

[First Reprint]

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)

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

Co-Sponsored by:

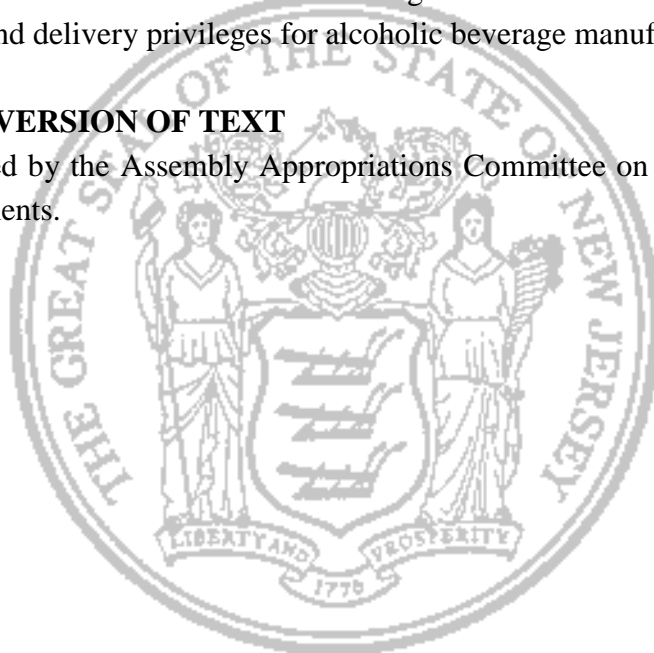
Assemblyman Houghtaling, Assemblywomen Downey, Murphy,
Assemblymen Wirths, Space and Auth

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 reported by the Assembly Appropriations Committee on June 16, 2021, with amendments.



(Sponsorship Updated As Of: 1/3/2022)

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 ¹**[**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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted June 16, 2021.

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.】¹

15
16 ¹【3.】 2.¹ 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
3 ¹['or without'] this State who is 21 years of age or older in original
4 containers for personal consumption and not for resale. A license
5 holder shall transport alcoholic beverages pursuant to this section in
6 a vehicle owned, operated, or otherwise used in connection with the
7 licensed premises. The license holder shall transport alcoholic
8 beverages in a vehicle that displays a transit insignia issued
9 pursuant to R.S.33:1-28.

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 ¹['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

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

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

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

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

48 The licensee shall collect from the customer the tax due on the
49 sale pursuant to the "Sales and Use Tax Act," P.L.1966, c.30

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

11 Plenary winery license. 2a. Provided that the holder is
12 engaged in growing and cultivating grapes or fruit used in the
13 production of wine on at least three acres on, or adjacent to, the
14 winery premises, the holder of this license shall be entitled, subject
15 to rules and regulations, to produce any fermented wines, and to
16 blend, fortify and treat wines, and to sell and distribute his products
17 to wholesalers licensed in accordance with this chapter and to
18 churches for religious purposes, and to sell and distribute without
19 this State to any persons pursuant to the laws of the places of such
20 sale and distribution, and to maintain a warehouse, and to sell his
21 products at retail to consumers on the licensed premises of the
22 winery for consumption on or off the premises and to offer samples
23 for sampling purposes only. The fee for this license shall be \$938.
24 A holder of this license who produces not more than 250,000
25 gallons per year shall also have the right to sell and distribute his
26 products to retailers licensed in accordance with this chapter, except
27 that the holder of this license shall not use a common carrier for
28 such distribution. The fee for this additional privilege shall be
29 graduated as follows: a licensee who manufactures more than
30 150,000 gallons, but not in excess of 250,000 gallons per annum,
31 \$1,000; a licensee who manufactures more than 100,000 gallons,
32 but not in excess of 150,000 gallons per annum, \$500; a licensee
33 who manufactures more than 50,000 gallons, but not in excess of
34 100,000 gallons per annum, \$250; a licensee who manufactures
35 50,000 gallons or less per annum, \$100.

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

43 The holder of this license who produces not more than 250,000
44 gallons per year shall be entitled to deliver the licensee's products
45 directly to the residence of a consumer within ¹【or without】¹ this
46 State who is 21 years of age or older in original containers for
47 personal consumption and not for resale. A license holder shall
48 transport alcoholic beverages pursuant to this section in a vehicle
49 owned, operated, or otherwise used in connection with the licensed

1 premises. The license holder shall transport alcoholic beverages in a
2 vehicle that displays a transit insignia issued pursuant to R.S.33:1-
3 28.

