

ASSEMBLY, No. 633

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman IMPREVEDUTO

1 AN ACT concerning wine tastings and samplings by certain plenary
2 retail consumption and distribution licensees and amending
3 R.S.33:1-12.

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

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

9 33:1-12. Class C licenses shall be subdivided and classified as
10 follows:

11 Plenary retail consumption license. 1. The holder of this license
12 shall be entitled, subject to rules and regulations, to sell any alcoholic
13 beverages for consumption on the licensed premises by the glass or
14 other open receptacle, and also to sell any alcoholic beverages in
15 original containers for consumption off the licensed premises; but this
16 license shall not be issued to permit the sale of alcoholic beverages in
17 or upon any premises in which a grocery, delicatessen, drug store or
18 other mercantile business is carried on, except as hereinafter provided.
19 Hotel or restaurant licensees shall be permitted to conduct consumer
20 wine tastings and samplings for a fee or on a complementary basis,
21 pursuant to conditions established by rules of the Division of Alcoholic
22 Beverage Control. Subject to such rules and regulations established
23 from time to time by the director, the holder of this license shall be
24 permitted to sell alcoholic beverages in or upon the premises in which
25 any of the following is carried on: the keeping of a hotel or restaurant
26 including the sale of mercantile items incidental thereto as an
27 accommodation to patrons; the sale of distillers', brewers' and vintners'
28 packaged holiday merchandise prepacked as a unit with other suitable
29 objects as gift items to be sold only as a unit; the sale of novelty
30 wearing apparel identified with the name of the establishment licensed
31 under the provisions of this section; the sale of cigars, cigarettes,
32 packaged crackers, chips, nuts and similar snacks and ice at retail as

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 an accommodation to patrons, or the retail sale of nonalcoholic
2 beverages as accessory beverages to alcoholic beverages; or, in
3 commercial bowling establishments, the retail sale or rental of bowling
4 accessories and the retail sale from vending machines of candy, ice
5 cream and nonalcoholic beverages. The fee for this license shall be
6 fixed by the governing board or body of the municipality in which the
7 licensed premises are situated, by ordinance, at not less than \$200.00
8 and not more than \$2,000.00. No ordinance shall be enacted which
9 shall raise or lower the fee to be charged for this license by more than
10 20% from that charged in the preceding license year or \$500.00,
11 whichever is the lesser. The governing board or body of each
12 municipality may, by ordinance, enact that no plenary retail
13 consumption license shall be granted within its respective municipality.

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

20 Seasonal retail consumption license. 2. The holder of this license
21 shall be entitled, subject to rules and regulations, to sell any alcoholic
22 beverages for consumption on the licensed premises by the glass or
23 other open receptacle, and also to sell any alcoholic beverages in
24 original containers for consumption off the licensed premises, during
25 the summer session from May 1 until November 14, inclusive, or
26 during the winter season from November 15 until April 30, inclusive;
27 but this license shall not be issued to permit the sale of alcoholic
28 beverages in or upon any premises in which a grocery, delicatessen,
29 drug store or other mercantile business is carried on, except as
30 hereinafter provided. Subject to such rules and regulations established
31 from time to time by the director, the holder of this license shall be
32 permitted to sell alcoholic beverages in or upon the premises in which
33 any of the following is carried on: the keeping of a hotel or restaurant
34 including the sale of mercantile items incidental thereto as an
35 accommodation to patrons; the sale of distillers', brewers' and vintners'
36 packaged holiday merchandise prepacked as a unit with other suitable
37 objects as gift items to be sold only as a unit; the sale of novelty
38 wearing apparel identified with the name of the establishment licensed
39 under the provisions of this section; the sale of cigars, cigarettes,
40 packaged crackers, chips, nuts and similar snacks and ice at retail as
41 an accommodation to patrons; or the retail sale of nonalcoholic
42 beverages as accessory beverages to alcoholic beverages. The fee for
43 this license shall be fixed by the governing board or body of the
44 municipality in which the licensed premises are situated, by ordinance,
45 at 75% of the fee fixed by said board or body for plenary retail
46 consumption licenses. The governing board or body of each

1 municipality may, by ordinance, enact that no seasonal retail
2 consumption license shall be granted within its respective municipality.

