

[First Reprint]

ASSEMBLY, No. 4319

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 22, 2020

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

Assemblyman NICHOLAS CHIARAVALLOTI

District 31 (Hudson)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Co-Sponsored by:

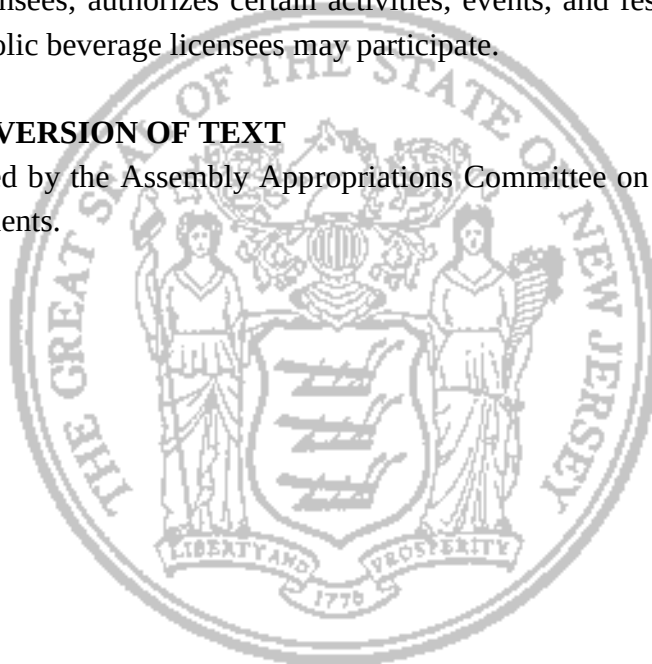
**Assemblyman McKeon, Assemblywomen Jasey, DiMaso and
Assemblyman Johnson**

SYNOPSIS

Establishes certain temporary and permanent privileges for certain alcoholic beverage licensees; authorizes certain activities, events, and festivals in which certain alcoholic beverage licensees may participate.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on June 25, 2020, with amendments.



(Sponsorship Updated As Of: 6/29/2020)

1 AN ACT concerning alcoholic beverage licensing ¹[and
2 supplementing and amending Title 33 of the Revised Statutes]
3 and supplementing and amending various sections of statutory
4 law¹.

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

8
9 ¹[1. (New section) a. As used in this section:
10 “Craft manufacturer license” means a plenary winery license,
11 farm winery license, out-of-State winery license, limited brewery
12 license, restricted brewery license, cidery and meadery license, and
13 craft distillery license issued pursuant to R.S.33:1-10.

14 “Retail consumption license or permit” means a plenary retail
15 consumption license, plenary retail consumption license used in
16 connection with a hotel or motel, or seasonal retail consumption
17 license issued pursuant to R.S.33:1-12, or concessionaire permit
18 issued pursuant to Title 33 of the Revised Statutes that authorizes
19 the sale of all alcoholic beverages for consumption on the licensed
20 premises.

21 b. The holder of a retail consumption license or permit or craft
22 manufacturer license shall be entitled to serve alcoholic beverages
23 for consumption outdoors pursuant to a municipal ordinance
24 promulgated in accordance with subsection c. of this section.

25 c. The governing board or body of a municipality as defined by
26 subsection g. of R.S.33:1-1 may, by ordinance, extend the licensed
27 premises used in connection with a retail consumption license or
28 permit or craft manufacturer license to allow for the sale and
29 consumption of alcoholic beverages in outdoor places in a manner
30 that adheres to current social distancing practices. The ordinance
31 shall establish outdoor customer seating requirements which shall
32 be followed by retail consumption license or permit holders in
33 response to the COVID-19 pandemic.]¹

34
35 ¹[2.] 1.¹ (New section) a. As used in this section,
36 “Crowler” means a fillable and machine-sealable can which
37 does not hold more than 32 ounces of malt alcoholic beverage and
38 may be used to package draft malt alcoholic beverages for
39 consumption off the licensed premises of a limited brewery with
40 event privileges.

41 “Growler” means a glass, ceramic, or stainless steel receptacle
42 which does not hold more than 128 ounces of malt alcoholic
43 beverage and is used to transport draft malt alcoholic beverage for

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 AAP committee amendments adopted June 25, 2020.

1 consumption off the licensed premises of a limited brewery with
2 event privileges.

3 b. The holder of a plenary retail consumption license issued
4 pursuant to R.S.33:1-10 or concessionaire permit who, following
5 the enactment of P.L.2020, c.33 ¹and prior to the expiration of
6 P.L. , c. (pending before the Legislature as this bill)¹, purchased
7 additional equipment necessary to package and sell malt alcoholic
8 beverages in a crowler or growler for consumption off the licensed
9 premises in response to the COVID-19 pandemic shall be entitled to
10 continue to use the equipment to sell malt alcoholic beverages in
11 crowlers or growlers following the expiration of P.L.2020, c.33.

12 c. The provisions of this section shall not apply to the holder
13 of:

14 (1) a plenary retail consumption license used in connection with
15 a hotel or motel; or

16 (2) a single plenary retail consumption license that is used in
17 connection with multiple restaurants or other establishments located
18 on the same licensed premises.

19

20 ¹**[3.] 2.**¹ (New section) a. As used in P.L. , c. ¹**[(C.)]**¹
21 (pending before the Legislature as this bill) and R.S.33:1-10:

22 “Extended premises activity” means any activity occurring on an
23 outdoor area either adjacent to or adjoining the licensed premises of
24 a winery, limited brewery, distillery, cidery, or meadery that is not
25 owned by the license holder and may include but not be limited to a
26 sidewalk or parking lot. An “extended premises activity” shall not
27 include an off-premises event or festival as defined by sections ¹**[4]**
28 **3**¹ and ¹**[5] 4**¹ of P.L. , c. ¹**[(C.)]**¹ (pending before the
29 Legislature as this bill).

30 “Mercantile business” means the selling of goods or merchandise
31 that are not related to or incidental to the licensed business. A
32 “mercantile business” shall not include a restaurant, food vendor, or
33 food truck.

34 “On-premises activity” means any activity that is open to the
35 public and held on the licensed premises of a winery, limited
36 brewery, craft distillery, cidery, meadery, or other outdoor area,
37 including but not limited to a parking lot that is owned by the
38 license holder and is adjacent to or adjoining the licensed premises.

39 An “on-premises activity” shall include, but not be limited to:

40 (1) private parties, birthdays, weddings, anniversaries, civic and
41 political functions, professional and trade association events, class
42 reunion and alumni events;

43 (2) video games;

44 (3) board games;

45 (4) card games for which wagers are not placed;

46 (5) trivia and quizzo;

47 (6) paint and sip events;

1 (7) craftmaking;
2 (8) shuffleboard;
3 (9) yard games;
4 (10) background or radio music;
5 (11) live music or music played by a disc jockey;
6 (12) educational events and seminars;
7 (13) movies and theatrical events;
8 (14) animal adoption, to the extent permitted by local ordinance;
9 (15) yoga and exercise classes; or
10 (16) any other similar activity held on the licensed premises or
11 other area owned by the licensee that is adjacent to or adjoining the
12 licensed premises.