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

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

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

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

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

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

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

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

1 Unless otherwise indicated, for the purposes of this subsection,
2 with respect to farm winery licenses, "manufacture" means the
3 vinification, aging, storage, blending, clarification, stabilization and
4 bottling of wine or juice from New Jersey fruit to the extent
5 required by this subsection.

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

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

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

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

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

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

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

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

1 Cidery and meadery license. 2f. The holder of this
2 license shall be entitled, subject to rules and regulations, to
3 manufacture hard cider and mead and to sell and distribute these
4 products to wholesalers and retailers licensed in accordance with
5 this chapter, and to sell and distribute without this State to any
6 persons pursuant to the laws of the places of such sale and
7 distribution, and to maintain a warehouse. The holder of this
8 license shall be entitled to sell these products at retail to consumers
9 on the licensed premises for consumption on or off the premises and
10 to offer samples for sampling purposes only. The holder of this
11 license shall be permitted to offer for sale or make the gratuitous
12 offering of packaged crackers, chips, nuts, and similar snacks to
13 consumers, but shall not operate a restaurant on the licensed
14 premises. The fee for this license shall be \$938.

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

26 The holder of this license shall be entitled to deliver the
27 licensee's products directly to the residence of a consumer
28 within¹【or without¹】 this State who is 21 years of age or older in
29 original containers for personal consumption and not for resale. A
30 license holder shall transport alcoholic beverages pursuant to this
31 section in a vehicle owned, operated, or otherwise used in
32 connection with the licensed premises. The license holder shall
33 transport alcoholic beverages in a vehicle that displays a transit
34 insignia issued pursuant to R.S.33:1-28.

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

45 "Hard cider" means a fermented alcoholic beverage derived
46 primarily from apples, pears, apple juice concentrate and water, or
47 pear juice concentrate and water, which may include spices, herbs,
48 honey, or other flavoring, and which contains at least one half of

1 one percent but less than eight and one half percent alcohol by
2 volume.

3 "Mead" means an alcoholic beverage primarily made from
4 honey, water, and yeast, and which may contain fruit, fruit juices,
5 spices, or herbs added before or after fermentation has completed,
6 except that the ratio of fermentable sugars from fruit or fruit juices
7 shall not exceed 49 percent of the total fermentable sugars used to
8 produce mead.

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

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

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

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

1 Limited distillery license. 3b. The holder of this license shall
2 be entitled, subject to rules and regulations, to manufacture and
3 bottle any alcoholic beverages distilled from fruit juices and rectify,
4 blend, treat, mix, compound with wine and add necessary
5 sweetening and flavor to make cordial or liqueur, and to sell and
6 distribute to wholesalers and retailers licensed in accordance with
7 this chapter, and to sell and distribute without this State to any
8 persons pursuant to the laws of the places of such sale and
9 distribution and to warehouse these products. The fee for this
10 license shall be \$3,750.

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

25 Craft distillery license. 3d. The holder of this license shall
26 be entitled, subject to rules and regulations, to manufacture not
27 more than 20,000 gallons of distilled alcoholic beverages, to rectify,
28 blend, treat and mix distilled alcoholic beverages, to sell and
29 distribute this product to wholesalers and retailers licensed in
30 accordance with this chapter, and to sell and distribute without this
31 State to any persons pursuant to the laws of the places of such sale
32 and distribution, and to maintain a warehouse. The holder of this
33 license shall be entitled to sell this product at retail to consumers on
34 the licensed premises of the distillery for consumption on the
35 premises, but only in connection with a tour of the distillery, and
36 for consumption off the premises in a quantity of not more than five
37 liters per person. In addition, the holder of this license may offer
38 any person not more than three samples per calendar day for
39 sampling purposes only. For the purposes of this subsection,
40 "sampling" means the gratuitous offering of an open container not
41 exceeding one-half ounce serving of distilled alcoholic beverage
42 produced on the distillery premises. **Nothing in this subsection**
43 **shall be deemed to permit the direct shipment of distilled spirits**
44 **either within or without this State.** ¹Nothing in this subsection
45 shall be deemed to permit the direct shipment of distilled spirits
46 either within or without this State.¹

47 The holder of this license shall be entitled to deliver the
48 licensee's products directly to the residence of a consumer within

1 ¹["or without"]¹ this State who is 21 years of age or older in original
2 containers for personal consumption and not for resale. A license
3 holder shall transport alcoholic beverages pursuant to this section in
4 a vehicle owned, operated, or otherwise used in connection with the
5 licensed premises. The license holder shall transport alcoholic
6 beverages in a vehicle that displays a transit insignia issued
7 pursuant to R.S.33:1-28.

