

[Second Reprint]

ASSEMBLY, No. 1478

STATE OF NEW JERSEY
218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

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SYNOPSIS

Revises law governing theater liquor licenses.

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee on December 9, 2019, with amendments.



(Sponsorship Updated As Of: 1/14/2020)

1 AN ACT concerning plenary retail consumption licenses and
2 amending ²and supplementing² P.L.1985, c.151.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 ²[1. Section 1 of P.L.1985, c.151 (C.33:1-19.7) is amended to
8 read as follows:

9 1. It shall be lawful for the governing board or body of any
10 municipality, upon the approval of the Director of the Division of
11 Alcoholic Beverage Control, to issue a plenary retail consumption
12 license to a nonprofit corporation ¹exempt from federal income tax
13 under section 501(c)(3) of the Internal Revenue Code¹, which
14 regularly conducts musical or theatrical performances or concerts,
15 for which admission is charged, on premises with a seating
16 capacity of [1,000] ¹[100] 50¹ persons or more, which premises is
17 primarily used for the conducting of musical or theatrical
18 performances or concerts, authorizing the sale of alcoholic
19 beverages by the nonprofit corporation or its restaurant operator
20 who has been approved pursuant to procedures established by the
21 Division of Alcoholic Beverage Control for consumption on the
22 licensed premises ¹[only] as follows:

23 a. during the two hours immediately preceding performances;
24 b.¹ during performances ¹[and] , including during intermission;
25 c. for theaters with a seating capacity of 1,000 persons or more,
26 during¹ the two hours immediately ¹[preceding and the two hours
27 immediately]¹ following performances ¹; and
28 d. for theaters with a seating capacity of 50 persons or more but
29 less than 1,000 persons, during the two hours immediately
30 following performances, provided that consumption on the licensed
31 premises pursuant to this subsection is limited to not more than 15
32 performances during a calendar year¹ .

33 For the purposes of this section, "licensed premises" shall
34 include the premises where the musical or theatrical performance or
35 concert is held and any adjacent premises owned and operated by
36 the licensee.

37 A license issued under the provisions of this act shall not be
38 counted in determining the number of licenses under P.L.1947, c.94
39 (C.33:1-12.13 et seq.) or under P.L.1968, c.277 (C.40:48-
40 2.40 et seq.).

41 (cf: P.L.1994, c.18, s.1)]²

42
43 ²1. Section 1 of P.L.1985, c.151 (C.33:1-19.7) is amended to
44 read as follows:

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 ALP committee amendments adopted June 13, 2019.

²Senate SLP committee amendments adopted December 9, 2019.

1 1. It shall be lawful for the governing board or body of any
2 municipality, upon the approval of the Director of the Division of
3 Alcoholic Beverage Control, to issue a plenary retail consumption
4 license to a nonprofit corporation exempt from federal income tax
5 under section 501(c)(3) of the Internal Revenue Code, which
6 regularly conducts musical or theatrical performances or concerts
7 【on】 for which admission is charged. A license issued pursuant to
8 this section shall be used in connection with a premises with a
9 seating capacity of 1,000 persons or more 【, authorizing】 that is
10 primarily used to conduct musical or theatrical performances or
11 concerts.

12 The license shall authorize the sale of alcoholic beverages by the
13 nonprofit corporation or its restaurant operator who has been
14 approved pursuant to procedures established by the Division of
15 Alcoholic Beverage Control for consumption on the licensed
16 premises 【only】:

- 17 a. during the two hours immediately preceding performances;
18 b. during performances, including intermission; and 【the two
19 hours immediately preceding and】
20 c. during the two hours immediately following performances.

21 For the purposes of this section, "licensed premises" shall
22 include the premises where the musical or theatrical performance or
23 concert is held and any adjacent premises owned and operated by
24 the licensee.

25 A license issued under the provisions of this act shall not be
26 counted in determining the number of licenses under P.L.1947, c.94
27 (C.33:1-12.13 et seq.) or under P.L.1968, c.277 (C.40:48-
28 2.40 et seq.).²
29 (cf: P.L.1994, c.18, s.1)

30
31 ²2. (New section) It shall be lawful for the governing board or
32 body of any municipality, upon the approval of the Director of the
33 Division of Alcoholic Beverage Control, to issue a plenary retail
34 consumption license to a nonprofit corporation exempt from federal
35 income tax under section 501(c)(3) of the Internal Revenue Code
36 that is incorporated on the effective date of this act, which regularly
37 conducts musical or theatrical performances or concerts for which
38 admission is charged. A license issued pursuant to this section shall
39 be used in connection with a premises with a seating capacity of 50
40 persons or more but less than 1,000 persons that is primarily used to
41 conduct musical or theatrical performances or concerts.

42 The license shall authorize the sale of alcoholic beverages by the
43 nonprofit corporation or its restaurant operator who has been
44 approved pursuant to procedures established by the Division of
45 Alcoholic Beverage Control for consumption on the licensed
46 premises:

- 47 a. during the two hours immediately preceding performances;

1 b. during performances, including intermission; and
2 c. for not more than 15 performances in a calendar year, during
3 the two hours immediately following performances.

4 For the purposes of this section, "licensed premises" shall
5 include the premises where the musical or theatrical performance or
6 concert is held and any adjacent premises owned and operated by
7 the licensee.

8 A license issued under the provisions of this act shall not be
9 counted in determining the number of licenses under P.L.1947, c.94
10 (C.33:1-12.13 et seq.) or under P.L.1968, c.277 (C.40:48-
11 2.40 et seq.).²

12

13 ²[2.] 3.² This act shall take effect immediately.