13 b. The holder of a winery, limited brewery, craft distillery, or
14 cidery and meadery license issued pursuant to R.S.33:1-10 may
15 hold an unlimited number of extended premises or on-premises
16 activities as defined in subsection a. of this section.

17 Except as provided in subsection d. of this section, the holder of
18 a license shall not be required to obtain a permit or provide
19 notification to the division to hold an extended premises or on-
20 premises activity. A municipality may, by ordinance or resolution,
21 as appropriate, limit the types of extended premises or on-premises
22 activities that the licensee may hold on the licensed premises. The
23 ordinance or resolution shall not limit or restrict the rights and
24 privileges granted to the holder of a license issued pursuant to
25 R.S.33:1-10.

26 c. Application to hold an extended premises activity shall be
27 made to the clerk of the municipality in which the licensee intends
28 to hold the activity. The clerk of the municipality shall notify the
29 governing body of the municipality and the chief law enforcement
30 officer of the municipality. The governing body of the municipality
31 shall approve or deny the application.

32 The holder of the license shall be required to obtain this approval
33 at least 10 days prior to the extended premises event. The
34 governing body, in its discretion, may grant approval less than 10
35 days prior to the extended premises event.

36 d. The holder of a winery, limited brewery, distillery, or cidery
37 and meadery license issued pursuant to R.S.33:1-10 shall provide
38 electronic notification to the division at least 10 days prior to
39 hosting an on-premises or extended premises activity for which
40 tickets are sold in advance. The notification shall include the name
41 of the license holder, the date and hours during which the activity is
42 to be held, and the expected number of attendees of the activity. A
43 licensee shall submit to the division a \$250 filing fee with the
44 notification required pursuant to this section.

45 e. A licensee may host another mercantile business on the
46 licensed premises to sell goods or merchandise that are not related
47 to or incidental to the licensed business. The holder of the license
48 shall not own an interest in, or profit from, the sale of goods by the

1 mercantile establishment. The license holder shall not host any
2 mercantile business on the licensed premises on more than four
3 days during each month.

4 f. The extended premises activities and on-premises activities
5 authorized pursuant to this section shall adhere to executive or
6 administrative orders issued by the Governor or Commissioner of
7 Health establishing coronavirus-related occupancy or customer
8 seating restrictions applicable to licensed premises.

9 ¹[g. Nothing in this section shall limit a license holder from
10 operating an extended premises in accordance with a municipal
11 ordinance established in response to the COVID-19 pandemic
12 pursuant to section 1 of P.L. , c. (pending before the Legislature
13 as this bill).]¹

14

15 ¹[4.] 3.¹ (New section) a. As used in this act, “off-premises
16 event” means an event that takes place off the licensed premises of
17 a winery, limited brewery, craft distillery, cidery, meadery, or other
18 adjacent or adjoining outdoor area owned by the license holder, and
19 shall include, but not be limited to, music and arts festivals; civic
20 events; five kilometer or other running races, mud races, bike races
21 and other athletic events; the license holder’s anniversary
22 celebrations; and holiday celebrations. An “off-premises event”
23 shall not include a festival as defined by section ¹[5] 4¹ of P.L. ,

24 c. ¹[(C.)]¹ (pending before the Legislature as this bill).

25 b. The holder of a valid winery license, limited brewery
26 license, craft distillery license, or cidery and meadery license may
27 hold up to 25 off-premises events per year.

28 c. Application to hold an off-premises event activity shall be
29 made to the clerk of the municipality in which the licensee intends
30 to hold the activity, The clerk of the municipality shall notify the
31 governing body of the municipality and the chief law enforcement
32 officer of the municipality. The governing body of the municipality
33 shall approve or deny the application.

34 The holder of the license shall be required to obtain this approval
35 at least 10 days prior to the off premises event. The governing
36 body, in its discretion, may grant approval less than 10 days prior to
37 the off premises event.

38 d. A municipality that approves an off-premises event pursuant
39 to this section may request that the licensee provide a detailed
40 security plan to ensure general safety, as well as emergency medical
41 assistance. The plan shall include, but not be limited to, a procedure
42 for: age verification; prevention of intoxication; compliance with
43 regulatory requirements on sample sizes; identification of security
44 personnel, duties, numbers and experience; confirmation that all
45 servers shall be employees of the applicant; and proof that the
46 licensee hosting is certified by an industry recognized server training
47 program.

1 e. At least 10 days prior to an off-premises event, the license
2 holder shall provide electronic notification to the division of the
3 event. Notification to the director shall include the name of the
4 license or permit holder, the date and hours during which the event
5 is to be held, and the expected attendance.

6 f. The license holders may remove any of the their unused or
7 unopened products following the event for the purpose of resale.

8 g. The fee for the first day and each consecutive day on which
9 an off-premise event is held shall be \$250 and shall be payable to
10 the division.

11 h. The extended premises activities and on-premises activities
12 authorized pursuant to this section shall adhere to executive or
13 administrative orders issued by the Governor or Commissioner of
14 Health establishing coronavirus-related occupancy or customer
15 seating restrictions applicable to licensed premises.

16 ¹[i. Nothing in this section shall limit a license holder from
17 operating an extended premises pursuant to municipal ordinance in
18 response to the COVID-19 pandemic pursuant to section 1 of
19 P.L. , c. (pending before the Legislature as this bill).]¹

20

21 ¹[5.] 4.¹ (New section) a. As used in this act:

22 "Festival" means an indoor or outdoor scheduled gathering,
23 function, occasion or event that shall be sponsored or hosted by the
24 holder of any winery license, limited brewery license, craft
25 distillery license, or cidery and meadery license, retail consumption
26 license, concessionaire permit, or a social affairs permit wherein
27 small samples of an alcoholic beverage are available from multiple
28 offerings from multiple suppliers, served for a single admission
29 price or per sample price.

30 "Third party promoter" means a person or entity engaged to
31 assist in operating or organizing the festival for a fee.

32 b. The holder of a winery license, limited brewery license, craft
33 distillery license, or cidery and meadery license, retail consumption
34 license, concessionaire permit, or a social affairs permit may hold
35 not more than five festivals per year.

36 The license holder shall provide, at least 45 days prior to a
37 festival, electronic notification to the division of the festival.
38 Notification to the director shall include the name of the license or
39 permit holder, the hours during which the festival is to be held, the
40 expected attendance of the festival, and the festival date.

41 c. Application to hold a festival shall be made to the clerk of
42 the municipality in which the licensee intends to hold the festival.
43 The clerk of the municipality shall notify the governing body of the
44 municipality and the chief law enforcement officer of the
45 municipality. The governing body of the municipality shall approve
46 or deny the application.

47 The holder of the license shall be required to obtain this approval
48 at least 10 days prior to the festival. The governing body, in its

1 discretion, may grant approval less than 10 days prior to the
2 festival.

3 d. A municipality that approves a festival pursuant to this
4 section may request that the licensee provide a detailed security
5 plan to assure general safety, as well as emergency medical
6 assistance. The plan shall include, but not be limited to, a procedure
7 for: age verification; prevention of intoxication; compliance with
8 regulatory requirements on sample sizes; identification of security
9 personnel, duties, numbers and experience; confirmation that all
10 servers shall be employees of the applicant; and proof that the
11 licensee hosting the festival is certified by an industry recognized
12 server training program.

