordinance, enact that no club licenses
45 shall be granted within its respective municipality. Club licenses
46 may be issued only to such corporations, associations and
47 organizations as are operated for benevolent, charitable, fraternal,
48 social, religious, recreational, athletic, or similar purposes, and not

1 for private gain, and which comply with all conditions which may
2 be imposed by the Director of the Division of Alcoholic Beverage
3 Control by rules and regulations.

4 The provisions of section 23 of P.L.2003, c.117 amendatory of
5 this section shall apply to licenses issued or transferred on or after
6 July 1, 2003, and to license renewals commencing on or after July
7 1, 2003.

8 Sporting facility license. 6. The holder of this license shall be
9 entitled, subject to rules and regulations, to sell at retail or to serve
10 any alcoholic beverages as the owner, operator, lessee, or
11 concessionaire of a sporting facility by the glass or other receptacle
12 or in original containers only on the premises of the sporting
13 facility.

14 Notwithstanding any other provision of Title 33 of the Revised
15 Statutes and subject to conditions established by the director, the
16 holder of this license may share direction and control of the
17 premises to be licensed and share proceeds and profits from the sale
18 of alcoholic beverages with the owner, operator, concessionaire, or
19 lessee of the facility. The holder of this license shall be permitted
20 to conduct consumer wine, beer, and spirits tasting events and
21 samplings for a fee or on a complimentary basis provided, however,
22 the license holder complies with the provisions of section 3 of
23 P.L.2009, c.216 (C.33:1-12d) and rules and regulations promulgated
24 thereto. Notwithstanding any law, rule or regulation to the
25 contrary, the holder of this license shall be entitled to establish an
26 all-inclusive area within the licensed sporting facility, provided the
27 all-inclusive area is limited to one area within the sporting facility
28 for each game or event and the capacity of the all-inclusive area
29 does not exceed 500 persons.

30 The fee for this license shall be \$2,500 for venues with a
31 capacity of less than 7,500 persons; \$5,000 for venues with a
32 capacity of not less than 7,500 persons but not more than 14,999
33 persons; \$7,500 for venues with a capacity of not less than 15,000
34 persons but not more than 22,499 persons; and \$10,000 for venues
35 with a capacity of 22,500 persons or more.

36 For the purposes of this subsection:

37 "Sporting facility" means a stadium, arena, team training facility,
38 or similar venue located on public property where alcoholic
39 beverages are served or sold at retail for consumption on the
40 premises by the glass or other open receptacle or in original
41 containers.

42 "Team training facility" shall include team offices and team
43 headquarters.

44 (cf: P.L.2018, c.147, s.1)

45
46 8. R.S.33:1-10 is amended to read as follows:

47 33:1-10. Class A licenses shall be subdivided and classified as
48 follows:

1 Plenary brewery license. 1a. The holder of this license shall
2 be entitled, subject to rules and regulations, to brew any malt
3 alcoholic beverages and to sell and distribute his products to
4 wholesalers and retailers licensed in accordance with this chapter,
5 and to sell and distribute without this State to any persons pursuant
6 to the laws of the places of such sale and distribution, and to
7 maintain a warehouse; provided, however, that the delivery of this
8 product by the holder of this license to retailers licensed under this
9 title shall be from inventory in a warehouse located in this State
10 which is operated under a plenary brewery license. The fee for this
11 license shall be \$10,625.

12 Limited brewery license. 1b. The holder of this license shall
13 be entitled, subject to rules and regulations, to brew any malt
14 alcoholic beverages in a quantity to be expressed in said license,
15 dependent upon the following fees and not in excess of 300,000
16 barrels of 31 fluid gallons capacity per year and to sell and
17 distribute this product to wholesalers and retailers licensed in
18 accordance with this chapter, and to sell and distribute without this
19 State to any persons pursuant to the laws of the places of such sale
20 and distribution, and to maintain a warehouse; provided, however,
21 that the delivery of this product by the holder of this license to
22 retailers licensed under this title shall be from inventory in a
23 warehouse located in this State which is operated under a limited
24 brewery license. The holder of this license shall be entitled to sell
25 this product at retail to consumers on the licensed premises of the
26 brewery for consumption on the premises, but only in connection
27 with a tour of the brewery, or for consumption off the premises in a
28 quantity of not more than 15.5 fluid gallons per person, and to offer
29 samples for sampling purposes only pursuant to an annual permit
30 issued by the director. The holder of this license shall not sell food
31 or operate a restaurant on the licensed premises. The fee for this
32 license shall be graduated as follows:

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

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

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

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

41 For the purposes of this subsection, "sampling" means the selling
42 at a nominal charge or the gratuitous offering of an open container
43 not exceeding four ounces of any malt alcoholic beverage. For the
44 purposes of this subsection, "product" means any malt alcoholic
45 beverage that is produced on the premises licensed under this
46 subsection.

