

ASSEMBLY, No. 3977

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 4, 2020

Sponsored by:

Assemblywoman SERENA DIMASO

District 13 (Monmouth)

SYNOPSIS

Allows certain alcoholic beverage retail license holders to deliver alcoholic beverages to consumer's home during state of emergency.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the sale of alcoholic beverages, supplementing
2 Title 33 of the Revised Statutes, and amending 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. (New section) a. The holder of a plenary retail
8 consumption license issued pursuant to R.S.33:1-12 shall be entitled
9 to deliver alcoholic beverages to the residence of a consumer within
10 this State who is 21 years of age or older in a receptacle for
11 consumption off the licensed premises during a state of emergency.
12 The delivery of alcoholic beverages pursuant to this section only
13 shall be made in connection with the sale and delivery of food that
14 is prepared in a kitchen. The receptacle used to deliver alcoholic
15 beverages pursuant to this section may be reusable or disposable
16 and shall be temporarily sealed by the license or permit holder or an
17 employee thereof. Distilled alcoholic beverages delivered in a
18 receptacle may be mixed or blended with other alcoholic or
19 nonalcoholic beverages.

20 b. A purchase of alcoholic beverages for delivery during a
21 declared state of emergency pursuant to this section shall be made
22 by a telephone order or via the licensee's website. A copy of the
23 original invoice shall be available for inspection by persons
24 authorized to enforce the alcoholic beverage laws of this State for a
25 minimum period of three years at the licensed premises.

26 c. The director may establish guidelines regarding the delivery
27 of alcoholic beverages during a state of emergency pursuant to this
28 section.

29
30 2. R.S.33:1-12 is amended to read as follows:

31 33:1-12. Class C licenses shall be subdivided and classified as
32 follows:

33 Plenary retail consumption license. 1. The holder of this
34 license shall be entitled, subject to rules and regulations, to sell any
35 alcoholic beverages for consumption on the licensed premises by
36 the glass or other open receptacle, and also to sell any alcoholic
37 beverages in original containers for consumption off the licensed
38 premises; but 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. The holder of this license shall be
42 entitled to deliver alcoholic beverages during a state of emergency
43 pursuant to section 1 of P.L. , c. (C.) (pending before the
44 Legislature as this bill).

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 The holder of this license shall be permitted to conduct consumer
2 wine, beer and spirits tasting events and samplings for a fee or on a
3 complimentary basis pursuant to conditions established by rules and
4 regulations of the Division of Alcoholic Beverage Control, provided
5 however, that the holder of this license complies with the terms and
6 conditions set forth in section 3 of P.L.2009, c.216 (C.33:1-12d).
7 Subject to such rules and regulations established from time to time
8 by the director, the holder of this license shall be permitted to sell
9 alcoholic beverages in or upon the premises in which any of the
10 following is carried on: the keeping of a hotel or restaurant
11 including the sale of mercantile items incidental thereto as an
12 accommodation to patrons; the sale, at an entertainment facility as
13 defined in R.S.33:1-1, having a seating capacity for no less than
14 4,000 patrons, of mercantile items traditionally associated with the
15 type of event or program held at the site; the sale of distillers',
16 brewers' and vintners' packaged merchandise prepacked as a unit
17 with other suitable objects as gift items to be sold only as a unit; the
18 sale of novelty wearing apparel identified with the name of the
19 establishment licensed under the provisions of this section; the sale
20 of cigars, cigarettes, packaged crackers, chips, nuts and similar
21 snacks and ice at retail as an accommodation to patrons, or the retail
22 sale of nonalcoholic beverages as accessory beverages to alcoholic
23 beverages; or, in commercial bowling establishments, the retail sale
24 or rental of bowling accessories and the retail sale from vending
25 machines of candy, ice cream and nonalcoholic beverages. The fee
26 for this license shall be fixed by the governing board or body of the
27 municipality in which the licensed premises are situated, by
28 ordinance, at not less than \$250 and not more than \$2,500. No
29 ordinance shall be enacted which shall raise or lower the fee to be
30 charged for this license by more than 20% from that charged in the
31 preceding license year or **["\$500.00"]** \$500, whichever is the lesser.
32 The governing board or body of each municipality may, by
33 ordinance, enact that no plenary retail consumption license shall be
34 granted within its respective municipality.