13 e. The provisions of this section shall not prohibit a person
14 from applying to the director for a social affairs permit for an event
15 that does not constitute a festival as defined in subsection a. of this
16 section.

17 f. A festival shall be subject to the following conditions:

18 (1) the categories for festivals shall be malt alcoholic beverage,
19 wine, cider, mead, distilled spirits, or a combination thereof;

20 (2) the festival host shall be in control of and responsible for the
21 event and the premises at all times;

22 (3) the festival attendees shall be the legal age to purchase and
23 consume alcoholic beverages;

24 (4) alcoholic beverages used or consumed at a festival shall be
25 brand registered, stored securely with all transportation permits
26 intact and purchased in accordance with Title 33 of the Revised
27 Statutes and rules and regulations promulgated by the director;

28 (5) a festival session shall not exceed four hours in duration, but
29 multiple sessions separated by a break of at least one hour are
30 permitted provided attendees are not permitted to attend more than
31 one four hour session per day. The governing body of the
32 municipality may extend a session for not more than one hour upon
33 a showing of good cause;

34 (6) festival participants may sell alcoholic beverages in original
35 containers for off-premises consumption. However, the holder of a
36 limited brewery license may sell malt alcoholic beverages for off-
37 premises consumption in a crowler or growler as defined in
38 R.S.33:1-10;

39 (7) a festival shall not be held on more than three consecutive
40 days;

41 (8) sample sizes used at a festival shall not exceed:

42 (a) two ounce samples for malt alcoholic beverages;

43 (b) one ounce samples for wine; and

44 (c) one-half ounce samples for distilled spirits.

45 (9) all pourers and servers shall be supervised by an employee
46 who is certified by an industry recognized server training program;

47 (10) a festival shall have sufficient food and non-alcoholic
48 beverages available, whether complimentary or for purchase; and

1 (11) a festival participant may remove any unused or unopened
2 products following the event. The holder of a winery license,
3 limited brewery license, craft distillery license, or cidery and
4 meadery license, retail consumption license, or concessionaire
5 permit may resell the unused or unopened products.

6 g. A third party promoter who participates in a festival shall
7 meet the qualifications of a licensee, permittee, or employee under
8 N.J.S.33:1-26 prior to the festival event.

9 h. The fee for a festival shall be paid to the municipality.
10 Except as provided in subsection i. and j. of this section, the fee for
11 the first day and each consecutive day on which a festival is held
12 shall be:

13 (1) \$300 for an expected attendance of less than 1,000 people;

14 (2) \$1,000 for an expected attendance of between 1,001 and
15 5,000 people;

16 (3) \$2,000 for an expected attendance of between 5,001 and
17 10,000 people; and

18 (4) \$3,000 for an expected attendance of more than 10,000
19 people.

20 i. The fee for the first day and each consecutive day shall be
21 \$150 for a festival held for the sole benefit of a non-profit
22 organization provided the festival does not involve a third-party
23 promoter.

24 j. The fee for the first day and each consecutive day of a
25 festival that utilizes a third party promoter shall be:

26 (1) \$2,500 for an expected attendance of less than 5,000 people;
27 and

28 (2) \$5,000 for an expected attendance of 5,000 or more people.

29 k. The festivals authorized pursuant to this section shall adhere
30 to executive or administrative orders issued by the Governor or
31 Commissioner of Health establishing coronavirus-related occupancy
32 or customer seating restrictions applicable to licensed premises.

33 ¹**[i. Nothing in this section shall limit a license holder from**
34 **operating an extended premises in accordance with a municipal**
35 **ordinance established in response to the COVID-19 pandemic**
36 **pursuant to section 1 of P.L. , c. (pending before the Legislature**
37 **as this bill).]**¹
38

39 ¹**[6.]** 5.¹ (New section) The holder of a Class A license issued
40 pursuant to R.S.33:1-10 or Class C license issued pursuant to
41 R.S.33:1-12 who ¹**[sells alcoholic beverages for consumption on**
42 **the licensed premises by the glass or other open receptacle]** who
43 hosts an off-premises event or festival temporarily authorized
44 pursuant to P.L. , c. (pending before the Legislature as this bill)]¹
45 shall maintain liquor liability insurance coverage to insure against
46 loss resulting from liability imposed by law for bodily injury or
47 death sustained by any person resulting from the consumption of

1 alcoholic beverages while on the ¹['licensed']¹ premises. The
2 licensee shall submit a copy of the insurance policy to the Director
3 of the Division of Alcoholic Beverage Control and the clerk of the
4 municipality which the licensed premises are located. ¹['The
5 director shall be notified if the insurance policy is cancelled for any
6 reason. If the policy is cancelled, the director shall suspend the
7 license for 30 days or until the licensee has obtained liability
8 insurance, whichever is later. A license shall not be issued or
9 renewed until a copy of the licensee's insurance policy is submitted
10 to the director.']¹

11

12 ¹['7. R.S.33:1-10 is amended to read as follows:

13 33:1-10. Class A licenses shall be subdivided and classified as
14 follows:

15 Plenary brewery license. 1a. The holder of this license shall be
16 entitled, subject to rules and regulations, to brew any malt alcoholic
17 beverages and to sell and distribute his products to wholesalers and
18 retailers licensed in accordance with this chapter, and to sell and
19 distribute without this State to any persons pursuant to the laws of
20 the places of such sale and distribution, and to maintain a
21 warehouse; provided, however, that the delivery of this product by
22 the holder of this license to retailers licensed under this title shall be
23 from inventory in a warehouse located in this State which is
24 operated under a plenary brewery license. The fee for this license
25 shall be \$10,625.

26 Limited brewery license. 1b. The holder of this license shall be
27 entitled, subject to rules and regulations, to brew any malt alcoholic
28 beverages in a quantity to be expressed in said license, dependent
29 upon the following fees and not in excess of 300,000 barrels of 31
30 fluid gallons capacity per year and to sell and distribute this product
31 to wholesalers and retailers licensed in accordance with this
32 chapter, and to sell and distribute without this State to any persons
33 pursuant to the laws of the places of such sale and distribution, and
34 to maintain a warehouse; provided, however, that the delivery of
35 this product by the holder of this license to retailers licensed under
36 this title or to a consumer's home shall be from inventory in a
37 warehouse located in this State which is operated under a limited
38 brewery license. The holder of this license shall be entitled to sell
39 this product at retail to consumers on the licensed premises of the
40 brewery for consumption on the premises **],** but only in connection
41 with a tour of the brewery,**]** or for consumption off the premises, in
42 the form of a keg, sixtel, case, six-pack, growler, crowler, or other
43 container, in a quantity of not more than 15.5 fluid gallons per
44 person, and to offer samples for sampling purposes only pursuant to
45 an annual permit issued by the director. The holder of this license
46 shall be entitled to hold on-premises activities, extended premises

1 activities, off-premises events, and festivals pursuant to P.L. _____,
2 c. _____ (C. _____) (pending before the Legislature as this bill).