47 Restricted brewery license. 1c. **【The】** Except as otherwise
48 provided in this section, the holder of this license shall be entitled,

1 subject to rules and regulations, to brew any malt alcoholic
2 beverages in a quantity to be expressed in such license not in excess
3 of 10,000 barrels of 31 gallons capacity per year. The holder of this
4 license may apply to the Director of the Division of Alcoholic
5 Beverage Control prior to the expiration of P.L. , c. (pending
6 before the Legislature as this bill) to brew any malt alcoholic
7 beverages in a quantity to be expressed in such license not in excess
8 of 100,000 barrels of 31 gallons capacity per year.

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

45 The holder of this license shall be entitled to offer samples of its
46 product for promotional purposes at charitable or civic events off
47 the licensed premises pursuant to an annual permit issued by the
48 director.

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

7 Plenary winery license. 2a. Provided that the holder is
8 engaged in growing and cultivating grapes or fruit used in the
9 production of wine on at least three acres on, or adjacent to, the
10 winery premises, the holder of this license shall be entitled, subject
11 to rules and regulations, to produce any fermented wines, and to
12 blend, fortify and treat wines, and to sell and distribute his products
13 to wholesalers licensed in accordance with this chapter and to
14 churches for religious purposes, and to sell and distribute without
15 this State to any persons pursuant to the laws of the places of such
16 sale and distribution, and to maintain a warehouse, and to sell his
17 products at retail to consumers on the licensed premises of the
18 winery for consumption on or off the premises and to offer samples
19 for sampling purposes only. The fee for this license shall be \$938.
20 A holder of this license who produces not more than 250,000
21 gallons per year shall also have the right to sell and distribute his
22 products to retailers licensed in accordance with this chapter, except
23 that the holder of this license shall not use a common carrier for
24 such distribution. The fee for this additional privilege shall be
25 graduated as follows: a licensee who manufactures more than
26 150,000 gallons, but not in excess of 250,000 gallons per annum,
27 \$1,000; a licensee who manufactures more than 100,000 gallons,
28 but not in excess of 150,000 gallons per annum, \$500; a licensee
29 who manufactures more than 50,000 gallons, but not in excess of
30 100,000 gallons per annum, \$250; a licensee who manufactures
31 50,000 gallons or less per annum, \$100. A holder of this license
32 who produces not more than 250,000 gallons per year shall have the
33 right to sell such wine at retail in original packages in 15
34 salesrooms apart from the winery premises for consumption on or
35 off the premises and for sampling purposes for consumption on the
36 premises, at a fee of \$250 for each salesroom. Licensees shall not
37 jointly control and operate salesrooms. Additionally, the holder of
38 this license who produces not more than 250,000 gallons per year
39 may ship not more than 12 cases of wine per year, subject to
40 regulation, to any person within or without this State over 21 years
41 of age for personal consumption and not for resale. A case of wine
42 shall not exceed a maximum of nine liters. A copy of the original
43 invoice shall be available for inspection by persons authorized to
44 enforce the alcoholic beverage laws of this State for a minimum
45 period of three years at the licensed premises of the winery. For the
46 purposes of this subsection, "sampling" means the selling at a
47 nominal charge or the gratuitous offering of an open container not
48 exceeding one and one-half ounces of any wine.

1 A holder of this license who produces not more than 250,000
2 gallons per year shall not own, either in whole or in part, or hold,
3 either directly or indirectly, any interest in a winery that produces
4 more than 250,000 gallons per year. In addition, a holder of this
5 license who produces more than 250,000 gallons per year shall not
6 own, either in whole or in part, or hold, either directly or indirectly,
7 any interest in a winery that produces not more than 250,000
8 gallons per year. For the purposes of this subsection, "product"
9 means any wine that is produced, blended, fortified, or treated by
10 the licensee on its licensed premises situated in the State of New
11 Jersey. For the purposes of this subsection, "wine" shall include
12 "hard cider" and "mead" as defined in this section.

