

ASSEMBLY, No. 5848

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 9, 2021

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

Assemblyman Houghtaling and Assemblywoman Downey

SYNOPSIS

Makes permanent temporary enactment allowing certain alcoholic beverage retailers to sell and deliver alcoholic beverages and mixed drinks; establishes certain sale and delivery privileges for alcoholic beverage manufacturers.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/14/2021)

1 AN ACT concerning the sale and delivery of alcoholic beverages,
2 supplementing Title 33 of the Revised Statutes, and amending
3 R.S.33:1-10 and R.S.33:1-12.

4

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

7

8 1. (New section) a. The holder of a plenary retail consumption
9 license, plenary retail consumption license used in connection with
10 a hotel or motel, seasonal retail consumption license issued
11 pursuant to R.S.33:1-12, or concessionaire permit shall be entitled
12 to:

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

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

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

33

34 2. (New section) a. As used in this act, “out-of-State craft
35 manufacturer” means the holder of license issued by another state
36 that entitles the licensee to manufacture:

37 (1) malt alcoholic beverages in a quantity not to exceed 300,000
38 barrels of 31 fluid gallons capacity of malt alcoholic beverages per
39 year;

40 (2) wine in a quantity not to exceed 250,000 gallons per year;

41 (3) hard cider in a quantity not to exceed 50,000 barrels of 31
42 fluid gallons capacity per year;

43 (4) mead in a quantity not to exceed 250,000 gallons per year; or

44 (5) distilled alcoholic beverages in a quantity not to exceed
45 20,000 gallons per year.

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 b. An out-of-State craft manufacturer shall be entitled to
2 deliver the licensee's products directly to the residence of a consumer
3 within this State who is 21 years of age or older in original containers
4 for personal consumption and not for resale. A license holder shall
5 transport alcoholic beverages pursuant to this section in a vehicle
6 owned, operated, or otherwise used in connection with the licensed
7 premises.

8 c. Any vehicle used by an out-of-State craft manufacturer to
9 deliver alcoholic beverages pursuant to this section shall display a
10 transit insignia issued by the director pursuant to R.S.33:1-28.

11 d. Nothing in this section shall be construed to limit or otherwise
12 affect sales or direct shipping privileges otherwise established by
13 statute, rule, or regulation for any license issued pursuant to R.S.33:1-
14 10.

15

16 3. R.S.33:1-10 is amended to read as follows:

17 33:1-10. Class A licenses shall be subdivided and classified as
18 follows:

19 Plenary brewery license. 1a. The holder of this license shall
20 be entitled, subject to rules and regulations, to brew any malt
21 alcoholic beverages and to sell and distribute his products to
22 wholesalers and retailers licensed in accordance with this chapter,
23 and to sell and distribute without this State to any persons pursuant
24 to the laws of the places of such sale and distribution, and to
25 maintain a warehouse; provided, however, that the delivery of this
26 product by the holder of this license to retailers licensed under this
27 title shall be from inventory in a warehouse located in this State
28 which is operated under a plenary brewery license. The fee for this
29 license shall be \$10,625.

30 Limited brewery license. 1b. The holder of this license shall
31 be entitled, subject to rules and regulations, to brew any malt
32 alcoholic beverages in a quantity to be expressed in said license,
33 dependent upon the following fees and not in excess of 300,000
34 barrels of 31 fluid gallons capacity per year and to sell and
35 distribute this product 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; provided, however,
39 that the delivery of this product by the holder of this license to
40 retailers licensed under this title shall be from inventory in a
41 warehouse located in this State which is operated under a limited
42 brewery license. The holder of this license shall be entitled to sell
43 this product at retail to consumers on the licensed premises of the
44 brewery for consumption on the premises, but only in connection
45 with a tour of the brewery, or for consumption off the premises in a
46 quantity of not more than 15.5 fluid gallons per person, and to offer
47 samples for sampling purposes only pursuant to an annual permit
48 issued by the director. The holder of this license shall not sell food
49 or operate a restaurant on the licensed premises.

1 The holder of this license shall be entitled to deliver the
2 licensee's products directly to the residence of a consumer within or
3 without this State who is 21 years of age or older in original containers
4 for personal consumption and not for resale. A license holder shall
5 transport alcoholic beverages pursuant to this section in a vehicle
6 owned, operated, or otherwise used in connection with the licensed
7 premises. The license holder shall transport alcoholic beverages in a
8 vehicle that displays a transit insignia issued pursuant to R.S.33:1-
9 28.

10 The fee for this license shall be graduated as follows:

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

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

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

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

19 The holder of this license also shall be entitled to ship by
20 common carrier not more than 12 cases of malt alcoholic beverages
21 per year, subject to regulation, to any person within or without this
22 State over 21 years of age for personal consumption and not for
23 resale. A case of malt alcoholic beverages shall not exceed 288
24 ounces. A copy of the original invoice shall be available for
25 inspection by persons authorized to enforce the alcoholic beverage
26 laws of this State for a minimum period of three years at the
27 licensed premises of the brewery. The fee for this additional
28 shipping privilege shall be \$500.

29 For the purposes of this subsection, "sampling" means the selling
30 at a nominal charge or the gratuitous offering of an open container
31 not exceeding four ounces of any malt alcoholic beverage. For the
32 purposes of this subsection, "product" means any malt alcoholic
33 beverage that is produced on the premises licensed under this
34 subsection.