3 The holder of this license shall not sell food except as otherwise
4 permitted pursuant to this section or operate a restaurant as defined
5 in R.S.33:1-1 on the licensed premises but may offer to consumers
6 or maintain on the licensed premises menus for the sale of food by
7 any restaurant, food vendor, or food truck that is situated off the
8 licensed premises. The license holder also may allow a person to
9 consume on the licensed premises food that was prepared by a
10 restaurant, food vendor, or food truck that is situated off the
11 licensed premises. The holder of this license may sell any non-
12 alcoholic beverages on the licensed premises, whether or not
13 manufactured by the license holder. The holder of this license shall
14 be permitted to offer for sale or make the gratuitous offering of
15 packaged crackers, chips, nuts, and similar snacks to consumers.

16 The fee for this license shall be graduated as follows:

17 to so brew not more than 50,000 barrels of 31 liquid gallons
18 capacity per annum, \$1,250;

19 to so brew not more than 100,000 barrels of 31 fluid gallons
20 capacity per annum, \$2,500;

21 to so brew not more than 200,000 barrels of 31 fluid gallons
22 capacity per annum, \$5,000;

23 to so brew not more than 300,000 barrels of 31 fluid gallons
24 capacity per annum, \$7,500.

25 For the purposes of this subsection **["sampling"]**:

26 “Crowler” means a fillable and machine-sealable can which does
27 not hold more than 32 ounces of malt alcoholic beverage and may be
28 used to package draft malt alcoholic beverages for consumption off the
29 licensed premises of a limited or restricted brewery.

30 “Growler” means a glass, ceramic, or stainless steel receptacle
31 which does not hold more than 128 ounces of malt alcoholic beverage
32 and is used to transport draft malt alcoholic beverage for consumption
33 off the licensed premises of a limited or restricted brewery.

34 “Sampling” means the selling at a nominal charge or the
35 gratuitous offering of an open container not exceeding four ounces
36 of any malt alcoholic beverage. For the purposes of this subsection,
37 “product” means any malt alcoholic beverage that is produced on
38 the premises licensed under this subsection.

39 Restricted brewery license. 1c. The holder of this license shall be
40 entitled, subject to rules and regulations, to brew any malt alcoholic
41 beverages in a quantity to be expressed in such license not in excess
42 of 10,000 barrels of 31 gallons capacity per year. Notwithstanding
43 the provisions of R.S.33:1-26, the director shall issue a restricted
44 brewery license only to a person or an entity which has identical
45 ownership to an entity which holds a plenary retail consumption
46 license issued pursuant to R.S.33:1-12, provided that such plenary
47 retail consumption license is operated in conjunction with a
48 restaurant regularly and principally used for the purpose of

1 providing meals to its customers and having adequate kitchen and
2 dining room facilities, and that the licensed restaurant premises is
3 immediately adjoining the premises licensed under this subsection.
4 The holder of this license shall be entitled to sell or deliver the
5 product to that restaurant premises. The holder of this license also
6 shall be entitled to sell and distribute the product to wholesalers
7 licensed in accordance with this chapter. The fee for this license
8 shall be \$1,250, which fee shall entitle the holder to brew up to
9 1,000 barrels of 31 liquid gallons per annum. The licensee also shall
10 pay an additional \$250 for every additional 1,000 barrels of 31 fluid
11 gallons produced. The fee shall be paid at the time of application
12 for the license, and additional payments based on barrels produced
13 shall be paid within 60 days following the expiration of the license
14 term upon certification by the licensee of the actual gallons brewed
15 during the license term. No more than 10 restricted brewery
16 licenses shall be issued to a person or entity which holds an interest
17 in a plenary retail consumption license. If the governing body of the
18 municipality in which the licensed premises will be located should
19 file a written objection, the director shall hold a hearing and may
20 issue the license only if the director finds that the issuance of the
21 license will not be contrary to the public interest. All fees related to
22 the issuance of both licenses shall be paid in accordance with
23 statutory law. The provisions of this subsection shall not be
24 construed to limit or restrict the rights and privileges granted by the
25 plenary retail consumption license held by the holder of the
26 restricted brewery license issued pursuant to this subsection.

27 The holder of this license shall be entitled to offer samples of its
28 product for promotional purposes at charitable or civic events off
29 the licensed premises pursuant to an annual permit issued by the
30 director.

31 For the purposes of this subsection, "sampling" means the selling
32 at a nominal charge or the gratuitous offering of an open container
33 not exceeding four ounces of any malt alcoholic beverage product.
34 For the purposes of this subsection, "product" means any malt
35 alcoholic beverage that is produced on the premises licensed under
36 this subsection.

37 Plenary winery license. 2a. Provided that the holder is engaged
38 in growing and cultivating grapes or fruit used in the production of
39 wine on at least three acres on, or adjacent to, the winery premises,
40 the holder of this license shall be entitled, subject to rules and
41 regulations, to produce any fermented wines, and to blend, fortify
42 and treat wines, and to sell and distribute his products to
43 wholesalers licensed in accordance with this chapter and to
44 churches for religious purposes, and to sell and distribute without
45 this State to any persons pursuant to the laws of the places of such
46 sale and distribution, and to maintain a warehouse, and to sell his
47 products at retail to consumers on the licensed premises of the
48 winery for consumption on or off the premises and to offer samples

1 for sampling purposes only. The fee for this license shall be \$938.
2 A holder of this license who produces not more than 250,000
3 gallons per year shall also have the right to sell and distribute his
4 products to retailers licensed in accordance with this chapter, except
5 that the holder of this license shall not use a common carrier for
6 such distribution. The fee for this additional privilege shall be
7 graduated as follows: a licensee who manufactures more than
8 150,000 gallons, but not in excess of 250,000 gallons per annum,
9 \$1,000; a licensee who manufactures more than 100,000 gallons,
10 but not in excess of 150,000 gallons per annum, \$500; a licensee
11 who manufactures more than 50,000 gallons, but not in excess of
12 100,000 gallons per annum, \$250; a licensee who manufactures
13 50,000 gallons or less per annum, \$100. A holder of this license
14 who produces not more than 250,000 gallons per year shall have the
15 right to sell such wine at retail in original packages in 15
16 salesrooms apart from the winery premises for consumption on or
17 off the premises and for sampling purposes for consumption on the
18 premises, at a fee of \$250 for each salesroom. Licensees shall not
19 jointly control and operate salesrooms. Additionally, the holder of
20 this license who produces not more than 250,000 gallons per year
21 may ship not more than 12 cases of wine per year, subject to
22 regulation, to any person within or without this State over 21 years
23 of age for personal consumption and not for resale. A case of wine
24 shall not exceed a maximum of nine liters. A copy of the original
25 invoice shall be available for inspection by persons authorized to
26 enforce the alcoholic beverage laws of this State for a minimum
27 period of three years at the licensed premises of the winery. For the
28 purposes of this subsection, "sampling" means the selling at a
29 nominal charge or the gratuitous offering of an open container not
30 exceeding one and one-half ounces of any wine.