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

41 Seasonal retail consumption license. 2. (1) The holder of this
42 license shall be entitled, subject to rules and regulations, to sell any
43 alcoholic beverages for consumption on the licensed premises by
44 the glass or other open receptacle, and also to sell any alcoholic
45 beverages in original containers for consumption off the licensed
46 premises, during the summer season from May 1 until November
47 14, inclusive, or during the winter season from November 15 until
48 April 30, inclusive.

1 (2) In addition, the director shall issue to the holder of this
2 license, upon request by the licensee, one-day permits that shall
3 entitle the license holder to sell alcoholic beverages for
4 consumption on the licensed premises during the season when the
5 license holder is not authorized to sell alcoholic beverages pursuant
6 to subparagraph (1) of this subsection. The number of one-day
7 permits issued to a licensee pursuant to this subsection shall not
8 exceed an aggregate of 14 permits in one calendar year. A one-day
9 permit issued pursuant to this subsection shall be valid for 24
10 consecutive hours. The fee for each one-day permit shall be **["\$500"]**
11 \$500.

12 The governing body of the municipality in which the licensed
13 premises is situated may place reasonable conditions upon a one-
14 day permit for the purpose of maintaining public safety on the
15 licensed premises and immediately surrounding area. The costs
16 associated with the reasonable conditions placed on the one-day
17 permit shall be assumed by the holder of this license.

18 (3) This license shall not be issued to permit the sale of
19 alcoholic beverages in or upon any premises in which a grocery,
20 delicatessen, drug store or other mercantile business is carried on,
21 except as hereinafter provided. Subject to such rules and
22 regulations established from time to time by the director, the holder
23 of this license shall be permitted to sell alcoholic beverages in or
24 upon the premises in which any of the following is carried on: the
25 keeping of a hotel or restaurant including the sale of mercantile
26 items incidental thereto as an accommodation to patrons; the sale of
27 distillers', brewers' and vintners' packaged merchandise prepacked
28 as a unit with other suitable objects as gift items to be sold only as a
29 unit; the sale of novelty wearing apparel identified with the name of
30 the establishment licensed under the provisions of this section; the
31 sale of cigars, cigarettes, packaged crackers, chips, nuts and similar
32 snacks and ice at retail as an accommodation to patrons; or the retail
33 sale of nonalcoholic beverages as accessory beverages to alcoholic
34 beverages. The fee for this license shall be fixed by the governing
35 board or body of the municipality in which the licensed premises
36 are situated, by ordinance, at 75% of the fee fixed by said board or
37 body for plenary retail consumption licenses. The governing board
38 or body of each municipality may, by ordinance, enact that no
39 seasonal retail consumption license shall be granted within its
40 respective municipality.

41 Plenary retail distribution license. 3. a. The holder of this
42 license shall be entitled, subject to rules and regulations, to sell any
43 alcoholic beverages for consumption off the licensed premises, but
44 only in original containers; except that licensees shall be permitted
45 to conduct consumer wine, beer, and spirits tasting events and
46 samplings on a complimentary basis pursuant to conditions
47 established by rules and regulations of the Division of Alcoholic

1 Beverage Control, provided however, that the holder of this license
2 complies with the terms and conditions set forth in section 3 of
3 P.L.2009, c.216 (C.33:1-12d).

4 The governing board or body of each municipality may, by
5 ordinance, enact that this license shall not be issued to permit the
6 sale of alcoholic beverages in or upon any premises in which any
7 other mercantile business is carried on, except that any such
8 ordinance, heretofore or hereafter adopted, shall not prohibit the
9 retail sale of distillers', brewers' and vintners' packaged
10 merchandise prepacked as a unit with other suitable objects as gift
11 items to be sold only as a unit; the sale of novelty wearing apparel
12 identified with the name of the establishment licensed under the
13 provisions of this act; cigars, cigarettes, packaged crackers, chips,
14 nuts and similar snacks, ice, and nonalcoholic beverages as
15 accessory beverages to alcoholic beverages. The fee for this license
16 shall be fixed by the governing board or body of the municipality in
17 which the licensed premises are situated, by ordinance, at not less
18 than \$125 and not more than \$2,500. No ordinance shall be enacted
19 which shall raise or lower the fee to be charged for this license by
20 more than 20% from that charged in the preceding license year or
21 **【\$500.00】** \$500, whichever is the lesser. The governing board or
22 body of each municipality may, by ordinance, enact that no plenary
23 retail distribution license shall be granted within its respective
24 municipality.