35 Restricted brewery license. 1c. The holder of this license shall be
36 entitled, subject to rules and regulations, to brew any malt alcoholic
37 beverages in a quantity to be expressed in such license not in excess
38 of 10,000 barrels of 31 gallons capacity per year. Notwithstanding
39 the provisions of R.S.33:1-26, the director shall issue a restricted
40 brewery license only to a person or an entity which has identical
41 ownership to an entity which holds a plenary retail consumption
42 license issued pursuant to R.S.33:1-12, provided that such plenary
43 retail consumption license is operated in conjunction with a
44 restaurant regularly and principally used for the purpose of
45 providing meals to its customers and having adequate kitchen and
46 dining room facilities, and that the licensed restaurant premises is
47 immediately adjoining the premises licensed under this subsection.
48 The holder of this license shall be entitled to sell or deliver the
49 product to that restaurant premises. The holder of this license also

1 shall be entitled to sell and distribute the product to wholesalers
2 licensed in accordance with this chapter. The fee for this license
3 shall be \$1,250, which fee shall entitle the holder to brew up to
4 1,000 barrels of 31 liquid gallons per annum. The licensee also shall
5 pay an additional \$250 for every additional 1,000 barrels of 31 fluid
6 gallons produced. The fee shall be paid at the time of application
7 for the license, and additional payments based on barrels produced
8 shall be paid within 60 days following the expiration of the license
9 term upon certification by the licensee of the actual gallons brewed
10 during the license term. No more than 10 restricted brewery
11 licenses shall be issued to a person or entity which holds an interest
12 in a plenary retail consumption license. If the governing body of the
13 municipality in which the licensed premises will be located should
14 file a written objection, the director shall hold a hearing and may
15 issue the license only if the director finds that the issuance of the
16 license will not be contrary to the public interest. All fees related to
17 the issuance of both licenses shall be paid in accordance with
18 statutory law. The provisions of this subsection shall not be
19 construed to limit or restrict the rights and privileges granted by the
20 plenary retail consumption license held by the holder of the
21 restricted brewery license issued pursuant to this subsection.

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

26 For the purposes of this subsection, "sampling" means the selling
27 at a nominal charge or the gratuitous offering of an open container
28 not exceeding four ounces of any malt alcoholic beverage product.
29 For the purposes of this subsection, "product" means any malt
30 alcoholic beverage that is produced on the premises licensed under
31 this subsection.

32 Out-of-State brewery license. 1d. Provided that the applicant
33 does not produce more than 300,000 barrels of 31 fluid gallons
34 capacity per year, the holder of a brewery license issued in any
35 other state may make application to the director for this license.
36 The holder of this license who produces not more than 300,000
37 barrels of 31 fluid gallons capacity per year may ship by common
38 carrier not more than 12 cases malt alcoholic beverages per year,
39 subject to regulation, to any person within or without this State over
40 21 years of age for personal consumption and not for resale. A case
41 of malt alcoholic beverages shall not exceed 288 ounces. A copy of
42 the original invoice shall be available for inspection by persons
43 authorized to enforce the alcoholic beverage laws of this State for a
44 minimum period of three years at the licensed premises of the
45 brewery. A copy of a current license issued by another state shall
46 accompany the application. The fee for this privilege shall be \$500.

47 The licensee shall collect from the customer the tax due on the
48 sale pursuant to the "Sales and Use Tax Act," P.L.1966, c.30
49 (C.54:32B-1 et seq.) and shall pay the tax due on the delivery of

1 alcoholic beverages pursuant to the "Alcoholic beverage tax law,"
2 R.S.54:41-1 et seq. The Director of the Division of Taxation in the
3 Department of the Treasury shall promulgate such rules and
4 regulations necessary to effectuate the provisions of this paragraph,
5 and may provide by regulation for the co-administration of the tax
6 due on the delivery of alcoholic beverages pursuant to the
7 "Alcoholic beverage tax law," R.S.54:41-1 et seq. with the
8 administration of the tax due on the sale pursuant to the "Sales and
9 Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

10 Plenary winery license. 2a. Provided that the holder is
11 engaged in growing and cultivating grapes or fruit used in the
12 production of wine on at least three acres on, or adjacent to, the
13 winery premises, the holder of this license shall be entitled, subject
14 to rules and regulations, to produce any fermented wines, and to
15 blend, fortify and treat wines, and to sell and distribute his products
16 to wholesalers licensed in accordance with this chapter and to
17 churches for religious purposes, and to sell and distribute without
18 this State to any persons pursuant to the laws of the places of such
19 sale and distribution, and to maintain a warehouse, and to sell his
20 products at retail to consumers on the licensed premises of the
21 winery for consumption on or off the premises and to offer samples
22 for sampling purposes only. The fee for this license shall be \$938.
23 A holder of this license who produces not more than 250,000
24 gallons per year shall also have the right to sell and distribute his
25 products to retailers licensed in accordance with this chapter, except
26 that the holder of this license shall not use a common carrier for
27 such distribution. The fee for this additional privilege shall be
28 graduated as follows: a licensee who manufactures more than
29 150,000 gallons, but not in excess of 250,000 gallons per annum,
30 \$1,000; a licensee who manufactures more than 100,000 gallons,
31 but not in excess of 150,000 gallons per annum, \$500; a licensee
32 who manufactures more than 50,000 gallons, but not in excess of
33 100,000 gallons per annum, \$250; a licensee who manufactures
34 50,000 gallons or less per annum, \$100.

35 A holder of this license who produces not more than 250,000
36 gallons per year shall have the right to sell such wine at retail in
37 original packages in 15 salesrooms apart from the winery premises
38 for consumption on or off the premises and for sampling purposes
39 for consumption on the premises, at a fee of \$250 for each
40 salesroom. Licensees shall not jointly control and operate
41 salesrooms.