13 Farm winery license. 2b. The holder of this license shall
14 be entitled, subject to rules and regulations, to manufacture any
15 fermented wines and fruit juices in a quantity to be expressed in
16 said license, dependent upon the following fees and not in excess of
17 50,000 gallons per year and to sell and distribute his products to
18 wholesalers and retailers licensed in accordance with this chapter
19 and to churches for religious purposes and to sell and distribute
20 without this State to any persons pursuant to the laws of the places
21 of such sale and distribution, and to maintain a warehouse and to
22 sell at retail to consumers for consumption on or off the licensed
23 premises and to offer samples for sampling purposes only. The
24 license shall be issued only when the winery at which such
25 fermented wines and fruit juices are manufactured is located and
26 constructed upon a tract of land exclusively under the control of the
27 licensee, provided that the licensee is actively engaged in growing
28 and cultivating an area of not less than three acres on or adjacent to
29 the winery premises and on which are growing grape vines or fruit
30 to be processed into wine or fruit juice; and provided, further, that
31 for the first five years of the operation of the winery such fermented
32 wines and fruit juices shall be manufactured from at least 51
33 percent grapes or fruit grown in the State and that thereafter they
34 shall be manufactured from grapes or fruit grown in this State at
35 least to the extent required for labeling as "New Jersey Wine" under
36 the applicable federal laws and regulations. The containers of all
37 wine sold to consumers by such licensee shall have affixed a label
38 stating such information as shall be required by the rules and
39 regulations of the Director of the Division of Alcoholic Beverage
40 Control. The fee for this license shall be graduated as follows: to so
41 manufacture between 30,000 and 50,000 gallons per annum, \$375;
42 to so manufacture between 2,500 and 30,000 gallons per annum,
43 \$250; to so manufacture between 1,000 and 2,500 gallons per
44 annum, \$125; to so manufacture less than 1,000 gallons per annum,
45 \$63. No farm winery license shall be held by the holder of a plenary
46 winery license or be situated on a premises licensed as a plenary
47 winery.

1 The holder of this license shall also have the right to sell and
2 distribute his products to retailers licensed in accordance with this
3 chapter, except that the holder of this license shall not use a
4 common carrier for such distribution. The fee for this additional
5 privilege shall be \$100. The holder of this license shall have the
6 right to sell his products in original packages at retail to consumers
7 in 15 salesrooms apart from the winery premises for consumption
8 on or off the premises, and for sampling purposes for consumption
9 on the premises, at a fee of \$250 for each salesroom. Licensees
10 shall not jointly control and operate salesrooms. Additionally, the
11 holder of this license may ship not more than 12 cases of wine per
12 year, subject to regulation, to any person within or without this
13 State over 21 years of age for personal consumption and not for
14 resale. A case of wine shall not exceed a maximum of nine liters. A
15 copy of the original invoice shall be available for inspection by
16 persons authorized to enforce the alcoholic beverage laws of this
17 State for a minimum period of three years at the licensed premises
18 of the winery. For the purposes of this subsection, "sampling"
19 means the selling at a nominal charge or the gratuitous offering of
20 an open container not exceeding one and one-half ounces of any
21 wine.

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

26 Unless otherwise indicated, for the purposes of this subsection,
27 with respect to farm winery licenses, "manufacture" means the
28 vinification, aging, storage, blending, clarification, stabilization and
29 bottling of wine or juice from New Jersey fruit to the extent
30 required by this subsection.

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

33 Wine blending license. 2c. The holder of this license shall
34 be entitled, subject to rules and regulations, to blend, treat, mix, and
35 bottle fermented wines and fruit juices with non-alcoholic
36 beverages, and to sell and distribute his products to wholesalers and
37 retailers licensed in accordance with this chapter, and to sell and
38 distribute without this State to any persons pursuant to the laws of
39 the places of such sale and distribution, and to maintain a
40 warehouse. The fee for this license shall be \$625.

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

43 Instructional winemaking facility license. 2d. The
44 holder of this license shall be entitled, subject to rules and
45 regulations, to instruct persons in and provide them with the
46 opportunity to participate directly in the process of winemaking and
47 to directly assist such persons in the process of winemaking while
48 in the process of instruction on the premises of the facility. The