31 A holder of this license who produces not more than 250,000
32 gallons per year shall not own, either in whole or in part, or hold,
33 either directly or indirectly, any interest in a winery that produces
34 more than 250,000 gallons per year. In addition, a holder of this
35 license who produces more than 250,000 gallons per year shall not
36 own, either in whole or in part, or hold, either directly or indirectly,
37 any interest in a winery that produces not more than 250,000
38 gallons per year. For the purposes of this subsection, "product"
39 means any wine that is produced, blended, fortified, or treated by
40 the licensee on its licensed premises situated in the State of New
41 Jersey. For the purposes of this subsection, "wine" shall include
42 "hard cider" and "mead" as defined in this section.

43 Farm winery license. 2b. The holder of this license shall be
44 entitled, subject to rules and regulations, to manufacture any
45 fermented wines and fruit juices in a quantity to be expressed in
46 said license, dependent upon the following fees and not in excess of
47 50,000 gallons per year and to sell and distribute his products to
48 wholesalers and retailers licensed in accordance with this chapter

1 and to churches for religious purposes and to sell and distribute
2 without this State to any persons pursuant to the laws of the places
3 of such sale and distribution, and to maintain a warehouse and to
4 sell at retail to consumers for consumption on or off the licensed
5 premises and to offer samples for sampling purposes only. The
6 license shall be issued only when the winery at which such
7 fermented wines and fruit juices are manufactured is located and
8 constructed upon a tract of land exclusively under the control of the
9 licensee, provided that the licensee is actively engaged in growing
10 and cultivating an area of not less than three acres on or adjacent to
11 the winery premises and on which are growing grape vines or fruit
12 to be processed into wine or fruit juice; and provided, further, that
13 for the first five years of the operation of the winery such fermented
14 wines and fruit juices shall be manufactured from at least 51
15 percent grapes or fruit grown in the State and that thereafter they
16 shall be manufactured from grapes or fruit grown in this State at
17 least to the extent required for labeling as "New Jersey Wine" under
18 the applicable federal laws and regulations. The containers of all
19 wine sold to consumers by such licensee shall have affixed a label
20 stating such information as shall be required by the rules and
21 regulations of the Director of the Division of Alcoholic Beverage
22 Control. The fee for this license shall be graduated as follows: to so
23 manufacture between 30,000 and 50,000 gallons per annum, \$375;
24 to so manufacture between 2,500 and 30,000 gallons per annum,
25 \$250; to so manufacture between 1,000 and 2,500 gallons per
26 annum, \$125; to so manufacture less than 1,000 gallons per annum,
27 \$63. No farm winery license shall be held by the holder of a plenary
28 winery license or be situated on a premises licensed as a plenary
29 winery.

30 The holder of this license shall also have the right to sell and
31 distribute his products to retailers licensed in accordance with this
32 chapter, except that the holder of this license shall not use a
33 common carrier for such distribution. The fee for this additional
34 privilege shall be \$100. The holder of this license shall have the
35 right to sell his products in original packages at retail to consumers
36 in 15 salesrooms apart from the winery premises for consumption
37 on or off the premises, and for sampling purposes for consumption
38 on the premises, at a fee of \$250 for each salesroom. Licensees
39 shall not jointly control and operate salesrooms. Additionally, the
40 holder of this license may ship not more than 12 cases of wine per
41 year, subject to regulation, to any person within or without this
42 State over 21 years of age for personal consumption and not for
43 resale. A case of wine shall not exceed a maximum of nine liters. A
44 copy of the original invoice shall be available for inspection by
45 persons authorized to enforce the alcoholic beverage laws of this
46 State for a minimum period of three years at the licensed premises
47 of the winery. For the purposes of this subsection, "sampling"
48 means the selling at a nominal charge or the gratuitous offering of

1 an open container not exceeding one and one-half ounces of any
2 wine.

3 A holder of this license who produces not more than 250,000
4 gallons per year shall not own, either in whole or in part, or hold,
5 either directly or indirectly, any interest in a winery that produces
6 more than 250,000 gallons per year.

7 Unless otherwise indicated, for the purposes of this subsection,
8 with respect to farm winery licenses, "manufacture" means the
9 vinification, aging, storage, blending, clarification, stabilization and
10 bottling of wine or juice from New Jersey fruit to the extent
11 required by this subsection.

12 For the purposes of this subsection, "wine" shall include "hard
13 cider" and "mead" as defined in this section.

14 Wine blending license. 2c. The holder of this license shall be
15 entitled, subject to rules and regulations, to blend, treat, mix, and
16 bottle fermented wines and fruit juices with non-alcoholic
17 beverages, and to sell and distribute his products to wholesalers and
18 retailers licensed in accordance with this chapter, and to sell and
19 distribute without this State to any persons pursuant to the laws of
20 the places of such sale and distribution, and to maintain a
21 warehouse. The fee for this license shall be \$625.

22 For the purposes of this subsection, "wine" shall include "hard
23 cider" and "mead" as defined in this section.

24 Instructional winemaking facility license. 2d. The holder of
25 this license shall be entitled, subject to rules and regulations, to
26 instruct persons in and provide them with the opportunity to
27 participate directly in the process of winemaking and to directly
28 assist such persons in the process of winemaking while in the
29 process of instruction on the premises of the facility. The holder of
30 this license also shall be entitled to manufacture wine on the
31 premises not in excess of an amount of 10 percent of the wine
32 produced annually on the premises of the facility, which shall be
33 used only to replace quantities lost or discarded during the
34 winemaking process, to maintain a warehouse, and to offer samples
35 produced by persons who have received instruction in winemaking
36 on the premises by the licensee for sampling purposes only on the
37 licensed premises for the purpose of promoting winemaking for
38 personal or household use or consumption. Wine produced on the
39 premises of an instructional winemaking facility shall be used,
40 consumed or disposed of on the facility's premises or distributed
41 from the facility's premises to a person who has participated
42 directly in the process of winemaking for the person's personal or
43 household use or consumption. The holder of this license may sell
44 mercantile items traditionally associated with winemaking and
45 novelty wearing apparel identified with the name of the
46 establishment licensed under the provisions of this section. The
47 holder of this license may use the licensed premises for an event or
48 affair, including an event or affair at which a plenary retail

1 consumption licensee serves alcoholic beverages in compliance
2 with all applicable statutes and regulations promulgated by the
3 director. The fee for this license shall be \$1,000. For the purposes
4 of this subsection, "sampling" means the gratuitous offering of an
5 open container not exceeding one and one-half ounces of any wine.

