

ASSEMBLY, No. 3117

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 24, 2020

Sponsored by:

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

SYNOPSIS

Allows club license holder to sell alcoholic beverages in connection with fund raising events held by non-profits and charitable organizations.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning alcoholic beverage licenses and amending
2 R.S.33:1-12.

3

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

6

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

8 33:1-12. Class C licenses shall be subdivided and classified as
9 follows:

10 Plenary retail consumption license. 1. The holder of this license
11 shall be entitled, subject to rules and regulations, to sell any
12 alcoholic beverages for consumption on the licensed premises by
13 the glass or other open receptacle, and also to sell any alcoholic
14 beverages in original containers for consumption off the licensed
15 premises; but this license shall not be issued to permit the sale of
16 alcoholic beverages in or upon any premises in which a grocery,
17 delicatessen, drug store or other mercantile business is carried on,
18 except as hereinafter provided. The holder of this license shall be
19 permitted to conduct consumer wine, beer and spirits tasting events
20 and samplings for a fee or on a complimentary basis pursuant to
21 conditions established by rules and regulations of the Division of
22 Alcoholic Beverage Control, provided however, that the holder of
23 this license complies with the terms and conditions set forth in
24 section 3 of P.L.2009, c.216 (C.33:1-12d). Subject to such rules
25 and regulations established from time to time by the director, the
26 holder of this license shall be permitted to sell alcoholic beverages
27 in or upon the premises in which any of the following is carried on:
28 the keeping of a hotel or restaurant including the sale of mercantile
29 items incidental thereto as an accommodation to patrons; the sale, at
30 an entertainment facility as defined in R.S.33:1-1, having a seating
31 capacity for no less than 4,000 patrons, of mercantile items
32 traditionally associated with the type of event or program held at
33 the site; the sale of distillers', brewers' and vintners' packaged
34 merchandise prepacked as a unit with other suitable objects as gift
35 items to be sold only as a unit; the sale of novelty wearing apparel
36 identified with the name of the establishment licensed under the
37 provisions of this section; the sale of cigars, cigarettes, packaged
38 crackers, chips, nuts and similar snacks and ice at retail as an
39 accommodation to patrons, or the retail sale of nonalcoholic
40 beverages as accessory beverages to alcoholic beverages; or, in
41 commercial bowling establishments, the retail sale or rental of
42 bowling accessories and the retail sale from vending machines of
43 candy, ice cream and nonalcoholic beverages. The fee for this
44 license shall be fixed by the governing board or body of the
45 municipality in which the licensed premises are situated, by

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 ordinance, at not less than \$250 and not more than \$2,500. No
2 ordinance shall be enacted which shall raise or lower the fee to be
3 charged for this license by more than 20% from that charged in the
4 preceding license year or \$500.00, whichever is the lesser. The
5 governing board or body of each municipality may, by ordinance,
6 enact that no plenary retail consumption license shall be granted
7 within its respective municipality.

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

14 Seasonal retail consumption license. 2. (1) The holder of this
15 license shall be entitled, subject to rules and regulations, to sell any
16 alcoholic beverages for consumption on the licensed premises by
17 the glass or other open receptacle, and also to sell any alcoholic
18 beverages in original containers for consumption off the licensed
19 premises, during the summer season from May 1 until November
20 14, inclusive, or during the winter season from November 15 until
21 April 30, inclusive.

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

32 The governing body of the municipality in which the licensed
33 premises is situated may place reasonable conditions upon a one-
34 day permit for the purpose of maintaining public safety on the
35 licensed premises and immediately surrounding area. The costs
36 associated with the reasonable conditions placed on the one-day
37 permit shall be assumed by the holder of this license.