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

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

27 Out-of-State winery license. 2e. Provided that the
28 applicant does not produce more than 250,000 gallons of wine per
29 year, the holder of a valid winery license issued in any other state
30 may make application to the director for this license. The holder of
31 this license shall have the right to sell and distribute his products to
32 wholesalers licensed in accordance with this chapter and to sell
33 such wine at retail in original packages in 16 salesrooms apart from
34 the winery premises for consumption on or off the premises at a fee
35 of \$250 for each salesroom. Licensees shall not jointly control and
36 operate salesrooms. The annual fee for this license shall be \$938.
37 A copy of a current license issued by another state shall accompany
38 the application. The holder of this license also shall have the right
39 to sell and distribute his products to retailers licensed in accordance
40 with this chapter, except that the holder of this license shall not use
41 a common carrier for such distribution. The fee for this additional
42 privilege shall be graduated as follows: a licensee who
43 manufactures more than 150,000 gallons, but not in excess of
44 250,000 gallons per annum, \$1,000; a licensee who manufactures
45 more than 100,000 gallons, but not in excess of 150,000 gallons per
46 annum, \$500; a licensee who manufactures more than 50,000
47 gallons, but not in excess of 100,000 gallons per annum, \$250; a
48 licensee who manufactures 50,000 gallons or less per annum, \$100.

1 Additionally, the holder of this license may ship not more than 12
2 cases of wine per year, subject to regulation, to any person within or
3 without this State over 21 years of age for personal consumption
4 and not for resale. A case of wine shall not exceed a maximum of
5 nine liters. A copy of the original invoice shall be available for
6 inspection by persons authorized to enforce the alcoholic beverage
7 laws of this State for a minimum period of three years at the
8 licensed premises of the winery.

9 The licensee shall collect from the customer the tax due on the
10 sale pursuant to the "Sales and Use Tax Act," P.L.1966, c.30
11 (C.54:32B-1 et seq.) and shall pay the tax due on the delivery of
12 alcoholic beverages pursuant to the "Alcoholic beverage tax law,"
13 R.S.54:41-1 et seq. The Director of the Division of Taxation in the
14 Department of the Treasury shall promulgate such rules and
15 regulations necessary to effectuate the provisions of this paragraph,
16 and may provide by regulation for the co-administration of the tax
17 due on the delivery of alcoholic beverages pursuant to the
18 "Alcoholic beverage tax law," R.S.54:41-1 et seq. with the
19 administration of the tax due on the sale pursuant to the "Sales and
20 Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

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

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

27 Cidery and meadery license. 2f. The holder of this
28 license shall be entitled, subject to rules and regulations, to
29 manufacture hard cider and mead and to sell and distribute these
30 products to wholesalers and retailers licensed in accordance with
31 this chapter, and to sell and distribute without this State to any
32 persons pursuant to the laws of the places of such sale and
33 distribution, and to maintain a warehouse. The holder of this
34 license shall be entitled to sell these products at retail to consumers
35 on the licensed premises for consumption on or off the premises and
36 to offer samples for sampling purposes only. The holder of this
37 license shall be permitted to offer for sale or make the gratuitous
38 offering of packaged crackers, chips, nuts, and similar snacks to
39 consumers, but shall not operate a restaurant on the licensed
40 premises. The fee for this license shall be \$938.

41 The holder of this license shall be entitled to manufacture hard
42 cider in a quantity not to exceed 50,000 barrels of 31 fluid gallons
43 capacity per year. With respect to the sale and distribution of hard
44 cider to a wholesaler, the licensee shall be subject to the same
45 statutory and regulatory requirements as a brewer, and hard cider
46 shall be considered a malt alcoholic beverage, for the purposes of
47 the "Malt Alcoholic Beverage Practices Act," P.L.2005, c.243

1 (C.33:1-93.12 et seq.). The holder of this license shall not directly
2 ship hard cider either within or without this State.

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

13 "Hard cider" means a fermented alcoholic beverage derived
14 primarily from apples, pears, apple juice concentrate and water, or
15 pear juice concentrate and water, which may include spices, herbs,
16 honey, or other flavoring, and which contains at least one half of
17 one percent but less than eight and one half percent alcohol by
18 volume.

19 "Mead" means an alcoholic beverage primarily made from
20 honey, water, and yeast, and which may contain fruit, fruit juices,
21 spices, or herbs added before or after fermentation has completed,
22 except that the ratio of fermentable sugars from fruit or fruit juices
23 shall not exceed 49 percent of the total fermentable sugars used to
24 produce mead.

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

28 Plenary distillery license.

29 3a. The holder of this license shall be entitled, subject to rules
30 and regulations, to manufacture any distilled alcoholic beverages
31 and rectify, blend, treat and mix, and to sell and distribute his
32 products to wholesalers and retailers licensed in accordance with
33 this chapter, and to sell and distribute without this State to any
34 persons pursuant to the laws of the places of such sale and
35 distribution, and to maintain a warehouse. The fee for this license
36 shall be \$12,500.

