

**SENATE, No. 2922**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED SEPTEMBER 17, 2020

**Sponsored by:**  
**Senator VIN GOPAL**  
**District 11 (Monmouth)**

**Co-Sponsored by:**  
**Senator Diegnan**

**SYNOPSIS**

Allows certain restaurants to advertise that patrons may consume alcohol purchased off the restaurant premises; allows restaurants to charge corkage or service fee.

**CURRENT VERSION OF TEXT**

As introduced.



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

1 AN ACT concerning the consumption of alcoholic beverage and  
2 amending P.L.1999, c.90.

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

6  
7 1. Section 5 of P.L.1999, c.90 (C.2C:33-27) is amended to read as  
8 follows:

9 5. Consumption of alcohol in restaurants.

10 a. **[No]** A person who owns or operates a restaurant, dining room  
11 or other public place where food or liquid refreshments are sold or  
12 served to the general public, and for which premises a license or  
13 permit authorizing the sale of alcoholic beverages for on-premises  
14 consumption has not been issued shall not:

15 (1) **[Shall]** allow the consumption of alcoholic beverages, other  
16 than wine **[or]**, a malt alcoholic beverage, cider, or mead, in a portion  
17 of the premises which is open to the public; or

18 (2) **[Shall charge any admission fee or cover, corkage, or service**  
19 **charge or advertise inside or outside of such premises that patrons may**  
20 **bring and consume their own wine or malt alcoholic beverages in a**  
21 **portion of the premises which is open to the public.]** (Deleted by  
22 amendment, P.L. , c. ) (pending before the Legislature as this bill)

23 (3) **[Shall]** allow the consumption of wine **[or]** , malt alcoholic  
24 beverages , cider, or mead at times or by persons to whom the service  
25 or consumption **[or]** of alcoholic beverages on the licensed premises  
26 is prohibited by State or municipal law or regulation.

27 b. **[Nothing in this act]** (1) This act shall not restrict the right of  
28 a municipality or an owner or operator of a restaurant, dining room, or  
29 other public place where food or liquid refreshments are sold or served  
30 to the general public from prohibiting the consumption of alcoholic  
31 beverages on those premises.

32 (2) The owner or operator of a restaurant for which a license or  
33 permit authorizing the sale of alcoholic beverages for on-premises  
34 consumption has not been issued shall be entitled to:

35 (a) charge an admission fee or cover, corkage, or service charge for  
36 patrons who bring and consume their own malt alcoholic beverages,  
37 wine, cider, or mead on the restaurant premises; and

38 (b) advertise inside or outside of the restaurant premises that  
39 patrons may bring and consume their own wine, malt alcoholic  
40 beverages, cider, or mead in a portion of the premises which is open to  
41 the public.

42 c. A person who violates any provision of this act is a disorderly  
43 person, and the court, in addition to the sentence imposed for the  
44 disorderly person violation, may by its judgment bar the owner or  
45 operator from allowing consumption of wine or malt alcoholic

**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 beverages in his premises as authorized by this act.  
2 (cf: P.L.1999, c.90, s.5)

3

4 2. This act shall take effect immediately.

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STATEMENT

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8 This bill removes from current law the statutory provision that  
9 prohibits restaurants without a liquor license from advertising that  
10 their patrons may bring their own beer or wine (“BYOB”) for  
11 consumption on the premises. The bill also clarifies that patrons  
12 may consume on the restaurant premises cider and mead in addition  
13 to wine and beer. Finally, the bill allows the restaurant owners to  
14 charge a service or corkage fee to patrons who bring their own beer,  
15 wine, cider, or mead for consumption on the restaurant premises.

16 Under current law, a person who owns or operates a restaurant,  
17 dining room, or other public place where food or liquid  
18 refreshments are sold or served to the general public, but is not  
19 licensed to sell alcoholic beverages for on-premises consumption,  
20 may allow the consumption of wine or beer in portions of the  
21 premises that are open to the public. However, the owner or  
22 operator is prohibited from advertising this option inside or outside  
23 of the premises. An owner or operator who violates the prohibition  
24 on advertising BYOB is guilty of a disorderly persons offense,  
25 which is punishable by a term of imprisonment of up to six months,  
26 a fine of up to \$1,000, or both.

27 This bill removes the prohibition on advertising that a restaurant  
28 is BYOB in response to a recent decision by the United States  
29 District Court for the District of New Jersey, GJJM Enterprises,  
30 LLC v. City of Atlantic City, holding that the State’s prohibition on  
31 BYOB advertising is an unconstitutional violation of the First  
32 Amendment right to free speech.