

ASSEMBLY, No. 2680

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

SYNOPSIS

Expands cities permitted to regulate days and hours when packaged goods may be sold.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning municipal regulation of the sale of wine and
2 beer for off-premises consumption and amending P.L.1971,
3 c.184.

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

7
8 1. Section 1 of P.L.1971, c.184 (C.33:1-40.3) is amended to
9 read as follows:

10 1. a. Whenever the sale of alcoholic beverages for
11 consumption on the premises **[and]** , off the premises , or **[either**
12 **thereof]** both, is authorized in any municipality by ordinance or
13 rule or regulation of the Division of Alcoholic Beverage Control, by
14 the holder of a retail consumption or retail distribution license,
15 **[such]** the ordinance or rule shall authorize the sale of wine and
16 malt alcoholic beverages in original bottle or can containers for
17 consumption off the premises on the same days and during the same
18 hours as the sale of alcoholic beverages for consumption on the
19 premises is permitted and authorized in the municipality. If a
20 municipality has no ordinance or local law that authorizes the sale
21 of alcoholic beverages for consumption on the premises, then the
22 municipality may by ordinance authorize the sale of wine and malt
23 alcoholic beverages in original bottle or can containers by retail
24 distribution licensees any time between the hours of 12:30 p.m. and
25 6:30 p.m. on Sunday, in addition to **[such]** weekday hours as may
26 be authorized by ordinance.

27 Notwithstanding the provisions of this section or any other law
28 to the contrary, a city **[of the first class]** with a population
29 exceeding 100,000 according to the 2010 federal census may
30 establish by ordinance separate hours for:

31 (1) sales by each type of retail license set forth in R.S.33:1-12,
32 and

33 (2) sales by such licensees for consumption on the premises and
34 consumption off the premises.

35 All parts of ordinances and regulations of the Director of the
36 Division of Alcoholic Beverage Control inconsistent with the
37 provisions of this **[act]** section are superseded to the extent of
38 **[such]** any inconsistency.

39 b. Notwithstanding any other provision of law to the contrary,
40 the holder of a plenary retail consumption license or permit
41 authorizing the sale of alcoholic beverages for consumption on the
42 premises that is used in connection with a premises located within
43 an international airport may sell alcoholic beverages any time
44 between the hours of 6:00 a.m. and 3:00 a.m.

45 (cf: P.L.2017, c.265, s.1)

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 2. This act shall take effect immediately.

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STATEMENT

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6 This bill permits cities with a population exceeding 100,000
7 according to the 2010 federal census to regulate the days and hours
8 when wine and beer in original containers may be sold for
9 consumption off the premises, commonly referred to as package
10 goods.

11 Under current law, municipalities are required to permit the sale
12 of package goods on the same days and during the same hours that
13 the sale of alcoholic beverages is permitted for on-premises
14 consumption in bars and restaurants. An exception currently exists
15 for cities of the first class, which may set different times for the sale
16 of package goods and the sale of alcoholic beverages in bars and
17 restaurants. Cities of the first class are Newark and Jersey City.

18 This bill expands the municipalities that are permitted to regulate
19 the days and hours when package goods may be sold from cities of
20 the first class to cities with a population of more than 100,000
21 according to the 2010 federal census. It is the sponsor's
22 understanding that the additional cities included under the bill are
23 Paterson and Elizabeth.