37 Limited distillery license.

38 3b. The holder of this license shall be entitled, subject to rules
39 and regulations, to manufacture and bottle any alcoholic beverages
40 distilled from fruit juices and rectify, blend, treat, mix, compound
41 with wine and add necessary sweetening and flavor to make cordial
42 or liqueur, and to sell and distribute to wholesalers and retailers
43 licensed in accordance with this chapter, and to sell and distribute
44 without this State to any persons pursuant to the laws of the places
45 of such sale and distribution and to warehouse these products. The
46 fee for this license shall be \$3,750.

1 Supplementary limited distillery license.

2 3c. The holder of this license shall be entitled, subject to rules
3 and regulations, to bottle and rebottle, in a quantity to be expressed
4 in said license, dependent upon the following fees, alcoholic
5 beverages distilled from fruit juices by such holder pursuant to a
6 prior plenary or limited distillery license, and to sell and distribute
7 his products to wholesalers and retailers licensed in accordance
8 with this chapter, and to sell and distribute without this State to any
9 persons pursuant to the laws of the places of such sale and
10 distribution, and to maintain a warehouse. The fee for this license
11 shall be graduated as follows: to so bottle and rebottle not more
12 than 5,000 wine gallons per annum, \$313; to so bottle and rebottle
13 not more than 10,000 wine gallons per annum, \$625; to so bottle
14 and rebottle without limit as to amount, \$1,250.

15 Craft distillery license.

16 3d. **【The】** Except as otherwise provided in this section, the
17 holder of this license shall be entitled, subject to rules and
18 regulations, to manufacture not more than 20,000 gallons of
19 distilled alcoholic beverages, to rectify, blend, treat and mix
20 distilled alcoholic beverages, to sell and distribute this product to
21 wholesalers and retailers licensed in accordance with this chapter,
22 and to sell and distribute without this State to any persons pursuant
23 to the laws of the places of such sale and distribution, and to
24 maintain a warehouse. The holder of this license shall be entitled to
25 sell this product at retail to consumers on the licensed premises of
26 the distillery for consumption on the premises, but only in
27 connection with a tour of the distillery, and for consumption off the
28 premises in a quantity of not more than five liters per person. In
29 addition, the holder of this license may offer any person not more
30 than three samples per calendar day for sampling purposes only. For
31 the purposes of this subsection, "sampling" means the gratuitous
32 offering of an open container not exceeding one-half ounce serving
33 of distilled alcoholic beverage produced on the distillery premises.
34 Nothing in this subsection shall be deemed to permit the direct
35 shipment of distilled spirits either within or without this State.

36 A municipality may enact an ordinance within 12 months prior to
37 the expiration of P.L. _____, c. _____ (pending before the Legislature as
38 this bill) to authorize the holder of this license to sell on the
39 licensed premises for consumption off the licensed premises
40 distilled alcoholic beverages that are manufactured on the licensed
41 premises and mixed or blended with other alcoholic or nonalcoholic
42 beverages and sold in closed and sealed containers. The holder of
43 this license shall be entitled to sell on the licensed premises for
44 consumption off the licensed premises distilled alcoholic beverages
45 that are manufactured on the licensed premises and sold in original
46 containers and accompanied by one or more nonalcoholic beverages
47 or food stuffs that may be combined by the consumer to prepare a

1 mixed drink. Any food stuffs sold pursuant to the subsection shall
2 be sold only as a mixed drink ingredient and not as a separate meal.

3 Containers in which distilled alcoholic beverages mixed with
4 other alcoholic or nonalcoholic beverages are sold pursuant to this
5 section shall be affixed with a tamper evident seal and have a
6 maximum capacity of 16 fluid ounces.

7 The holder of this license shall not sell food **【or】** aside from
8 foodstuffs sold as a mixed drink ingredient pursuant to this
9 subsection. The holder of this license shall not operate a restaurant
10 on the licensed premises. A holder of this license who certifies that
11 not less than 51 percent of the raw materials used in the production
12 of distilled alcoholic beverages under this section are grown in this
13 State or purchased from providers located in this State may,
14 consistent with all applicable federal laws and regulations, label
15 these distilled alcoholic beverages as "New Jersey Distilled."

16 The holder of this license who applies to the Director of the
17 Division of Alcoholic Beverage Control prior to the expiration of
18 P.L. , c. (pending before the Legislature as this bill) shall be
19 entitled, subject to rules and regulations, to thereafter manufacture
20 not more than 100,000 gallons of distilled alcoholic beverages per
21 annum. The fee for this license shall be **【\$938】** graduated as
22 follows: to so manufacture more than 80,000 gallons, but not in
23 excess of 100,000 gallons per annum, \$4,690; to so manufacture
24 more than 60,000 gallons, but not in excess of 80,000 gallons per
25 annum, \$3,752; to so manufacture more than 40,000 gallons, but not
26 in excess of 60,000 gallons per annum, \$2,814; to so manufacture
27 more than 20,000 gallons, but not in excess of 40,000 gallons per
28 annum, \$1,876; to so manufacture 20,000 gallons or less per annum,
29 \$938.