42 The holder of this license who produces not more than 250,000
43 gallons per year shall be entitled to deliver the licensee's products
44 directly to the residence of a consumer within or without this State
45 who is 21 years of age or older in original containers for personal
46 consumption and not for resale. A license holder shall transport
47 alcoholic beverages pursuant to this section in a vehicle owned,
48 operated, or otherwise used in connection with the licensed premises.

1 The license holder shall transport alcoholic beverages in a vehicle that
2 displays a transit insignia issued pursuant to R.S.33:1-28.

3 Additionally, the holder of this license who produces not more
4 than 250,000 gallons per year may ship by common carrier not
5 more than 12 cases of wine per year, subject to regulation, to any
6 person within or without this State over 21 years of age for personal
7 consumption and not for resale. A case of wine shall not exceed a
8 maximum of nine liters. A copy of the original invoice shall be
9 available for inspection by persons authorized to enforce the
10 alcoholic beverage laws of this State for a minimum period of three
11 years at the licensed premises of the winery. For the purposes of
12 this subsection, "sampling" means the selling at a nominal charge or
13 the gratuitous offering of an open container not exceeding one and
14 one-half ounces of any wine.

15 A holder of this license who produces not more than 250,000
16 gallons per year shall not own, either in whole or in part, or hold,
17 either directly or indirectly, any interest in a winery that produces
18 more than 250,000 gallons per year. In addition, a holder of this
19 license who produces more than 250,000 gallons per year shall not
20 own, either in whole or in part, or hold, either directly or indirectly,
21 any interest in a winery that produces not more than 250,000
22 gallons per year. For the purposes of this subsection, "product"
23 means any wine that is produced, blended, fortified, or treated by
24 the licensee on its licensed premises situated in the State of New
25 Jersey. For the purposes of this subsection, "wine" shall include
26 "hard cider" and "mead" as defined in this section.

27 Farm winery license. 2b. The holder of this license shall
28 be entitled, subject to rules and regulations, to manufacture any
29 fermented wines and fruit juices in a quantity to be expressed in
30 said license, dependent upon the following fees and not in excess of
31 50,000 gallons per year and to sell and distribute his products to
32 wholesalers and retailers licensed in accordance with this chapter
33 and to churches for religious purposes and to sell and distribute
34 without this State to any persons pursuant to the laws of the places
35 of such sale and distribution, and to maintain a warehouse and to
36 sell at retail to consumers for consumption on or off the licensed
37 premises and to offer samples for sampling purposes only. The
38 license shall be issued only when the winery at which such
39 fermented wines and fruit juices are manufactured is located and
40 constructed upon a tract of land exclusively under the control of the
41 licensee, provided that the licensee is actively engaged in growing
42 and cultivating an area of not less than three acres on or adjacent to
43 the winery premises and on which are growing grape vines or fruit
44 to be processed into wine or fruit juice; and provided, further, that
45 for the first five years of the operation of the winery such fermented
46 wines and fruit juices shall be manufactured from at least 51
47 percent grapes or fruit grown in the State and that thereafter they
48 shall be manufactured from grapes or fruit grown in this State at
49 least to the extent required for labeling as "New Jersey Wine" under

1 the applicable federal laws and regulations. The containers of all
2 wine sold to consumers by such licensee shall have affixed a label
3 stating such information as shall be required by the rules and
4 regulations of the Director of the Division of Alcoholic Beverage
5 Control. The fee for this license shall be graduated as follows: to so
6 manufacture between 30,000 and 50,000 gallons per annum, \$375;
7 to so manufacture between 2,500 and 30,000 gallons per annum,
8 \$250; to so manufacture between 1,000 and 2,500 gallons per
9 annum, \$125; to so manufacture less than 1,000 gallons per annum,
10 \$63. No farm winery license shall be held by the holder of a plenary
11 winery license or be situated on a premises licensed as a plenary
12 winery.

13 The holder of this license shall also have the right to sell and
14 distribute his products to retailers licensed in accordance with this
15 chapter, except that the holder of this license shall not use a
16 common carrier for such distribution. The fee for this additional
17 privilege shall be \$100. The holder of this license shall have the
18 right to sell his products in original packages at retail to consumers
19 in 15 salesrooms apart from the winery premises for consumption
20 on or off the premises, and for sampling purposes for consumption
21 on the premises, at a fee of \$250 for each salesroom. Licensees
22 shall not jointly control and operate salesrooms.

23 The holder of this license shall be entitled to deliver the
24 licensee's products directly to the residence of a consumer within or
25 without this State who is 21 years of age or older in original
26 containers for personal consumption and not for resale. A license
27 holder shall transport alcoholic beverages pursuant to this section in a
28 vehicle owned, operated, or otherwise used in connection with the
29 licensed premises. The license holder shall transport alcoholic
30 beverages in a vehicle that displays a transit insignia issued pursuant
31 to R.S.33:1-28.

32 Additionally, the holder of this license may ship by common
33 carrier not more than 12 cases of wine per year, subject to
34 regulation, to any person within or without this State over 21 years
35 of age for personal consumption and not for resale. A case of wine
36 shall not exceed a maximum of nine liters. A copy of the original
37 invoice shall be available for inspection by persons authorized to
38 enforce the alcoholic beverage laws of this State for a minimum
39 period of three years at the licensed premises of the winery. For the
40 purposes of this subsection, "sampling" means the selling at a
41 nominal charge or the gratuitous offering of an open container not
42 exceeding one and one-half ounces of any wine.