8 ¹["The holder of this license may directly ship by common carrier
9 not more than twenty liters of distilled spirits for personal
10 consumption and not for resale per year to any person residing
11 within or without this State who is 21 years of age or older in
12 original containers for personal consumption and not for resale. A
13 copy of the original invoice shall be available for inspection by
14 persons authorized to enforce the alcoholic beverage laws of this
15 State for a minimum period of three years at the licensed premises
16 of the distillery. The fee for the additional shipping privilege shall
17 be \$500.]"¹

18 The holder of this license shall be entitled to sell on the licensed
19 premises for consumption ¹on the licensed premises distilled
20 alcoholic beverages that are manufactured on the licensed premises
21 and mixed or blended with other alcoholic or non-alcoholic
22 beverages. The holder of this license also shall be entitled to sell on
23 the licensed premises for consumption¹ off the licensed premises
24 distilled alcoholic beverages that are manufactured on the licensed
25 premises and mixed or blended with other alcoholic or nonalcoholic
26 beverages and sold in closed and sealed containers.

27 The holder of this license shall be entitled to sell on the licensed
28 premises for consumption off the licensed premises distilled
29 alcoholic beverages that are manufactured on the licensed premises
30 and sold in original containers and accompanied by one or more
31 nonalcoholic beverages or food stuffs that may be combined by the
32 consumer to prepare a mixed drink. Any food stuffs sold pursuant
33 to the subsection shall be sold only as a mixed drink ingredient and
34 not as a separate meal.

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

39 The holder of this license shall not sell food or operate a
40 restaurant on the licensed premises, aside from foodstuffs sold as a
41 mixed drink ingredient pursuant to this subsection. A holder of this
42 license who certifies that not less than 51 percent of the raw
43 materials used in the production of distilled alcoholic beverages
44 under this section are grown in this State or purchased from
45 providers located in this State may, consistent with all applicable
46 federal laws and regulations, label these distilled alcoholic
47 beverages as "New Jersey Distilled." The fee for this license shall
48 be \$938.

1 ¹Out-of-State Craft Distillery license 3e. Provided that the
2 applicant does not produce more than 20,000 gallons of distilled
3 alcoholic beverages per year, the holder of a valid distillery license
4 issued in any other state may make application to the director for
5 this license.

6 The holder of this license may ship by common carrier or
7 otherwise not more than twenty liters of distilled spirits per year,
8 subject to regulation, to any person within or without this State over
9 21 years of age for personal consumption and not for resale. A
10 copy of the original invoice shall be available for inspection by
11 persons authorized to enforce the alcoholic beverage laws of this
12 State for a minimum period of three years at the licensed premises
13 of the distillery. The fee for this license shall be \$500.

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

26 Rectifier and blender license. 4. The holder of this
27 license shall be entitled, subject to rules and regulations, to rectify,
28 blend, treat and mix distilled alcoholic beverages, and to fortify,
29 blend, and treat fermented alcoholic beverages, and prepare
30 mixtures of alcoholic beverages, and to sell and distribute his
31 products to wholesalers and retailers licensed in accordance with
32 this chapter, and to sell and distribute without this State to any
33 persons pursuant to the laws of the places of such sale and
34 distribution, and to maintain a warehouse. The fee for this license
35 shall be \$7,500.

36 Bonded warehouse bottling license. 5. The holder of this
37 license shall be entitled, subject to rules and regulations, to bottle
38 alcoholic beverages in bond on behalf of all persons authorized by
39 federal and State law and regulations to withdraw alcoholic
40 beverages from bond. The fee for this license shall be \$625. This
41 license shall be issued only to persons holding permits to operate
42 Internal Revenue bonded warehouses pursuant to the laws of the
43 United States.

44 The provisions of section 21 of P.L.2003, c.117 amendatory of
45 this section shall apply to licenses issued or transferred on or after
46 July 1, 2003, and to license renewals commencing on or after July
47 1, 2003.