6 For the purposes of this subsection, "wine" shall include "hard
7 cider" and "mead" as defined in this section.

8 Out-of-State winery license. 2e. Provided that the applicant
9 does not produce more than 250,000 gallons of wine per year, the
10 holder of a valid winery license issued in any other state may make
11 application to the director for this license. The holder of this license
12 shall have the right to sell and distribute his products to wholesalers
13 licensed in accordance with this chapter and to sell such wine at
14 retail in original packages in 16 salesrooms apart from the winery
15 premises for consumption on or off the premises at a fee of \$250 for
16 each salesroom. Licensees shall not jointly control and operate
17 salesrooms. The annual fee for this license shall be \$938. A copy
18 of a current license issued by another state shall accompany the
19 application. The holder of this license also shall have the right to
20 sell and distribute his products to retailers licensed in accordance
21 with this chapter, except that the holder of this license shall not use
22 a common carrier for such distribution. The fee for this additional
23 privilege shall be graduated as follows: a licensee who
24 manufactures more than 150,000 gallons, but not in excess of
25 250,000 gallons per annum, \$1,000; a licensee who manufactures
26 more than 100,000 gallons, but not in excess of 150,000 gallons per
27 annum, \$500; a licensee who manufactures more than 50,000
28 gallons, but not in excess of 100,000 gallons per annum, \$250; a
29 licensee who manufactures 50,000 gallons or less per annum, \$100.
30 Additionally, the holder of this license may ship not more than 12
31 cases of wine per year, subject to regulation, to any person within or
32 without this State over 21 years of age for personal consumption
33 and not for resale. A case of wine shall not exceed a maximum of
34 nine liters. A copy of the original invoice shall be available for
35 inspection by persons authorized to enforce the alcoholic beverage
36 laws of this State for a minimum period of three years at the
37 licensed premises of the winery.

38 The licensee shall collect from the customer the tax due on the
39 sale pursuant to the "Sales and Use Tax Act," P.L.1966, c.30
40 (C.54:32B-1 et seq.) and shall pay the tax due on the delivery of
41 alcoholic beverages pursuant to the "Alcoholic beverage tax law,"
42 R.S.54:41-1 et seq. The Director of the Division of Taxation in the
43 Department of the Treasury shall promulgate such rules and
44 regulations necessary to effectuate the provisions of this paragraph,
45 and may provide by regulation for the co-administration of the tax
46 due on the delivery of alcoholic beverages pursuant to the
47 "Alcoholic beverage tax law," R.S.54:41-1 et seq. with the

1 administration of the tax due on the sale pursuant to the "Sales and
2 Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

3 A holder of this license who produces not more than 250,000
4 gallons per year shall not own, either in whole or in part, or hold,
5 either directly or indirectly, any interest in a winery that produces
6 more than 250,000 gallons per year.

7 For the purposes of this subsection, "wine" shall include "hard
8 cider" and "mead" as defined in this section.

9 Cidery and meadery license. 2f. The holder of this license
10 shall be entitled, subject to rules and regulations, to manufacture
11 hard cider and mead and to sell and distribute these products to
12 wholesalers and retailers licensed in accordance with this chapter,
13 and to sell and distribute without this State to any persons pursuant
14 to the laws of the places of such sale and distribution, and to
15 maintain a warehouse. The holder of this license shall be entitled to
16 sell these products at retail to consumers on the licensed premises
17 for consumption on or off the premises and to offer samples for
18 sampling purposes only. The holder of this license shall be
19 permitted to offer for sale or make the gratuitous offering of
20 packaged crackers, chips, nuts, and similar snacks to consumers, but
21 shall not operate a restaurant as defined in R.S.33:1-1 on the
22 licensed premises.

23 The holder of this license shall be entitled to hold on-premises
24 activities, extended premises activities, off-premises events, and
25 festivals pursuant to P.L. , c. (C.) (pending before the
26 Legislature as this bill). The license holder may offer to consumers
27 or maintain on the licensed premises menus for the sale of food by
28 any restaurant, food vendor, or food truck as that is situated off the
29 licensed premises. The license holder also may allow a person to
30 consume on the licensed premises food that was prepared by a
31 restaurant, food vendor, or food truck that is situated off the
32 licensed premises. The holder of this license may sell any non-
33 alcoholic beverages on the licensed premises, whether or not
34 manufactured by the license holder. The fee for this license shall be
35 \$938.

36 The holder of this license shall be entitled to manufacture hard
37 cider in a quantity not to exceed 50,000 barrels of 31 fluid gallons
38 capacity per year. With respect to the sale and distribution of hard
39 cider to a wholesaler, the licensee shall be subject to the same
40 statutory and regulatory requirements as a brewer, and hard cider
41 shall be considered a malt alcoholic beverage, for the purposes of
42 the "Malt Alcoholic Beverage Practices Act," P.L.2005, c.243
43 (C.33:1-93.12 et seq.). The holder of this license shall not directly
44 ship hard cider either within or without this State.

45 The holder of this license shall be entitled to manufacture not
46 more than 250,000 gallons of mead per year. The holder of this
47 license may ship not more than 12 cases of mead per year, subject
48 to regulation, to any person within or without this State over 21

1 years of age for personal consumption and not for resale. A case of
2 mead shall not exceed a maximum of nine liters. A copy of the
3 original invoice shall be available for inspection by persons
4 authorized to enforce the alcoholic beverage laws of this State for a
5 minimum period of three years at the licensed premises.

6 As used in this subsection:

7 "Hard cider" means a fermented alcoholic beverage derived
8 primarily from apples, pears, apple juice concentrate and water, or
9 pear juice concentrate and water, which may include spices, herbs,
10 honey, or other flavoring, and which contains at least one half of
11 one percent but less than eight and one half percent alcohol by
12 volume.

13 "Mead" means an alcoholic beverage primarily made from
14 honey, water, and yeast, and which may contain fruit, fruit juices,
15 spices, or herbs added before or after fermentation has completed,
16 except that the ratio of fermentable sugars from fruit or fruit juices
17 shall not exceed 49 percent of the total fermentable sugars used to
18 produce mead.

19 "Sampling" means the selling at a nominal charge or the
20 gratuitous offering of an open container not exceeding four ounces
21 of hard cider or mead produced on the licensed premises.

22 Plenary distillery license. 3a. The holder of this license shall be
23 entitled, subject to rules and regulations, to manufacture any
24 distilled alcoholic beverages and rectify, blend, treat and mix, and
25 to sell and distribute his products to wholesalers and retailers
26 licensed in accordance with this chapter, and to sell and distribute
27 without this State to any persons pursuant to the laws of the places
28 of such sale and distribution, and to maintain a warehouse. The fee
29 for this license shall be \$12,500.

30 Limited distillery license. 3b. The holder of this license shall
31 be entitled, subject to rules and regulations, to manufacture and
32 bottle any alcoholic beverages distilled from fruit juices and rectify,
33 blend, treat, mix, compound with wine and add necessary
34 sweetening and flavor to make cordial or liqueur, and to sell and
35 distribute to wholesalers and retailers licensed in accordance with
36 this chapter, and to sell and distribute without this State to any
37 persons pursuant to the laws of the places of such sale and
38 distribution and to warehouse these products. The fee for this
39 license shall be \$3,750.

40 Supplementary limited distillery license. 3c. The holder of
41 this license shall be entitled, subject to rules and regulations, to
42 bottle and rebottle, in a quantity to be expressed in said license,
43 dependent upon the following fees, alcoholic beverages distilled
44 from fruit juices by such holder pursuant to a prior plenary or
45 limited distillery license, and to sell and distribute his products to
46 wholesalers and retailers licensed in accordance with this chapter,
47 and to sell and distribute without this State to any persons pursuant
48 to the laws of the places of such sale and distribution, and to

1 maintain a warehouse. The fee for this license shall be graduated as
2 follows: to so bottle and rebottle not more than 5,000 wine gallons
3 per annum, \$313; to so bottle and rebottle not more than 10,000
4 wine gallons per annum, \$625; to so bottle and rebottle without
5 limit as to amount, \$1,250.