30 Rectifier and blender license.

31 4. The holder of this license shall be entitled, subject to rules
32 and regulations, to rectify, blend, treat and mix distilled alcoholic
33 beverages, and to fortify, blend, and treat fermented alcoholic
34 beverages, and prepare mixtures of alcoholic beverages, and to sell
35 and distribute his products to wholesalers and retailers licensed in
36 accordance with this chapter, and to sell and distribute without this
37 State to any persons pursuant to the laws of the places of such sale
38 and distribution, and to maintain a warehouse. The fee for this
39 license shall be \$7,500.

40 Bonded warehouse bottling license.

41 5. The holder of this license shall be entitled, subject to rules
42 and regulations, to bottle alcoholic beverages in bond on behalf of
43 all persons authorized by federal and State law and regulations to
44 withdraw alcoholic beverages from bond. The fee for this license
45 shall be \$625. This license shall be issued only to persons holding
46 permits to operate Internal Revenue bonded warehouses pursuant to
47 the laws of the United States.

1 The provisions of section 21 of P.L.2003, c.117 amendatory of
2 this section shall apply to licenses issued or transferred on or after
3 July 1, 2003, and to license renewals commencing on or after July
4 1, 2003.

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

6
7 9. (New section) a. A municipality may enact an ordinance
8 within 12 months prior to the expiration of P.L. , c. (pending
9 before the Legislature as this bill) to authorize the holder of a
10 plenary retail consumption license, plenary retail consumption
11 license used in connection with a hotel or motel, seasonal retail
12 consumption license issued pursuant to R.S.33:1-12, or
13 concessionaire permit to:

14 (1) sell on the licensed premises for consumption off the
15 licensed premises any alcoholic beverages in original containers or
16 in any other closed and sealed containers or any distilled alcoholic
17 beverages mixed or blended with other alcoholic or nonalcoholic
18 beverages in closed and sealed containers; and

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

25 b. Containers in which alcoholic beverages are sold or
26 delivered pursuant to this section shall be affixed with a tamper
27 evident seal and may be of any size, except that containers, other
28 than original containers, in which any distilled alcoholic beverages
29 mixed or blended with other alcoholic beverages are sold or
30 delivered pursuant to this section shall have a maximum capacity of
31 16 fluid ounces.

32
33 10. This act shall take effect immediately except that sections 1
34 through 6 shall expire on: (1) the date of expiration, termination, or
35 rescission of any and all executive or administrative orders issued
36 by the Governor or Commissioner of Health establishing
37 coronavirus-related occupancy or customer seating restrictions
38 applicable to licensed premises; or (2) the first day of the 13th
39 month following the date of enactment , whichever date occurs
40 earlier.

41 42 43 STATEMENT

44
45 This bill establishes certain temporary benefits for the holders of
46 alcoholic beverage retail and manufacturer's licenses.

47 P.L.2020, c.33 was enacted in response to the COVID-19
48 pandemic to allow the holders of plenary retail consumption

1 licenses and concessionaire permits, generally issued to bars and
2 restaurants, to sell and deliver alcoholic beverages in closed and
3 sealed containers, which would include crowlers and growlers of
4 beer. P.L.2020, c.33 expires six months following the date on
5 which: (1) the state of emergency has ended; or (2) the
6 coronavirus-related occupancy or customer seating restrictions no
7 longer apply to these licensed premises, whichever date occurs
8 later. This bill allows these licensees and permit holders who
9 purchased additional equipment necessary to sell crowlers and
10 growlers following the enactment of P.L.2020, c.33 until this bill's
11 expiration to continue to use the equipment. The provisions of the
12 bill would not apply to holders of hotel or motel licenses or single
13 licenses used in connection with multiple restaurants located on the
14 same licensed premises.

