

SENATE, No. 2950

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED SEPTEMBER 21, 2020

Sponsored by:

Senator DECLAN J. O'SCANLON, JR.

District 13 (Monmouth)

Senator MICHAEL L. TESTA, JR.

District 1 (Atlantic, Cape May and Cumberland)

SYNOPSIS

Requires ABC to waive certain alcoholic beverage license renewal fees in response to COVID-19 pandemic; allows municipalities to waive renewal fees.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain alcoholic beverage license renewal fees.

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

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6 1. a. Notwithstanding the provisions of R.S.33:1-10 and
7 R.S.33:1-12 or any other section of law to the contrary, during the
8 period this section remains in effect:

9 (1) the Director of the Division of Alcoholic Beverage control
10 shall waive the annual State license renewal fees required by
11 current law to hold a plenary retail consumption license, limited
12 brewery license, and restricted brewery license; and

13 (2) the governing body of a municipality may waive the annual
14 municipal license renewal fee required by current law to hold a
15 plenary retail consumption license.

16 b. The holder of a plenary retail consumption license, limited
17 brewery license, or restricted brewery license who paid an annual
18 State license renewal fee after March 9, 2020 but prior to the
19 expiration of this enactment shall be reimbursed the fee amount. In
20 addition, the holder of a plenary retail consumption license issued
21 by a municipality that waived the annual renewal fee pursuant to
22 subsection a. of this section shall be reimbursed any fee amount
23 paid after March 9, 2020 but prior to the expiration of this
24 enactment.

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26 2. This act shall take effect immediately, be retroactive to
27 March 9, 2020, and expire on: (a) the date of expiration,
28 termination, or rescission of any and all executive or administrative
29 orders issued by the Governor or Commissioner of Health
30 establishing coronavirus-related occupancy or customer seating
31 restrictions applicable to a licensed premises; or (b) the first day of
32 the thirteenth month following the date of enactment, whichever
33 date occurs later.

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36 STATEMENT

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38 This bill requires the Director of the Division of Alcoholic
39 Beverage Control (ABC) to waive the renewal fees for plenary
40 retail consumption licenses, which allow bars and restaurants to
41 serve alcoholic beverages. In addition, the bill requires the director
42 to waive the renewal fees to hold a limited brewery license and
43 restricted brewery license. The bill further allows municipal
44 governing bodies to also waive the municipal renewal fees to hold a
45 plenary retail consumption license.

46 Under current law, the holder of a plenary retail consumption
47 license is required to pay to the ABC an annual \$200 license
48 renewal fee. These license holders also are required to pay the

1 municipal governing body in which the licensed premises is situated
2 an annual fee established by ordinance of \$250 to \$2,500.

3 A person who holds a limited brewery license, also known as a
4 “microbrewery” license, is entitled to brew and distribute beer to
5 retailers and manufacturers, but is limited in the amount of beer that he
6 or she may brew in one year. A person holding this license is
7 prohibited from brewing an amount in excess of 300,000 barrels of 31
8 fluid gallons capacity per year. The fees to hold a limited brewery
9 license are graduated based on the amount of beer brewed per year
10 and are between \$1,250 and \$7,500 per year.

11 A restricted brewery license, also known as a “brew pub” license, is
12 only issued to a person who also holds a plenary retail consumption
13 license generally issued to bars and restaurants. The brew pub license
14 allows the licensee to brew the beer, while the consumption license
15 allows the licensee to sell that beer and other alcoholic beverages
16 directly to restaurant patrons. The annual fee to hold a restricted
17 brewery license is \$1,250 for up to 1,000 barrels holding 31gallons
18 and an additional \$250 for every additional 1,000 barrels produced.

19 This bill would take effect immediately and be retroactive to
20 March 9, 2020, which is the date on which the Governor declared a
21 state of emergency in response to the COVID-19 pandemic.
22 License holders who had already paid their annual renewal fee
23 following March 9th would be entitled to receive a reimbursement
24 for the cost of the fee.

25 This temporary enactment has an effective date that expires: (1)
26 on the date on which the coronavirus-related occupancy or customer
27 seating restrictions no longer apply to these licensed premises; or
28 (2) 12 months following the date of the bill’s enactment, whichever
29 date occurs later.