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

47 Unless otherwise indicated, for the purposes of this subsection,
48 with respect to farm winery licenses, "manufacture" means the
49 vinification, aging, storage, blending, clarification, stabilization and

1 bottling of wine or juice from New Jersey fruit to the extent
2 required by this subsection.

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

5 Wine blending license. 2c. The holder of this license shall
6 be entitled, subject to rules and regulations, to blend, treat, mix, and
7 bottle fermented wines and fruit juices with non-alcoholic
8 beverages, and to sell and distribute his products to wholesalers and
9 retailers licensed in accordance with this chapter, and to sell and
10 distribute without this State to any persons pursuant to the laws of
11 the places of such sale and distribution, and to maintain a
12 warehouse. The fee for this license shall be \$625.

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

15 Instructional winemaking facility license. 2d. The
16 holder of this license shall be entitled, subject to rules and
17 regulations, to instruct persons in and provide them with the
18 opportunity to participate directly in the process of winemaking and
19 to directly assist such persons in the process of winemaking while
20 in the process of instruction on the premises of the facility. The
21 holder of this license also shall be entitled to manufacture wine on
22 the premises not in excess of an amount of 10 percent of the wine
23 produced annually on the premises of the facility, which shall be
24 used only to replace quantities lost or discarded during the
25 winemaking process, to maintain a warehouse, and to offer samples
26 produced by persons who have received instruction in winemaking
27 on the premises by the licensee for sampling purposes only on the
28 licensed premises for the purpose of promoting winemaking for
29 personal or household use or consumption. Wine produced on the
30 premises of an instructional winemaking facility shall be used,
31 consumed or disposed of on the facility's premises or distributed
32 from the facility's premises to a person who has participated
33 directly in the process of winemaking for the person's personal or
34 household use or consumption. The holder of this license may sell
35 mercantile items traditionally associated with winemaking and
36 novelty wearing apparel identified with the name of the
37 establishment licensed under the provisions of this section. The
38 holder of this license may use the licensed premises for an event or
39 affair, including an event or affair at which a plenary retail
40 consumption licensee serves alcoholic beverages in compliance
41 with all applicable statutes and regulations promulgated by the
42 director. The fee for this license shall be \$1,000. For the purposes
43 of this subsection, "sampling" means the gratuitous offering of an
44 open container not exceeding one and one-half ounces of any wine.

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

47 Out-of-State winery license. 2e. Provided that the
48 applicant does not produce more than 250,000 gallons of wine per
49 year, the holder of a valid winery license issued in any other state

1 may make application to the director for this license. The holder of
2 this license shall have the right to sell and distribute his products to
3 wholesalers licensed in accordance with this chapter and to sell
4 such wine at retail in original packages in 16 salesrooms apart from
5 the winery premises for consumption on or off the premises at a fee
6 of \$250 for each salesroom. Licensees shall not jointly control and
7 operate salesrooms. The annual fee for this license shall be \$938.
8 A copy of a current license issued by another state shall accompany
9 the application. The holder of this license also shall have the right
10 to sell and distribute his products to retailers licensed in accordance
11 with this chapter, except that the holder of this license shall not use
12 a common carrier for such distribution. The fee for this additional
13 privilege shall be graduated as follows: a licensee who
14 manufactures more than 150,000 gallons, but not in excess of
15 250,000 gallons per annum, \$1,000; a licensee who manufactures
16 more than 100,000 gallons, but not in excess of 150,000 gallons per
17 annum, \$500; a licensee who manufactures more than 50,000
18 gallons, but not in excess of 100,000 gallons per annum, \$250; a
19 licensee who manufactures 50,000 gallons or less per annum, \$100.
20 Additionally, the holder of this license may ship not more than 12
21 cases of wine per year, subject to regulation, to any person within or
22 without this State over 21 years of age for personal consumption
23 and not for resale. A case of wine shall not exceed a maximum of
24 nine liters. A copy of the original invoice shall be available for
25 inspection by persons authorized to enforce the alcoholic beverage
26 laws of this State for a minimum period of three years at the
27 licensed premises of the winery.

28 The licensee shall collect from the customer the tax due on the
29 sale pursuant to the "Sales and Use Tax Act," P.L.1966, c.30
30 (C.54:32B-1 et seq.) and shall pay the tax due on the delivery of
31 alcoholic beverages pursuant to the "Alcoholic beverage tax law,"
32 R.S.54:41-1 et seq. The Director of the Division of Taxation in the
33 Department of the Treasury shall promulgate such rules and
34 regulations necessary to effectuate the provisions of this paragraph,
35 and may provide by regulation for the co-administration of the tax
36 due on the delivery of alcoholic beverages pursuant to the
37 "Alcoholic beverage tax law," R.S.54:41-1 et seq. with the
38 administration of the tax due on the sale pursuant to the "Sales and
39 Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

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

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

46 Cidery and meadery license. 2f. The holder of this
47 license shall be entitled, subject to rules and regulations, to
48 manufacture hard cider and mead and to sell and distribute these
49 products to wholesalers and retailers licensed in accordance with

1 this chapter, and to sell and distribute without this State to any
2 persons pursuant to the laws of the places of such sale and
3 distribution, and to maintain a warehouse. The holder of this
4 license shall be entitled to sell these products at retail to consumers
5 on the licensed premises for consumption on or off the premises and
6 to offer samples for sampling purposes only. The holder of this
7 license shall be permitted to offer for sale or make the gratuitous
8 offering of packaged crackers, chips, nuts, and similar snacks to
9 consumers, but shall not operate a restaurant on the licensed
10 premises. The fee for this license shall be \$938.