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

1 **'[4.] 3.'**¹ R.S. 33:1-12 is amended to read as follows:

2 33:1-12. Class C licenses shall be subdivided and classified as
3 follows:

4 Plenary retail consumption license. 1. The holder of this license
5 shall be entitled, subject to rules and regulations, to sell any
6 alcoholic beverages for consumption on the licensed premises by
7 the glass or other open receptacle, and also to sell any alcoholic
8 beverages in original containers for consumption off the licensed
9 premises; but this license shall not be issued to permit the sale of
10 alcoholic beverages in or upon any premises in which a grocery,
11 delicatessen, drug store or other mercantile business is carried on,
12 except as hereinafter provided. The holder of this license shall be
13 permitted to conduct consumer wine, beer and spirits tasting events
14 and samplings for a fee or on a complimentary basis pursuant to
15 conditions established by rules and regulations of the Division of
16 Alcoholic Beverage Control, provided however, that the holder of
17 this license complies with the terms and conditions set forth in
18 section 3 of P.L.2009, c.216 (C.33:1-12d). The holder of this
19 license shall be entitled to sell and deliver alcoholic beverages for
20 consumption off the licensed premises pursuant to section 1 of
21 P.L. , c. (C.) (pending before the Legislature as this bill).

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

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

7 Seasonal retail consumption license. 2. (1) The holder of this
8 license shall be entitled, subject to rules and regulations, to sell any
9 alcoholic beverages for consumption on the licensed premises by
10 the glass or other open receptacle, and also to sell any alcoholic
11 beverages in original containers for consumption off the licensed
12 premises, during the summer season from May 1 until November
13 14, inclusive, or during the winter season from November 15 until
14 April 30, inclusive.

15 (2) In addition, the director shall issue to the holder of this
16 license, upon request by the licensee, one-day permits that shall
17 entitle the license holder to sell alcoholic beverages for
18 consumption on the licensed premises during the season when the
19 license holder is not authorized to sell alcoholic beverages pursuant
20 to subparagraph (1) of this subsection. The number of one-day
21 permits issued to a licensee pursuant to this subsection shall not
22 exceed an aggregate of 14 permits in one calendar year. A one-day
23 permit issued pursuant to this subsection shall be valid for 24
24 consecutive hours. The fee for each one-day permit shall be \$500.

25 The governing body of the municipality in which the licensed
26 premises is situated may place reasonable conditions upon a one-
27 day permit for the purpose of maintaining public safety on the
28 licensed premises and immediately surrounding area. The costs
29 associated with the reasonable conditions placed on the one-day
30 permit shall be assumed by the holder of this license.

31 (3) This license shall not be issued to permit the sale of
32 alcoholic beverages in or upon any premises in which a grocery,
33 delicatessen, drug store or other mercantile business is carried on,
34 except as hereinafter provided. Subject to such rules and
35 regulations established from time to time by the director, the holder
36 of this license shall be permitted to sell alcoholic beverages in or
37 upon the premises in which any of the following is carried on: the
38 keeping of a hotel or restaurant including the sale of mercantile
39 items incidental thereto as an accommodation to patrons; the sale of
40 distillers', brewers' and vintners' packaged merchandise prepacked
41 as a unit with other suitable objects as gift items to be sold only as a
42 unit; the sale of novelty wearing apparel identified with the name of
43 the establishment licensed under the provisions of this section; the
44 sale of cigars, cigarettes, packaged crackers, chips, nuts and similar
45 snacks and ice at retail as an accommodation to patrons; or the retail
46 sale of nonalcoholic beverages as accessory beverages to alcoholic
47 beverages. The fee for this license shall be fixed by the governing
48 board or body of the municipality in which the licensed premises
49 are situated, by ordinance, at 75% of the fee fixed by said board or

1 body for plenary retail consumption licenses. The governing board
2 or body of each municipality may, by ordinance, enact that no
3 seasonal retail consumption license shall be granted within its
4 respective municipality.

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

9 Plenary retail distribution license. 3. a. The holder of this license
10 shall be entitled, subject to rules and regulations, to sell any
11 alcoholic beverages for consumption off the licensed premises, but
12 only in original containers; except that licensees shall be permitted
13 to conduct consumer wine, beer, and spirits tasting events and
14 samplings on a complimentary basis pursuant to conditions
15 established by rules and regulations of the Division of Alcoholic
16 Beverage Control, provided however, that the holder of this license
17 complies with the terms and conditions set forth in section 3 of
18 P.L.2009, c.216 (C.33:1-12d).

