

ASSEMBLY OVERSIGHT, REFORM AND FEDERAL RELATIONS COMMITTEE

STATEMENT TO ASSEMBLY, No. 5013

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 15, 2026

The Assembly Oversight, Reform and Federal Relations Committee reports favorably and with committee amendments Assembly Bill No. 5013.

As amended and reported by the committee, this bill allows frozen desserts that contain, as an ingredient, distilled alcoholic beverages, beer, wine, cider, or mead in an amount of not more than five percent of alcohol by volume to be manufactured, sold, and distributed in the State without a liquor license. Under current law, “frozen desserts” are defined as ice cream, frozen custard, French ice cream, French custard ice cream, sherbet, fruit sherbet, ice milk, ice, water ice, quiescently frozen confection, quiescently frozen dairy confection, whipped cream confection, bisque tortoni, artificially sweetened ice cream, artificially sweetened ice milk, special frozen dietary foods, or mellorine frozen desserts.

Under the amended bill, a frozen dessert containing more than one-half of one percent and not more than five percent of alcohol by volume is to be sold in a sealed package received from the manufacturer or distributor. The bill requires the packaging to display certain warning statements consistent with current law governing the sale of alcoholic beverages.

The amended bill also prohibits branding or marketing that is deceptive, promotes overconsumption, depicts an underage person consuming frozen alcoholic beverages, or includes objects, such as toys and cartoon characters, that make the purchase of frozen alcoholic beverages appealing to underage persons.

Also under the amended bill, a frozen alcoholic dessert may be stored or displayed in a place accessible to customers and may be accessed without employee assistance if: the establishment segregates the storage or display of these products from other non-alcoholic frozen desserts and other foodstuffs, and posts conspicuous notice that the frozen desserts containing alcohol may only be purchased by a person 21 years of age or older; the establishment actively monitors the place of storage or display; and an employee of the establishment confirms at

the point of sale that the customer is 21 years of age or older and that the customer understands the frozen dessert contains alcohol.

A violation of the bill's provisions constitutes a disorderly persons offense, which is punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) prohibits branding or marketing that is deceptive, promotes overconsumption, depicts an underage person consuming frozen alcoholic beverages, or includes objects, such as toys and cartoon characters, that make the purchase of frozen alcoholic beverages appealing to underage persons;

2) allow for a frozen alcoholic dessert to be stored or displayed in a place accessible to customers and be accessed without employee assistance if: the establishment segregates the storage or display of these products from other non-alcoholic frozen desserts and other foodstuffs, and posts conspicuous notice that the frozen desserts containing alcohol may only be purchased by a person 21 years of age or older; the establishment actively monitors the place of storage or display; and an employee of the establishment confirms at the point of sale that the customer is 21 years of age or older and that the customer understands the frozen dessert contains alcohol; and

3) provide that a violation of the bill's provisions constitute a disorderly persons offense.