11 The holder of this license shall be entitled to manufacture hard
12 cider in a quantity not to exceed 50,000 barrels of 31 fluid gallons
13 capacity per year. With respect to the sale and distribution of hard
14 cider to a wholesaler, the licensee shall be subject to the same
15 statutory and regulatory requirements as a brewer, and hard cider
16 shall be considered a malt alcoholic beverage, for the purposes of
17 the "Malt Alcoholic Beverage Practices Act," P.L.2005, c.243
18 (C.33:1-93.12 et seq.). **【**The holder of this license shall not directly
19 ship hard cider either within or without this State.**】** The holder of
20 this license shall be entitled to manufacture not more than 250,000
21 gallons of mead per year.

22 The holder of this license shall be entitled to deliver the
23 licensee's products directly to the residence of a consumer within or
24 without this State who is 21 years of age or older in original containers
25 for personal consumption and not for resale. A license holder shall
26 transport alcoholic beverages pursuant to this section in a vehicle
27 owned, operated, or otherwise used in connection with the licensed
28 premises. The license holder shall transport alcoholic beverages in a
29 vehicle that displays a transit insignia issued pursuant to R.S.33:1-
30 28.

31 The holder of this license may ship by common carrier not more
32 than 12 cases of mead and 12 cases of cider per year, subject to
33 regulation, to any person within or without this State over 21 years
34 of age for personal consumption and not for resale. A case of mead
35 or cider shall not exceed a maximum of nine liters. A copy of the
36 original invoice for the sale of mead or cider shall be available for
37 inspection by persons authorized to enforce the alcoholic beverage
38 laws of this State for a minimum period of three years at the
39 licensed premises. The fee for this additional shipping privilege
40 shall be \$500. As used in this subsection:

41 "Hard cider" means a fermented alcoholic beverage derived
42 primarily from apples, pears, apple juice concentrate and water, or
43 pear juice concentrate and water, which may include spices, herbs,
44 honey, or other flavoring, and which contains at least one half of
45 one percent but less than eight and one half percent alcohol by
46 volume.

47 "Mead" means an alcoholic beverage primarily made from
48 honey, water, and yeast, and which may contain fruit, fruit juices,
49 spices, or herbs added before or after fermentation has completed,

1 except that the ratio of fermentable sugars from fruit or fruit juices
2 shall not exceed 49 percent of the total fermentable sugars used to
3 produce mead.

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

7 Out-of-State cidery and meadery license. 1d. Provided that the
8 applicant does not produce more than 50,000 barrels of 31 fluid
9 gallons capacity of cider per year or not more than 250,000 gallons
10 of mead per year, the holder of a cidery or meadery license issued
11 in any other state may make application to the director for this
12 license. The holder of this license may ship not more than 12 cases
13 of mead and 12 cases of cider per year, subject to regulation, to any
14 person within or without this State over 21 years of age for personal
15 consumption and not for resale. A case of mead or cider shall not
16 exceed a maximum of nine liters. A copy of the original invoice for
17 the sale of mead or cider shall be available for inspection by
18 persons authorized to enforce the alcoholic beverage laws of this
19 State for a minimum period of three years at the licensed premises.
20 The holder of an Out-of-State winery license shall not be entitled to
21 acquire this license. A copy of a current license issued by another
22 state shall accompany the application. The annual fee for this
23 license shall be \$500.

24 The licensee shall collect from the customer the tax due on the
25 sale pursuant to the "Sales and Use Tax Act," P.L.1966, c.30
26 (C.54:32B-1 et seq.) and shall pay the tax due on the delivery of
27 alcoholic beverages pursuant to the "Alcoholic beverage tax law,"
28 R.S.54:41-1 et seq. The Director of the Division of Taxation in the
29 Department of the Treasury shall promulgate such rules and
30 regulations necessary to effectuate the provisions of this paragraph,
31 and may provide by regulation for the co-administration of the tax
32 due on the delivery of alcoholic beverages pursuant to the
33 "Alcoholic beverage tax law," R.S.54:41-1 et seq. with the
34 administration of the tax due on the sale pursuant to the "Sales and
35 Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

36 Plenary distillery license. 3a. The holder of this license shall
37 be entitled, subject to rules and regulations, to manufacture any
38 distilled alcoholic beverages and rectify, blend, treat and mix, and
39 to sell and distribute his products to wholesalers and retailers
40 licensed in accordance with this chapter, and to sell and distribute
41 without this State to any persons pursuant to the laws of the places
42 of such sale and distribution, and to maintain a warehouse. The fee
43 for this license shall be \$12,500.

44 Limited distillery license. 3b. The holder of this license shall
45 be entitled, subject to rules and regulations, to manufacture and
46 bottle any alcoholic beverages distilled from fruit juices and rectify,
47 blend, treat, mix, compound with wine and add necessary
48 sweetening and flavor to make cordial or liqueur, and to sell and
49 distribute to wholesalers and retailers licensed in accordance with

1 this chapter, and to sell and distribute without this State to any
2 persons pursuant to the laws of the places of such sale and
3 distribution and to warehouse these products. The fee for this
4 license shall be \$3,750.

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

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

39 The holder of this license shall be entitled to deliver the
40 licensee's products directly to the residence of a consumer within or
41 without this State who is 21 years of age or older in original containers
42 for personal consumption and not for resale. A license holder shall
43 transport alcoholic beverages pursuant to this section in a vehicle
44 owned, operated, or otherwise used in connection with the licensed
45 premises. The license holder shall transport alcoholic beverages in a
46 vehicle that displays a transit insignia issued pursuant to R.S.33:1-
47 28.