15 This bill also allows the holder of a winery, limited brewery,
16 craft distillery, or cidery and meadery license to hold certain
17 activities and events both on and off the licensed premises: 1) for up
18 to 12 months following the bill's enactment; or 2) or until the date
19 on which the customer seating restrictions no longer apply to these
20 licensed premises, whichever date occurs earlier. Under the bill,
21 the holder of a winery, limited brewery, craft distillery, or cidery
22 and meadery license may hold an unlimited number of on-premises
23 activities. The bill defines on-premises activity as an activity that is
24 open to the public and held on the licensed premises of a limited
25 brewery, craft distillery, cidery, meadery, or other outdoor area,
26 including but not limited to a parking lot, that is owned by the
27 license holder and is adjacent to or adjoining the licensed premises.
28 On-premises activities are to include:

- 29 (1) private parties, birthdays, weddings, anniversaries, civic and
30 political functions, professional and trade association events, class
31 reunion and alumni events;
32 (2) video games;
33 (3) board games;
34 (4) card games for which wagers are not placed;
35 (5) trivia and quizzo;
36 (6) paint and sip events;
37 (7) craftmaking;
38 (8) shuffleboard;
39 (9) yard games;
40 (10) background or radio music;
41 (11) live music or music played by a disk jockey;
42 (12) educational events and seminars;
43 (13) movies and theatrical events;
44 (14) animal adoption, to the extent permitted by local ordinance;
45 (15) yoga and exercise classes; or
46 (16) any other similar activity held on the licensed premises or
47 other area owned by the licensee that is adjacent to or adjoining the
48 licensed premises.

1 A municipality may, by ordinance or resolution, as appropriate,
2 limit the types of on-premises activities that the licensee may hold
3 on the licensed premises.

4 The holder of a winery, limited brewery, craft distillery, or
5 cidery and meadery license also may hold extended premises
6 activities which would include activities occurring on an outdoor
7 area either adjacent to or adjoining the licensed premises of a
8 limited or restricted brewery, distillery, cidery, or meadery that is
9 not owned by the license holder and may include, but not be limited
10 to, a sidewalk or parking lot. The holder of the license would be
11 required to obtain, at least 10 days prior to an extended premises
12 activity, the approval of the governing body of the municipality in
13 which the extended premises activity is to be held. However, a
14 municipality may approve an extended premises activity less than
15 10 days prior to the activity date.

16 Under the bill, approval by the Director of the Division of
17 Alcoholic Beverage Control (ABC) would not be required to hold
18 on-premises or extended premises activities. However, the bill
19 requires the licensee to notify the director at least 10 days prior to
20 an extended premises activity for which tickets are sold in advance.

21 The bill also allows the holder of a winery, limited brewery, craft
22 distillery, or cidery and meadery license to participate in up to 25
23 off-premises events per year. In order to participate in an off-
24 premises event, the holder of the license would be required to apply
25 to the governing body of the municipality in which the event is to
26 be held. The application process for holding an off-premises event
27 would be the same process to hold an extended premises activity.
28 In addition, the license holder also would be required to provide
29 electronic notification to the division at least 10 days prior to
30 hosting an off-premises event. The notification shall include the
31 name of the license holder, the hours during which the activity is to
32 be held, and the anticipated number of attendees of the activity. A
33 licensee shall submit to the division a \$250 filing fee with the
34 notification required pursuant to this section.

35 The bill allows the holder of a winery, limited brewery,
36 distillery, or cidery and meadery license to host another mercantile
37 business on the licensed premises to sell goods or merchandise that
38 are not related or incidental to the licensed business. The holder of
39 the license would be prohibited from owning an interest in, or
40 profiting from, the sale of goods by the mercantile establishment.
41 The license holder also would be prohibited from hosting any
42 mercantile business on the licensed premises on more than four
43 days during each month.

44 The bill also establishes guidelines for beer, wine, and distilled
45 spirits festivals. Under the bill, the holder of a valid winery license,
46 limited brewery license, craft distillery license, or cidery and
47 meadery license, retail consumption license, concessionaire permit,
48 or a social affairs permit may hold a festival that showcases beer,

1 wine, and distilled spirits or a combination thereof. The bill
2 requires the festival host to provide notice to the Director of ABC at
3 least 45 days prior to a festival. The notification would include the
4 name of the license or permit holder, the date and hours during
5 which the festival is to be held, the expected attendance of the
6 festival. The licensee also would be required to submit an
7 application to hold a festival to the municipal clerk, who would
8 notify the governing body of the municipality and chief law
9 enforcement officer with jurisdiction over the municipality. An
10 application for a festival must be approved by the governing body
11 of the municipality. The bill also establishes certain requirements
12 and a fee schedule for holding a festival.

13 In addition, the bill increases the production limits placed on
14 craft distillery licensees from 20,000 gallons to 100,000 gallons
15 provided the license holder applies prior to the bill's expiration.
16 The bill establishes a graduated fee schedule that would be based on
17 the amount of spirits annually distilled by the license holder.