38 (3) This license shall not be issued to permit the sale of
39 alcoholic beverages in or upon any premises in which a grocery,
40 delicatessen, drug store or other mercantile business is carried on,
41 except as hereinafter provided. Subject to such rules and
42 regulations established from time to time by the director, the holder
43 of this license shall be permitted to sell alcoholic beverages in or
44 upon the premises in which any of the following is carried on: the
45 keeping of a hotel or restaurant including the sale of mercantile
46 items incidental thereto as an accommodation to patrons; the sale of
47 distillers', brewers' and vintners' packaged merchandise prepacked
48 as a unit with other suitable objects as gift items to be sold only as a

1 unit; the sale of novelty wearing apparel identified with the name of
2 the establishment licensed under the provisions of this section; the
3 sale of cigars, cigarettes, packaged crackers, chips, nuts and similar
4 snacks and ice at retail as an accommodation to patrons; or the retail
5 sale of nonalcoholic beverages as accessory beverages to alcoholic
6 beverages. The fee for this license shall be fixed by the governing
7 board or body of the municipality in which the licensed premises
8 are situated, by ordinance, at 75% of the fee fixed by said board or
9 body for plenary retail consumption licenses. The governing board
10 or body of each municipality may, by ordinance, enact that no
11 seasonal retail consumption license shall be granted within its
12 respective municipality.

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

23 The governing board or body of each municipality may, by
24 ordinance, enact that this license shall not be issued to permit the
25 sale of alcoholic beverages in or upon any premises in which any
26 other mercantile business is carried on, except that any such
27 ordinance, heretofore or hereafter adopted, shall not prohibit the
28 retail sale of distillers', brewers' and vintners' packaged
29 merchandise prepacked as a unit with other suitable objects as gift
30 items to be sold only as a unit; the sale of novelty wearing apparel
31 identified with the name of the establishment licensed under the
32 provisions of this act; cigars, cigarettes, packaged crackers, chips,
33 nuts and similar snacks, ice, and nonalcoholic beverages as
34 accessory beverages to alcoholic beverages. The fee for this license
35 shall be fixed by the governing board or body of the municipality in
36 which the licensed premises are situated, by ordinance, at not less
37 than \$125 and not more than \$2,500. No ordinance shall be enacted
38 which shall raise or lower the fee to be charged for this license by
39 more than 20% from that charged in the preceding license year or
40 \$500.00, whichever is the lesser. The governing board or body of
41 each municipality may, by ordinance, enact that no plenary retail
42 distribution license shall be granted within its respective
43 municipality.

44 Limited retail distribution license. 3. b. The holder of this license
45 shall be entitled, subject to rules and regulations, to sell any
46 unchilled, brewed, malt alcoholic beverages in quantities of not less
47 than 72 fluid ounces for consumption off the licensed premises, but
48 only in original containers; provided, however, that this license

1 shall be issued only for premises operated and conducted by the
2 licensee as a bona fide grocery store, meat market, meat and
3 grocery store, delicatessen, or other type of bona fide food store at
4 which groceries or other foodstuffs are sold at retail; and provided
5 further that this license shall not be issued except for premises at
6 which the sale of groceries or other foodstuffs is the primary and
7 principal business and at which the sale of alcoholic beverages is
8 merely incidental and subordinate thereto. The fee for this license
9 shall be fixed by the governing body or board of the municipality in
10 which the licensed premises are situated, by ordinance, at not less
11 than \$31 and not more than \$63. The governing board or body of
12 each municipality may, by ordinance, enact that no limited retail
13 distribution license shall be granted within its respective
14 municipality.

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

40 Club license. 5. The holder of this license shall be entitled,
41 subject to rules and regulations, to sell any alcoholic beverages but
42 only for immediate consumption on the licensed premises and only
43 to bona fide club members and their guests. The holder of this
44 license also shall be entitled, subject to rules and regulations, to sell
45 any alcohol beverages for immediate consumption on the licensed
46 premises in connection with a fund raising event held by another
47 nonprofit or other charitable organization exempt from taxation
48 pursuant to section 501(c)(3) of the federal Internal Revenue Code

1 of 1986 (26 U.S.C. s.501(c)(3)). The license holder shall be entitled
2 to sell alcoholic beverages to non-club members during the fund
3 raising event.