48 The holder of this license may directly ship by common carrier
49 not more than twenty liters of distilled spirits for personal

1 consumption and not for resale per year to any person residing
2 within or without this State who is 21 years of age or older in original
3 containers for personal consumption and not for resale. A copy of the
4 original invoice shall be available for inspection by persons
5 authorized to enforce the alcoholic beverage laws of this State for a
6 minimum period of three years at the licensed premises of the
7 distillery. The fee for the additional shipping privilege shall be
8 \$500.

9 The holder of this license shall be entitled to sell on the licensed
10 premises for consumption off the licensed premises distilled
11 alcoholic beverages that are manufactured on the licensed premises
12 and mixed or blended with other alcoholic or nonalcoholic
13 beverages and sold in closed and sealed containers.

14 The holder of this license shall be entitled to sell on the licensed
15 premises for consumption off the licensed premises distilled
16 alcoholic beverages that are manufactured on the licensed premises
17 and sold in original containers and accompanied by one or more
18 nonalcoholic beverages or food stuffs that may be combined by the
19 consumer to prepare a mixed drink. Any food stuffs sold pursuant
20 to the subsection shall be sold only as a mixed drink ingredient and
21 not as a separate meal.

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

26 The holder of this license shall not sell food **[or]** operate a
27 restaurant on the licensed premises aside from foodstuffs sold as a
28 mixed drink ingredient pursuant to this subsection. A holder of this
29 license who certifies that not less than 51 percent of the raw
30 materials used in the production of distilled alcoholic beverages
31 under this section are grown in this State or purchased from
32 providers located in this State may, consistent with all applicable
33 federal laws and regulations, label these distilled alcoholic
34 beverages as "New Jersey Distilled." The fee for this license shall
35 be \$938.

36 Out-of-State Craft Distillery license 3e. Provided that the
37 applicant does not produce more than 20,000 gallons of distilled
38 alcoholic beverages per year, the holder of a valid distillery license
39 issued in any other state may make application to the director for
40 this license.

41 The holder of this license may ship by common carrier or
42 otherwise not more than twenty liters of distilled spirits per year,
43 subject to regulation, to any person within or without this State over
44 21 years of age for personal consumption and not for resale. A
45 copy of the original invoice shall be available for inspection by
46 persons authorized to enforce the alcoholic beverage laws of this
47 State for a minimum period of three years at the licensed premises
48 of the distillery. The fee for this license shall be \$500.

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

13 Rectifier and blender license. 4. The holder of this
14 license shall be entitled, subject to rules and regulations, to rectify,
15 blend, treat and mix distilled alcoholic beverages, and to fortify,
16 blend, and treat fermented alcoholic beverages, and prepare
17 mixtures of alcoholic beverages, and to sell and distribute his
18 products to wholesalers and retailers licensed in accordance with
19 this chapter, and to sell and distribute without this State to any
20 persons pursuant to the laws of the places of such sale and
21 distribution, and to maintain a warehouse. The fee for this license
22 shall be \$7,500.

23 Bonded warehouse bottling license. 5. The holder of this
24 license shall be entitled, subject to rules and regulations, to bottle
25 alcoholic beverages in bond on behalf of all persons authorized by
26 federal and State law and regulations to withdraw alcoholic
27 beverages from bond. The fee for this license shall be \$625. This
28 license shall be issued only to persons holding permits to operate
29 Internal Revenue bonded warehouses pursuant to the laws of the
30 United States.

31 The provisions of section 21 of P.L.2003, c.117 amendatory of
32 this section shall apply to licenses issued or transferred on or after
33 July 1, 2003, and to license renewals commencing on or after July
34 1, 2003.

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

36

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

38 33:1-12. Class C licenses shall be subdivided and classified as
39 follows:

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

1 and samplings for a fee or on a complimentary basis pursuant to
2 conditions established by rules and regulations of the Division of
3 Alcoholic Beverage Control, provided however, that the holder of
4 this license complies with the terms and conditions set forth in
5 section 3 of P.L.2009, c.216 (C.33:1-12d). The holder of this
6 license shall be entitled to sell and deliver alcoholic beverages for
7 consumption off the licensed premises pursuant to section 1 of
8 P.L. , c. (C.) (pending before the Legislature as this bill).

9 Subject to such rules and regulations established from time to
10 time by the director, the holder of this license shall be permitted to
11 sell alcoholic beverages in or upon the premises in which any of the
12 following is carried on: the keeping of a hotel or restaurant
13 including the sale of mercantile items incidental thereto as an
14 accommodation to patrons; the sale, at an entertainment facility as
15 defined in R.S.33:1-1, having a seating capacity for no less than
16 4,000 patrons, of mercantile items traditionally associated with the
17 type of event or program held at the site; the sale of distillers',
18 brewers' and vintners' packaged merchandise prepacked as a unit
19 with other suitable objects as gift items to be sold only as a unit; the
20 sale of novelty wearing apparel identified with the name of the
21 establishment licensed under the provisions of this section; the sale
22 of cigars, cigarettes, packaged crackers, chips, nuts and similar
23 snacks and ice at retail as an accommodation to patrons, or the retail
24 sale of nonalcoholic beverages as accessory beverages to alcoholic
25 beverages; or, in commercial bowling establishments, the retail sale
26 or rental of bowling accessories and the retail sale from vending
27 machines of candy, ice cream and nonalcoholic beverages. The fee
28 for this license shall be fixed by the governing board or body of the
29 municipality in which the licensed premises are situated, by
30 ordinance, at not less than \$250 and not more than \$2,500. No
31 ordinance shall be enacted which shall raise or lower the fee to be
32 charged for this license by more than 20% from that charged in the
33 preceding license year or \$500.00, whichever is the lesser. The
34 governing board or body of each municipality may, by ordinance,
35 enact that no plenary retail consumption license shall be granted
36 within its respective municipality.