19 The governing board or body of each municipality may, by
20 ordinance, enact that this license shall not be issued to permit the
21 sale of alcoholic beverages in or upon any premises in which any
22 other mercantile business is carried on, except that any such
23 ordinance, heretofore or hereafter adopted, shall not prohibit the
24 retail sale of distillers', brewers' and vintners' packaged
25 merchandise prepacked as a unit with other suitable objects as gift
26 items to be sold only as a unit; the sale of novelty wearing apparel
27 identified with the name of the establishment licensed under the
28 provisions of this act; cigars, cigarettes, packaged crackers, chips,
29 nuts and similar snacks, ice, and nonalcoholic beverages as
30 accessory beverages to alcoholic beverages. The fee for this license
31 shall be fixed by the governing board or body of the municipality in
32 which the licensed premises are situated, by ordinance, at not less
33 than \$125 and not more than \$2,500. No ordinance shall be enacted
34 which shall raise or lower the fee to be charged for this license by
35 more than 20% from that charged in the preceding license year or
36 \$500.00, whichever is the lesser. The governing board or body of
37 each municipality may, by ordinance, enact that no plenary retail
38 distribution license shall be granted within its respective
39 municipality.

40 Limited retail distribution license. 3. b. The holder of this license
41 shall be entitled, subject to rules and regulations, to sell any
42 unchilled, brewed, malt alcoholic beverages in quantities of not less
43 than 72 fluid ounces for consumption off the licensed premises, but
44 only in original containers; provided, however, that this license
45 shall be issued only for premises operated and conducted by the
46 licensee as a bona fide grocery store, meat market, meat and
47 grocery store, delicatessen, or other type of bona fide food store at
48 which groceries or other foodstuffs are sold at retail; and provided
49 further that this license shall not be issued except for premises at

1 which the sale of groceries or other foodstuffs is the primary and
2 principal business and at which the sale of alcoholic beverages is
3 merely incidental and subordinate thereto. The fee for this license
4 shall be fixed by the governing body or board of the municipality in
5 which the licensed premises are situated, by ordinance, at not less
6 than \$31 and not more than \$63. The governing board or body of
7 each municipality may, by ordinance, enact that no limited retail
8 distribution license shall be granted within its respective
9 municipality.

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

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

1 The provisions of section 23 of P.L.2003, c.117 amendatory of
2 this section shall apply to licenses issued or transferred on or after
3 July 1, 2003, and to license renewals commencing on or after July
4 1, 2003.

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

11 Notwithstanding any other provision of Title 33 of the Revised
12 Statutes and subject to conditions established by the director, the
13 holder of this license may share direction and control of the
14 premises to be licensed and share proceeds and profits from the sale
15 of alcoholic beverages with the owner, operator, concessionaire, or
16 lessee of the facility. The holder of this license shall be permitted
17 to conduct consumer wine, beer, and spirits tasting events and
18 samplings for a fee or on a complimentary basis provided, however,
19 the license holder complies with the provisions of section 3 of
20 P.L.2009, c.216 (C.33:1-12d) and rules and regulations promulgated
21 thereto. Notwithstanding any law, rule or regulation to the
22 contrary, the holder of this license shall be entitled to establish an
23 all-inclusive area within the licensed sporting facility, provided the
24 all-inclusive area is limited to one area within the sporting facility
25 for each game or event and the capacity of the all-inclusive area
26 does not exceed 500 persons.

27 The fee for this license shall be \$2,500 for venues with a
28 capacity of less than 7,500 persons; \$5,000 for venues with a
29 capacity of not less than 7,500 persons but not more than 14,999
30 persons; \$7,500 for venues with a capacity of not less than 15,000
31 persons but not more than 22,499 persons; and \$10,000 for venues
32 with a capacity of 22,500 persons or more.

33 For the purposes of this subsection:

34 "Sporting facility" means a stadium, arena, team training facility,
35 or similar venue located on public property where alcoholic
36 beverages are served or sold at retail for consumption on the
37 premises by the glass or other open receptacle or in original
38 containers.

39 "Team training facility" shall include team offices and team
40 headquarters.

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

42

43 ¹**[5. This]** 4. Section 1 of this act¹ shall take effect immediately
44 ¹and sections 2 and 3 of this act shall take effect on the first day of
45 the third month next following the date of enactment¹.