6 Craft distillery license. 3d. The holder of this license shall be
7 entitled, subject to rules and regulations, to manufacture not more
8 than **【20,000】** 100,000 gallons of distilled alcoholic beverages, to
9 rectify, blend, treat and mix distilled alcoholic beverages, to sell
10 and distribute this product to wholesalers and retailers licensed in
11 accordance with this chapter, and to sell and distribute without this
12 State to any persons pursuant to the laws of the places of such sale
13 and distribution, and to maintain a warehouse.

14 The holder of this license shall be entitled to sell this product at
15 retail to consumers on the licensed premises of the distillery for
16 consumption on the premises **【**, but only in connection with a tour
17 of the distillery,**】** and for consumption off the premises in a quantity
18 of not more than five liters per person. The holder of this license
19 shall be entitled to hold on-premises activities, extended premises
20 activities, off-premises events, and festivals pursuant P.L. _____,
21 c. (pending before the Legislature as this bill). The license
22 holder may offer to consumers or maintain on the licensed premises
23 menus for the sale of food by any restaurant, food vendor, or food
24 truck that is situated off the licensed premises. The license holder
25 also may allow a person to consume on the licensed premises food
26 that was prepared by a restaurant, food vendor, or food truck that is
27 situated off the licensed premises. The holder of this license may
28 sell any non-alcoholic beverages on the licensed premises, whether
29 or not manufactured by the license holder.

30 In addition, the holder of this license may offer any person not
31 more than three samples per calendar day for sampling purposes
32 only. For the purposes of this subsection, "sampling" means the
33 gratuitous offering of an open container not exceeding one-half
34 ounce serving of distilled alcoholic beverage produced on the
35 distillery premises. Nothing in this subsection shall be deemed to
36 permit the direct shipment of distilled spirits either within or
37 without this State.

38 The holder of this license shall not sell food or operate a
39 restaurant on the licensed premises. A holder of this license who
40 certifies that not less than 51 percent of the raw materials used in
41 the production of distilled alcoholic beverages under this section are
42 grown in this State or purchased from providers located in this State
43 may, consistent with all applicable federal laws and regulations,
44 label these distilled alcoholic beverages as "New Jersey Distilled."

45 The fee for this license shall be **【\$938】** graduated as follows: to
46 so manufacture more than 80,000 gallons, but not in excess of
47 100,000 gallons per annum, \$4,690; to so manufacture more than
48 60,000 gallons, but not in excess of 80,000 gallons per annum,

1 \$3,752; to so manufacture more than 40,000 gallons, but not in
2 excess of 60,000 gallons per annum, \$2,814; to so manufacture
3 more than 20,000 gallons, but not in excess of 40,000 gallons per
4 annum, \$1,876; to so manufacture 20,000 gallons or less per annum,
5 \$938.

6 Rectifier and blender license. 4. The holder of this license
7 shall be entitled, subject to rules and regulations, to rectify, blend,
8 treat and mix distilled alcoholic beverages, and to fortify, blend,
9 and treat fermented alcoholic beverages, and prepare mixtures of
10 alcoholic beverages, and to sell and distribute his products to
11 wholesalers and retailers licensed in accordance with this chapter,
12 and to sell and distribute without this State to any persons pursuant
13 to the laws of the places of such sale and distribution, and to
14 maintain a warehouse. The fee for this license shall be \$7,500.

15 Bonded warehouse bottling license. 5. The holder of this
16 license shall be entitled, subject to rules and regulations, to bottle
17 alcoholic beverages in bond on behalf of all persons authorized by
18 federal and State law and regulations to withdraw alcoholic
19 beverages from bond. The fee for this license shall be \$625. This
20 license shall be issued only to persons holding permits to operate
21 Internal Revenue bonded warehouses pursuant to the laws of the
22 United States.

23 The provisions of section 21 of P.L.2003, c.117 amendatory of
24 this section shall apply to licenses issued or transferred on or after
25 July 1, 2003, and to license renewals commencing on or after July
26 1, 2003.

27 (cf: P.L.2017, c.80, s.1)¶¹

28
29 ¹6. (New section) a. Notwithstanding the provisions of
30 R.S.33:1-10 or any other law to the contrary, during the period this
31 section remains in effect:

32 (1) the holder of a limited brewery license and craft distillery
33 license shall not be required to provide a tour of the licensed
34 premises in connection with the sale of the licensee's products for
35 consumption on the licensed premises;

36 (2) the holder of a limited brewery license may sell the
37 licensee's product for consumption off the licensed premises in the
38 form of a keg, sixtel, case, six-pack, growler, crowler, or other
39 container; and

40 (3) the holder of a limited brewery license, cidery and meadery
41 license, and craft distillery license may:

42 (a) offer to consumers or maintain on the licensed premises
43 menus for the sale of food by any restaurant, food vendor, or food
44 truck that is situated off the licensed premises;

45 (b) allow a person to consume on the licensed premises food
46 that was prepared by a restaurant, food vendor, or food truck that is
47 situated off the licensed premises;

1 (c) sell any non-alcoholic beverages on the licensed premises,
2 whether or not manufactured by the license holder; and

3 (d) offer for sale or make the gratuitous offering of packaged
4 crackers, chips, nuts, and similar snacks to consumers.

5 b. The activities authorized pursuant to this section shall adhere
6 to executive or administrative orders issued by the Governor or
7 Commissioner of Health establishing coronavirus-related occupancy
8 or customer seating restrictions applicable to licensed premises.¹

9
10 ¹**[8.] 7.**¹ R.S.33:1-12 is amended to read as follows:

11 33:1-12. Class C licenses shall be subdivided and classified as
12 follows:

13 Plenary retail consumption license. 1. The holder of this license
14 shall be entitled, subject to rules and regulations, to sell any
15 alcoholic beverages for consumption on the licensed premises by
16 the glass or other open receptacle, and also to sell any alcoholic
17 beverages in original containers for consumption off the licensed
18 premises; but 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. The holder of this license shall be
22 permitted to conduct consumer wine, beer and spirits tasting events
23 and samplings for a fee or on a complimentary basis pursuant to
24 conditions established by rules and regulations of the Division of
25 Alcoholic Beverage Control, provided however, that the holder of
26 this license complies with the terms and conditions set forth in
27 section 3 of P.L.2009, c.216 (C.33:1-12d). 'The holder of this
28 license shall be entitled to sell and deliver alcoholic beverages for
29 consumption off the licensed premises upon the enactment of an
30 ordinance pursuant to section 9 of P.L. _____, c. _____ (C. _____) (pending
31 before the Legislature as this bill).¹

32 The holder of this license 'who applies to the Director of the
33 Division of Alcoholic Beverage Control prior to the expiration of
34 P.L. _____, c. _____ (pending before the Legislature as this bill)'¹ may
35 'thereafter' , for a set price or cover charge, hold a promotional
36 event not more than once per month that allows for the unlimited
37 availability of alcoholic beverages for consumption on the licensed
38 premises in conjunction with a food pairing and an educational
39 component relating to the type of alcoholic beverages served or
40 promoted at the event.