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

43 Seasonal retail consumption license. 2. (1) The holder of this
44 license shall be entitled, subject to rules and regulations, to sell any
45 alcoholic beverages for consumption on the licensed premises by
46 the glass or other open receptacle, and also to sell any alcoholic
47 beverages in original containers for consumption off the licensed
48 premises, during the summer season from May 1 until November

1 14, inclusive, or during the winter season from November 15 until
2 April 30, inclusive.

3 (2) In addition, the director shall issue to the holder of this
4 license, upon request by the licensee, one-day permits that shall
5 entitle the license holder to sell alcoholic beverages for
6 consumption on the licensed premises during the season when the
7 license holder is not authorized to sell alcoholic beverages pursuant
8 to subparagraph (1) of this subsection. The number of one-day
9 permits issued to a licensee pursuant to this subsection shall not
10 exceed an aggregate of 14 permits in one calendar year. A one-day
11 permit issued pursuant to this subsection shall be valid for 24
12 consecutive hours. The fee for each one-day permit shall be \$500.

13 The governing body of the municipality in which the licensed
14 premises is situated may place reasonable conditions upon a one-
15 day permit for the purpose of maintaining public safety on the
16 licensed premises and immediately surrounding area. The costs
17 associated with the reasonable conditions placed on the one-day
18 permit shall be assumed by the holder of this license.

19 (3) This license shall not be issued to permit the sale of
20 alcoholic beverages in or upon any premises in which a grocery,
21 delicatessen, drug store or other mercantile business is carried on,
22 except as hereinafter provided. Subject to such rules and
23 regulations established from time to time by the director, the holder
24 of this license shall be permitted to sell alcoholic beverages in or
25 upon the premises in which any of the following is carried on: the
26 keeping of a hotel or restaurant including the sale of mercantile
27 items incidental thereto as an accommodation to patrons; the sale of
28 distillers', brewers' and vintners' packaged merchandise prepacked
29 as a unit with other suitable objects as gift items to be sold only as a
30 unit; the sale of novelty wearing apparel identified with the name of
31 the establishment licensed under the provisions of this section; the
32 sale of cigars, cigarettes, packaged crackers, chips, nuts and similar
33 snacks and ice at retail as an accommodation to patrons; or the retail
34 sale of nonalcoholic beverages as accessory beverages to alcoholic
35 beverages. The fee for this license shall be fixed by the governing
36 board or body of the municipality in which the licensed premises
37 are situated, by ordinance, at 75% of the fee fixed by said board or
38 body for plenary retail consumption licenses. The governing board
39 or body of each municipality may, by ordinance, enact that no
40 seasonal retail consumption license shall be granted within its
41 respective municipality.

42 (4) The holder of this license shall be entitled to sell and deliver
43 alcoholic beverages for consumption off the licensed premises
44 pursuant to section 1 of P.L. _____, c. (C. _____) (pending before the
45 Legislature as this bill).

46 Plenary retail distribution license. 3. a. The holder of this license
47 shall be entitled, subject to rules and regulations, to sell any
48 alcoholic beverages for consumption off the licensed premises, but
49 only in original containers; except that licensees shall be permitted

1 to conduct consumer wine, beer, and spirits tasting events and
2 samplings on a complimentary basis pursuant to conditions
3 established by rules and regulations of the Division of Alcoholic
4 Beverage Control, provided however, that the holder of this license
5 complies with the terms and conditions set forth in section 3 of
6 P.L.2009, c.216 (C.33:1-12d).

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

28 Limited retail distribution license. 3. b. The holder of this license
29 shall be entitled, subject to rules and regulations, to sell any
30 unchilled, brewed, malt alcoholic beverages in quantities of not less
31 than 72 fluid ounces for consumption off the licensed premises, but
32 only in original containers; provided, however, that this license
33 shall be issued only for premises operated and conducted by the
34 licensee as a bona fide grocery store, meat market, meat and
35 grocery store, delicatessen, or other type of bona fide food store at
36 which groceries or other foodstuffs are sold at retail; and provided
37 further that this license shall not be issued except for premises at
38 which the sale of groceries or other foodstuffs is the primary and
39 principal business and at which the sale of alcoholic beverages is
40 merely incidental and subordinate thereto. The fee for this license
41 shall be fixed by the governing body or board of the municipality in
42 which the licensed premises are situated, by ordinance, at not less
43 than \$31 and not more than \$63. The governing board or body of
44 each municipality may, by ordinance, enact that no limited retail
45 distribution license shall be granted within its respective
46 municipality.