18 The bill also increase the increases the production limits placed
19 on restricted brewery licensees from 10,000 gallons to 100,000
20 gallons provided the license holder applies for the increase prior to
21 the bill's expiration. A restricted brewery license, also known as a
22 "brew pub" license, is only issued to a person who also holds a
23 Class C consumption license generally issued to bars and
24 restaurants. The brew pub license allows the licensee to brew the
25 beer, while the Class C license allows the licensee to sell that beer
26 directly to restaurant patrons. A brew pub licensee must also
27 operate a restaurant with a working kitchen in connection with the
28 sale of beer. Under this bill, the holder of a concessionaire permit
29 also would be allowed to hold a restricted brewery license.

30 The bill also temporarily removes from current law a provision
31 requiring the holder of a limited brewery license or distillery license
32 to provide a tour of the facility when selling the brewery's or
33 distillery's respective products for consumption on the licensed
34 premises.

35 The bill also clarifies that certain activities are authorized prior
36 to the bill's expiration provided licensees adhere to executive or
37 administrative orders issued by the Governor or Commissioner of
38 Health establishing coronavirus-related occupancy or customer
39 seating restrictions applicable to licensed premises. Specifically, the
40 holder of a limited brewery, craft distillery, or cidery and meadery
41 license also would be authorized to sell non-alcoholic beverages,
42 whether or not manufactured by the license holder; coordinate with
43 a restaurant, food vendor, or food truck to provide food on the
44 licensed premises; and provide menus to consumers. These
45 licensees would continue to be prohibited from operating a
46 restaurant on the licensed premises as required by current law.

47 The bill also requires holders of Class A licenses
48 (manufacturing) and Class C licenses (retailing) who host off-

1 premises events or festivals to obtain liability insurance to insure
2 against loss resulting from liability imposed by law for bodily
3 injury or death sustained by any person resulting from the
4 consumption of alcoholic beverages while on the licensed premises.

5 This bill also allows a municipality to enact an ordinance prior to
6 the bill's expiration permitting the holder of plenary retail
7 consumption licenses, hotel or motel licenses, seasonal retail
8 consumption licenses, or concessionaire permits, generally issued to
9 bars and restaurants, to sell and deliver alcoholic beverages in
10 original containers or in closed and sealed containers and mixed
11 cocktails in closed and sealed containers for consumption off the
12 licensed premises.

13 In addition, the bill allows a municipality to enact an ordinance
14 prior to the bill's expiration permitting craft distillery licensees to
15 sell for consumption off the licensed premises distilled alcoholic
16 beverages that are manufactured on the licensed premises and
17 mixed or blended with other alcoholic or nonalcoholic beverages
18 and sold in closed and sealed containers. The bill also allows craft
19 distilleries to sell distilled alcoholic beverages in original containers
20 accompanied by one or more nonalcoholic beverages or food stuffs
21 that may be combined by the consumer to prepare a mixed drink.

22 Under the bill, mixed cocktails are to be sold in closed and
23 sealed containers that are affixed with a tamper evident seal and
24 hold not more than 16 fluid ounces. Any other alcoholic beverages
25 may be sold and delivered in original containers of any size.

26 This bill makes permanent provisions of P.L.2020, c.33, which
27 temporarily granted retail licensees and craft distillery licensees
28 certain privileges. P.L.2020, c.33 was enacted in response to the
29 COVID-19 pandemic and expires: 1) six months following the date
30 on which the state of emergency has ended; or (2) the date on
31 which the coronavirus-related occupancy or customer seating
32 restrictions no longer apply, whichever date occurs later.

33 Finally, the bill allows the holder of a plenary retail consumption
34 license to apply to the director prior to the bill's expiration to hold
35 up to 12 "open bar" events that allow for the unlimited availability
36 of alcoholic beverages for consumption on the licensed premises for
37 a set price or cover charge. The bill requires the holder of this
38 license to apply to hold these events prior to the bill's expiration.
39 The bill requires the "open bar" event to be held in conjunction with
40 a food pairing and an educational component relating to the type of
41 alcoholic beverages served or promoted at the event. In addition,
42 the holder of a plenary retail consumption license may hold an
43 "open bar" event on New Year's Eve. An event held on New
44 Year's Eve would not be required to have a food pairing or
45 educational component. Under the New Jersey administrative code,
46 these events are prohibited unless the "open bar" is for a private
47 party, an event for which tickets are sold by a non-profit

- 1 organization that is not advertised to the general public, or held on
- 2 New Year's Eve.