25 Limited retail distribution license. 3. b. The holder of this
26 license shall be entitled, subject to rules and regulations, to sell any
27 unchilled, brewed, malt alcoholic beverages in quantities of not less
28 than 72 fluid ounces for consumption off the licensed premises, but
29 only in original containers; provided, however, that this license
30 shall be issued only for premises operated and conducted by the
31 licensee as a bona fide grocery store, meat market, meat and
32 grocery store, delicatessen, or other type of bona fide food store at
33 which groceries or other foodstuffs are sold at retail; and provided
34 further that this license shall not be issued except for premises at
35 which the sale of groceries or other foodstuffs is the primary and
36 principal business and at which the sale of alcoholic beverages is
37 merely incidental and subordinate thereto. The fee for this license
38 shall be fixed by the governing body or board of the municipality in
39 which the licensed premises are situated, by ordinance, at not less
40 than \$31 and not more than \$63. The governing board or body of
41 each municipality may, by ordinance, enact that no limited retail
42 distribution license shall be granted within its respective
43 municipality.

44 Plenary retail transit license. 4. The holder of this license shall
45 be entitled, subject to rules and regulations, to sell any alcoholic
46 beverages, for consumption only, on railroad trains, airplanes,
47 limousines and boats, while in transit. The fee for this license for

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

22 Club license. 5. The holder of this license shall be entitled,
23 subject to rules and regulations, to sell any alcoholic beverages but
24 only for immediate consumption on the licensed premises and only
25 to bona fide club members and their guests. The fee for this license
26 shall be fixed by the governing board or body of the municipality in
27 which the licensed premises are situated, by ordinance, at not less
28 than \$63 and not more than \$188. The governing board or body of
29 each municipality may, by ordinance, enact that no club licenses
30 shall be granted within its respective municipality. Club licenses
31 may be issued only to such corporations, associations and
32 organizations as are operated for benevolent, charitable, fraternal,
33 social, religious, recreational, athletic, or similar purposes, and not
34 for private gain, and which comply with all conditions which may
35 be imposed by the Director of the Division of Alcoholic Beverage
36 Control by rules and regulations.

37 The provisions of section 23 of P.L.2003, c.117 amendatory of
38 this section shall apply to licenses issued or transferred on or after
39 July 1, 2003, and to license renewals commencing on or after July
40 1, 2003.

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

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

17 The fee for this license shall be \$2,500 for venues with a
18 capacity of less than 7,500 persons; \$5,000 for venues with a
19 capacity of not less than 7,500 persons but not more than 14,999
20 persons; \$7,500 for venues with a capacity of not less than 15,000
21 persons but not more than 22,499 persons; and \$10,000 for venues
22 with a capacity of 22,500 persons or more.

23 For the purposes of this subsection:

24 "Sporting facility" means a stadium, arena, team training facility,
25 or similar venue located on public property where alcoholic
26 beverages are served or sold at retail for consumption on the
27 premises by the glass or other open receptacle or in original
28 containers.

29 "Team training facility" shall include team offices and team
30 headquarters.

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

32

33 3. This act shall take effect immediately.

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STATEMENT

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38 This bill allows the holder of a plenary retail consumption
39 license, generally issued to bars and restaurants, to deliver alcoholic
40 beverages in a disposable or reusable receptacle to the residence of
41 a consumer during a state of emergency declared by the Governor.
42 The delivery of alcoholic beverages would only be permitted in
43 connection with the sale of food prepared in a kitchen.

44 Under the bill, the receptacle used to transport alcoholic
45 beverages is required to be temporarily sealed by the licensee or
46 permit holder or employee thereof. Distilled alcoholic beverages
47 delivered in a receptacle may be mixed or blended with other
48 alcoholic or nonalcoholic beverages.

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1 The bill requires alcoholic beverage purchases for delivery to be
2 made by a telephone order or via the licensee's website. A copy of
3 the original sales invoice is to be made available for inspection by
4 persons authorized to enforce the alcoholic beverage laws for at
5 least three years at the licensed premises.

6 Under current law, licensees with plenary retail distribution
7 privileges, such as liquor stores, are permitted to deliver alcoholic
8 beverages in original containers to a consumer's residence. This
9 bill allows plenary retail consumption licensees to deliver beer,
10 spirits, and other cocktails in a growler or other receptacle during a
11 state of emergency.