47 Plenary retail transit license. 4. The holder of this license shall be
48 entitled, subject to rules and regulations, to sell any alcoholic
49 beverages, for consumption only, on railroad trains, airplanes,

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

23 Club license. 5. The holder of this license shall be entitled,
24 subject to rules and regulations, to sell any alcoholic beverages but
25 only for immediate consumption on the licensed premises and only
26 to bona fide club members and their guests. The fee for this license
27 shall be fixed by the governing board or body of the municipality in
28 which the licensed premises are situated, by ordinance, at not less
29 than \$63 and not more than \$188. The governing board or body of
30 each municipality may, by ordinance, enact that no club licenses
31 shall be granted within its respective municipality. Club licenses
32 may be issued only to such corporations, associations and
33 organizations as are operated for benevolent, charitable, fraternal,
34 social, religious, recreational, athletic, or similar purposes, and not
35 for private gain, and which comply with all conditions which may
36 be imposed by the Director of the Division of Alcoholic Beverage
37 Control by rules and regulations.

38 The provisions of section 23 of P.L.2003, c.117 amendatory of
39 this section shall apply to licenses issued or transferred on or after
40 July 1, 2003, and to license renewals commencing on or after July
41 1, 2003.

42 Sporting facility license. 6. The holder of this license shall be
43 entitled, subject to rules and regulations, to sell at retail or to serve
44 any alcoholic beverages as the owner, operator, lessee, or
45 concessionaire of a sporting facility by the glass or other receptacle
46 or in original containers only on the premises of the sporting
47 facility.

48 Notwithstanding any other provision of Title 33 of the Revised
49 Statutes and subject to conditions established by the director, the

1 holder of this license may share direction and control of the
2 premises to be licensed and share proceeds and profits from the sale
3 of alcoholic beverages with the owner, operator, concessionaire, or
4 lessee of the facility. The holder of this license shall be permitted
5 to conduct consumer wine, beer, and spirits tasting events and
6 samplings for a fee or on a complimentary basis provided, however,
7 the license holder complies with the provisions of section 3 of
8 P.L.2009, c.216 (C.33:1-12d) and rules and regulations promulgated
9 thereto. Notwithstanding any law, rule or regulation to the
10 contrary, the holder of this license shall be entitled to establish an
11 all-inclusive area within the licensed sporting facility, provided the
12 all-inclusive area is limited to one area within the sporting facility
13 for each game or event and the capacity of the all-inclusive area
14 does not exceed 500 persons.

15 The fee for this license shall be \$2,500 for venues with a
16 capacity of less than 7,500 persons; \$5,000 for venues with a
17 capacity of not less than 7,500 persons but not more than 14,999
18 persons; \$7,500 for venues with a capacity of not less than 15,000
19 persons but not more than 22,499 persons; and \$10,000 for venues
20 with a capacity of 22,500 persons or more.

21 For the purposes of this subsection:

22 "Sporting facility" means a stadium, arena, team training facility,
23 or similar venue located on public property where alcoholic
24 beverages are served or sold at retail for consumption on the
25 premises by the glass or other open receptacle or in original
26 containers.

27 "Team training facility" shall include team offices and team
28 headquarters.

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

30

31 5. This act shall take effect immediately.

32

33

34

STATEMENT

35

36 This bill makes permanent provisions of P.L.2020, c.33, which
37 temporarily granted retail licensees and craft distillery licensees
38 certain privileges in response to the COVID-19 pandemic.
39 Specifically, the bill allows the holder of plenary retail consumption
40 licenses, hotel or motel licenses, seasonal retail consumption
41 licenses, or concessionaire permits, generally issued to bars and
42 restaurants, to sell and deliver alcoholic beverages in original
43 containers or in closed and sealed containers, and mixed cocktails
44 in closed and sealed containers for consumption off the licensed
45 premises.

46 In addition, the bill allows craft distillery licensees to sell for
47 consumption off the licensed premises distilled alcoholic beverages
48 that are manufactured on the licensed premises and mixed or
49 blended with other alcoholic or nonalcoholic beverages and sold in

1 closed and sealed containers. The bill also allows craft distilleries
2 to sell distilled alcoholic beverages in original containers
3 accompanied by one or more nonalcoholic beverages or foodstuffs
4 that may be combined by the consumer to prepare a mixed drink.

5 Under the bill, mixed drinks are to be sold in closed and sealed
6 containers that are affixed with a tamper evident seal and hold not
7 more than 16 fluid ounces. Any other alcoholic beverages may be
8 sold and delivered in original containers of any size.

9 In addition, the bill allows certain in-State and out-of-State craft
10 alcoholic beverage manufacturers to deliver their products in
11 original containers directly to the residence of a consumer within or
12 without this State who is 21 years of age or older. The bill extends this
13 home delivery privilege to the holder of a limited brewery license,
14 plenary winery license that annually produced 250,000 gallons of wine
15 or less, farm winery license, craft distillery license, cidery and
16 meadery license, and their out-of-State counterparts. The bill requires
17 in-State and out-of-State licensees to transport alcoholic beverages in a
18 vehicle that displays a transit insignia issued by the Director of the
19 Division of Alcoholic Beverage Control and is owned, operated, or
20 otherwise used in connection with the licensed premises.

21 The bill also allows these in-State and out-of-State craft
22 manufacturers to ship via common carrier their products directly to
23 consumers within or without this State who are 21 years of age or
24 older. Under current law, only small plenary wineries that produce
25 250,000 gallons or less per year, farm wineries, and meaderies are
26 permitted to directly ship their products directly. Under the bill, a
27 limited brewery licensee would be entitled to ship up to 12 cases of
28 beer to a customer annually. The bill prohibits a single case of beer
29 from exceeding 288 ounces. The bill allows cideries to ship up to
30 12 cases of cider to a consumer; a case of cider is not to exceed nine
31 liters. Craft distilleries would be entitled to ship up to 20 liters of
32 distilled spirits per year consumers. The fee for this direct shipping
33 privilege would be \$500.