

ASSEMBLY, No. 2567

STATE OF NEW JERSEY

INTRODUCED DECEMBER 12, 1996

By Assemblyman AZZOLINA

1 AN ACT concerning the sale of malt alcoholic beverages and amending
2 P.L.1966, c.59.

3

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

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7 1. Section 1 of P.L.1966, c.59 (C.33:1-93.6) is amended to read as
8 follows:

9 1. There shall be no discrimination in the sale of any nationally
10 advertised brand of alcoholic beverage [other than malt alcoholic
11 beverage,] by importers, blenders, distillers, rectifiers, breweries and
12 wineries, to duly licensed wholesalers of alcoholic beverages who are
13 authorized by such importers, blenders, distillers, rectifiers, breweries
14 and wineries to sell such nationally advertised brand in New Jersey.
15 (cf: P.L.1966, c.59, s.1)

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17 2. Section 2 of P.L.1966, c.59 (C.33:1-93.7) is amended to read as
18 follows:

19 2. In the event any such importer, blender, distiller, rectifier,
20 brewery or winery shall refuse to sell alcoholic beverages [, other than
21 malt alcoholic beverages,] to any such individual wholesaler or comply
22 with the provisions of this act, then the wholesaler shall petition the
23 director setting forth the facts and demanding a hearing thereon to
24 determine whether or not the refusal to sell was discriminatory.

25 Any petition under this section shall be accompanied by a
26 nonreturnable filing fee of \$100.00 payable to the director.

27 (cf: P.L.1992, c.188, s.9)

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29 3. Section 3 of P.L.1966, c.59 (C.33:1-93.8) is amended to read as
30 follows:

31 3. If the director shall determine that said refusal to sell is
32 discriminatory and shall be satisfied with the ability of the wholesaler
33 to pay for such merchandise as ordered, he shall order the importer,
34 blender, distiller, rectifier, brewery or winery to complete said sale of

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 alcoholic beverages [other than malt alcoholic beverages,] to the
2 wholesaler.

3 (cf: P.L.1966, c.59, s.3)

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5 4. Section 4 of P.L.1966, c.59 (C.33:1-93.9) is amended to read as
6 follows:

7 4. In the event said importer, blender, distiller, rectifier, brewery
8 or winery refuses to complete said sale or to comply with the terms
9 of the director's order, the director shall issue an order to every
10 licensed wholesaler prohibiting purchase by such wholesaler of any
11 alcoholic beverages [other than malt alcoholic beverages,] of said
12 importer, blender, distiller, rectifier, brewery or winery directly or
13 indirectly until there is strict compliance by said importer, blender,
14 distiller, rectifier, brewery or winery with the order of the director.

15 (cf: P.L.1966, c.59, s.4)

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17 5. This act shall take effect immediately.

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STATEMENT

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22 This bill prohibits discrimination in the sale of nationally advertised
23 malt alcohol beverages by breweries to licensed wholesalers who are
24 authorized by the breweries to sell those beverages.

25 If the Director of the Division of Alcoholic Beverage Control finds
26 after a hearing that the brewery has discriminated, the director would
27 order the sale to be completed. If the brewery does not comply with
28 the order, the director would prohibit every licensed wholesaler from
29 purchasing malt alcoholic beverages from the brewery.

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34 Prohibits breweries from discriminating against wholesalers.