3 Plenary retail distribution license. 3. a. The holder of this license
4 shall be entitled, subject to rules and regulations, to sell any alcoholic
5 beverages for consumption off the licensed premises, but only in
6 original containers; except that licensees shall be permitted to conduct
7 consumer wine tastings and samplings for a fee or on a complementary
8 basis, pursuant to conditions established by rules of the Division of
9 Alcoholic Beverage Control. The governing board or body of each
10 municipality may, by ordinance, enact that this license shall not be
11 issued to permit the sale of alcoholic beverages in or upon any
12 premises in which any other mercantile business is carried on, except
13 that any such ordinance, heretofore or hereafter adopted, shall not
14 prohibit the retail sale of distillers', brewers' and vintners' packaged
15 holiday merchandise prepacked as a unit with other suitable objects as
16 gift items to be sold only as a unit; the sale of novelty wearing apparel
17 identified with the name of the establishment licensed under the
18 provisions of this act; cigars, cigarettes, packaged crackers, chips, nuts
19 and similar snacks, ice, and nonalcoholic beverages as accessory
20 beverages to alcoholic beverages. The fee for this license shall be
21 fixed by the governing board or body of the municipality in which the
22 licensed premises are situated, by ordinance, at not less than \$100.00
23 and not more than \$2,000.00. No ordinance shall be enacted which
24 shall raise or lower the fee to be charged for this license by more than
25 20% from that charged in the preceding license year or \$500.00,
26 whichever is the lesser. The governing board or body of each
27 municipality may, by ordinance, enact that no plenary retail
28 distribution license shall be granted within its respective municipality.

29 Limited retail distribution license. 3. b. The holder of this license
30 shall be entitled, subject to rules and regulations, to sell any unchilled,
31 brewed, malt alcoholic beverages in quantities of not less than 72 fluid
32 ounces for consumption off the licensed premises, but only in original
33 containers; provided, however, that this license shall be issued only for
34 premises operated and conducted by the licensee as a bona fide
35 grocery store, meat market, meat and grocery store, delicatessen, or
36 other type of bona fide food store at which groceries or other
37 foodstuffs are sold at retail; and provided further that this license shall
38 not be issued except for premises at which the sale of groceries or
39 other foodstuffs is the primary and principal business and at which the
40 sale of alcoholic beverages is merely incidental and subordinate
41 thereto. The fee for this license shall be fixed by the governing body
42 or board of the municipality in which the licensed premises are
43 situated, by ordinance, at not less than \$25.00 and not more than
44 \$50.00. The governing board or body of each municipality may, by
45 ordinance, enact that no limited retail distribution license shall be
46 granted within its respective municipality.

1 Plenary retail transit license. 4. The holder of this license shall be
2 entitled, subject to rules and regulations, to sell any alcoholic
3 beverages, for consumption only, on railroad trains, airplanes,
4 limousines and boats, while in transit. The fee for this license for use
5 by a railroad or air transport company shall be \$300.00, for use by the
6 owners of limousines shall be \$25.00 per vehicle, and for use on a boat
7 shall be \$50.00 on a boat 65 feet or less in length, \$100.00 on a boat
8 more than 65 feet in length but not more than 110 feet in length, and
9 \$300.00 on a boat more than 110 feet in length; such boat lengths shall
10 be determined in the manner prescribed by the Bureau of Customs of
11 the United States Government or any federal agency successor thereto
12 for boat measurement in connection with issuance of marine
13 documents. A license issued under this provision to a railroad or air
14 transport company shall cover all railroad cars and planes operated by
15 any such company within the State of New Jersey. A license for a
16 boat or limousine issued under this provision shall apply only to the
17 particular boat or limousine for which issued, and shall permit the
18 purchase of alcoholic beverages for sale or service in a boat or
19 limousine to be made from any Class A and B licensee or from any
20 Class C licensee whose license privilege permits the sale of alcoholic
21 beverages in original containers for off-premises consumption. An
22 interest in a plenary retail transit license issued in accordance with this
23 section shall be excluded in determining the maximum number of retail
24 licenses permitted under P.L.1962, c.152 (C.33:1-12.31 et seq.).

25 Club license. 5. The holder of this license shall be entitled, subject
26 to rules and regulations, to sell any alcoholic beverages but only for
27 immediate consumption on the licensed premises and only to bona fide
28 club members and their guests. The fee for this license shall be fixed
29 by the governing board or body of the municipality in which the
30 licensed premises are situated, by ordinance, at not less than \$50.00
31 and not more than \$150.00. The governing board or body of each
32 municipality may, by ordinance, enact that no club licenses shall be
33 granted within its respective municipality. Club licenses may be issued
34 only to such corporations, associations and organizations as are
35 operated for benevolent, charitable, fraternal, social, religious,
36 recreational, athletic, or similar purposes, and not for private gain, and
37 which comply with all conditions which may be imposed by the
38 Commissioner of Alcoholic Beverage Control by rules and regulations.
39 (cf: P.L.1993, c.216, s.2)

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41 2. This act shall take effect on the first day of the fifth month after
42 enactment, except that the director may promulgate those rules in
43 advance as shall be necessary for the implementation of this act.

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STATEMENT

This bill would permit plenary retail distribution licensees (package goods stores) as well as hotels and restaurants that have plenary retail consumption licenses to conduct wine tastings and samplings on their premises. The Division of Alcoholic Beverage Control would promulgate rules governing the operation of the tastings and samplings in order to assure the public that no abuses will result.

Permits wine tastings and samplings by certain Class C alcoholic beverage licensees.