4 The fee for this license shall be fixed by the governing board or
5 body of the municipality in which the licensed premises are
6 situated, by ordinance, at not less than \$63 and not more than \$188.
7 The governing board or body of each municipality may, by
8 ordinance, enact that no club licenses shall be granted within its
9 respective municipality. Club licenses may be issued only to such
10 corporations, associations and organizations as are operated for
11 benevolent, charitable, fraternal, social, religious, recreational,
12 athletic, or similar purposes, and not for private gain, and which
13 comply with all conditions which may be imposed by the Director
14 of the Division of Alcoholic Beverage Control by rules and
15 regulations.

16 The provisions of section 23 of P.L.2003, c.117 amendatory of
17 this section shall apply to licenses issued or transferred on or after
18 July 1, 2003, and to license renewals commencing on or after July
19 1, 2003.

20 As used in this subsection, "fund raising event" means a
21 scheduled event of which the primary purpose is to raise money to
22 be used for the operation, maintenance, support, or promotion of the
23 nonprofit or charitable organization.

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

30 Notwithstanding any other provision of Title 33 of the Revised
31 Statutes and subject to conditions established by the director, the
32 holder of this license may share direction and control of the
33 premises to be licensed and share proceeds and profits from the sale
34 of alcoholic beverages with the owner, operator, concessionaire, or
35 lessee of the facility. The holder of this license shall be permitted
36 to conduct consumer wine, beer, and spirits tasting events and
37 samplings for a fee or on a complimentary basis provided, however,
38 the license holder complies with the provisions of section 3 of
39 P.L.2009, c.216 (C.33:1-12d) and rules and regulations promulgated
40 thereto. Notwithstanding any law, rule or regulation to the
41 contrary, the holder of this license shall be entitled to establish an
42 all-inclusive area within the licensed sporting facility, provided the
43 all-inclusive area is limited to one area within the sporting facility
44 for each game or event and the capacity of the all-inclusive area
45 does not exceed 500 persons.

46 The fee for this license shall be \$2,500 for venues with a
47 capacity of less than 7,500 persons; \$5,000 for venues with a
48 capacity of not less than 7,500 persons but not more than 14,999

1 persons; \$7,500 for venues with a capacity of not less than 15,000
2 persons but not more than 22,499 persons; and \$10,000 for venues
3 with a capacity of 22,500 persons or more.

4 For the purposes of this subsection:

5 "Sporting facility" means a stadium, arena, team training facility,
6 or similar venue located on public property where alcoholic
7 beverages are served or sold at retail for consumption on the
8 premises by the glass or other open receptacle or in original
9 containers.

10 "Team training facility" shall include team offices and team
11 headquarters

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

13
14 2. This act shall take effect on the first day of the fourth month
15 after enactment, except the Director of the Division of Alcoholic
16 Beverage Control may take any anticipatory administrative action in
17 advance thereof as shall be necessary for the implementation of this
18 act.

21 STATEMENT

22
23 This bill allows the holder of a club license to sell alcoholic
24 beverages on the licensed premises in connection with a fund
25 raising event held by another nonprofit or charitable organization.
26 Under the bill, a club license holder is permitted to sell alcoholic
27 beverages to non-club members during the charitable event. The
28 bill defines fund raising event as a scheduled event of which the
29 primary purpose is to raise money to be used for the operation,
30 maintenance, support, or promotion of the nonprofit or charitable
31 organization.

32 Under current law, a club license is a license to sell alcoholic
33 beverages issued to organizations that are operated for benevolent,
34 charitable, fraternal, social, religious, recreational, athletic, or
35 similar purposes. A club license holder may sell alcoholic
36 beverages only to bona fide club members and their guests. Club
37 licenses are not subject to the population restriction placed on
38 plenary retail consumption licenses (for bars and restaurants),
39 which are limited to one for every 3,000 residents in a municipality.
40 This bill establishes an exception to allow a club licensee to sell
41 alcoholic beverages to non-club members during fund raising events
42 held by other nonprofit and charitable organizations.