41 The holder of this license also may hold a promotional event that
42 allows for the unlimited availability of alcoholic beverages for
43 consumption on the licensed premises on New Year's Eve in
44 addition to the 12 events permitted pursuant to this section. A
45 license holder who holds an event on New Year's Eve shall not be
46 required to offer a food pairing or educational component. Tickets

1 for a promotional event may be sold in advance or on the day of the
2 promotional event.

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

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

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

45 (2) In addition, the director shall issue to the holder of this
46 license, upon request by the licensee, one-day permits that shall
47 entitle the license holder to sell alcoholic beverages for
48 consumption on the licensed premises during the season when the

1 license holder is not authorized to sell alcoholic beverages pursuant
2 to subparagraph (1) of this subsection. The number of one-day
3 permits issued to a licensee pursuant to this subsection shall not
4 exceed an aggregate of 14 permits in one calendar year. A one-day
5 permit issued pursuant to this subsection shall be valid for 24
6 consecutive hours. The fee for each one-day permit shall be \$500.

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

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

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

46 The governing board or body of each municipality may, by
47 ordinance, enact that this license shall not be issued to permit the
48 sale of alcoholic beverages in or upon any premises in which any

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

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

38 Plenary retail transit license. 4. The holder of this license shall be
39 entitled, subject to rules and regulations, to sell any alcoholic
40 beverages, for consumption only, on railroad trains, airplanes,
41 limousines and boats, while in transit. The fee for this license for
42 use by a railroad or air transport company shall be \$375, for use by
43 the owners of limousines shall be \$31 per vehicle, and for use on a
44 boat shall be \$63 on a boat 65 feet or less in length, \$125 on a boat
45 more than 65 feet in length but not more than 110 feet in length,
46 and \$375 on a boat more than 110 feet in length; such boat lengths
47 shall be determined in the manner prescribed by the Bureau of
48 Customs of the United States Government or any federal agency

1 successor thereto for boat measurement in connection with issuance
2 of marine documents. A license issued under this provision to a
3 railroad or air transport company shall cover all railroad cars and
4 planes operated by any such company within the State of New
5 Jersey. A license for a boat or limousine issued under this
6 provision shall apply only to the particular boat or limousine for
7 which issued, and shall permit the purchase of alcoholic beverages
8 for sale or service in a boat or limousine to be made from any Class
9 A and B licensee or from any Class C licensee whose license
10 privilege permits the sale of alcoholic beverages in original
11 containers for off-premises consumption. An interest in a plenary
12 retail transit license issued in accordance with this section shall be
13 excluded in determining the maximum number of retail licenses
14 permitted under P.L.1962, c.152 (C.33:1-12.31 et seq.).

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

30 The provisions of section 23 of P.L.2003, c.117 amendatory of
31 this section shall apply to licenses issued or transferred on or after
32 July 1, 2003, and to license renewals commencing on or after July
33 1, 2003.

34 Sporting facility license. 6. The holder of this license shall be
35 entitled, subject to rules and regulations, to sell at retail or to serve
36 any alcoholic beverages as the owner, operator, lessee, or
37 concessionaire of a sporting facility by the glass or other receptacle
38 or in original containers only on the premises of the sporting
39 facility.

40 Notwithstanding any other provision of Title 33 of the Revised
41 Statutes and subject to conditions established by the director, the
42 holder of this license may share direction and control of the
43 premises to be licensed and share proceeds and profits from the sale
44 of alcoholic beverages with the owner, operator, concessionaire, or
45 lessee of the facility. The holder of this license shall be permitted
46 to conduct consumer wine, beer, and spirits tasting events and
47 samplings for a fee or on a complimentary basis provided, however,
48 the license holder complies with the provisions of section 3 of

1 P.L.2009, c.216 (C.33:1-12d) and rules and regulations promulgated
2 thereto. Notwithstanding any law, rule or regulation to the
3 contrary, the holder of this license shall be entitled to establish an
4 all-inclusive area within the licensed sporting facility, provided the
5 all-inclusive area is limited to one area within the sporting facility
6 for each game or event and the capacity of the all-inclusive area
7 does not exceed 500 persons.

8 The fee for this license shall be \$2,500 for venues with a
9 capacity of less than 7,500 persons; \$5,000 for venues with a
10 capacity of not less than 7,500 persons but not more than 14,999
11 persons; \$7,500 for venues with a capacity of not less than 15,000
12 persons but not more than 22,499 persons; and \$10,000 for venues
13 with a capacity of 22,500 persons or more.

14 For the purposes of this subsection:

15 "Sporting facility" means a stadium, arena, team training facility,
16 or similar venue located on public property where alcoholic
17 beverages are served or sold at retail for consumption on the
18 premises by the glass or other open receptacle or in original
19 containers.

20 "Team training facility" shall include team offices and team
21 headquarters.

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

23

24 ¹8. R.S.33:1-10 is amended to read as follows:

25 33:1-10. Class A licenses shall be subdivided and classified as
26 follows:

27 Plenary brewery license. 1a. The holder of this license shall
28 be entitled, subject to rules and regulations, to brew any malt
29 alcoholic beverages and to sell and distribute his products to
30 wholesalers and retailers licensed in accordance with this chapter,
31 and to sell and distribute without this State to any persons pursuant
32 to the laws of the places of such sale and distribution, and to
33 maintain a warehouse; provided, however, that the delivery of this
34 product by the holder of this license to retailers licensed under this
35 title shall be from inventory in a warehouse located in this State
36 which is operated under a plenary brewery license. The fee for this
37 license shall be \$10,625.

38 Limited brewery license. 1b. The holder of this license shall
39 be entitled, subject to rules and regulations, to brew any malt
40 alcoholic beverages in a quantity to be expressed in said license,
41 dependent upon the following fees and not in excess of 300,000
42 barrels of 31 fluid gallons capacity per year and to sell and
43 distribute this product to wholesalers and retailers licensed in
44 accordance with this chapter, and to sell and distribute without this
45 State to any persons pursuant to the laws of the places of such sale
46 and distribution, and to maintain a warehouse; provided, however,
47 that the delivery of this product by the holder of this license to
48 retailers licensed under this title shall be from inventory in a

1 warehouse located in this State which is operated under a limited
2 brewery license. The holder of this license shall be entitled to sell
3 this product at retail to consumers on the licensed premises of the
4 brewery for consumption on the premises, but only in connection
5 with a tour of the brewery, or for consumption off the premises in a
6 quantity of not more than 15.5 fluid gallons per person, and to offer
7 samples for sampling purposes only pursuant to an annual permit
8 issued by the director. The holder of this license shall not sell food
9 or operate a restaurant on the licensed premises. The fee for this
10 license shall be graduated as follows:

11 to so brew not more than 50,000 barrels of 31 liquid gallons
12 capacity per annum, \$1,250;

13 to so brew not more than 100,000 barrels of 31 fluid gallons
14 capacity per annum, \$2,500;

15 to so brew not more than 200,000 barrels of 31 fluid gallons
16 capacity per annum, \$5,000;

17 to so brew not more than 300,000 barrels of 31 fluid gallons
18 capacity per annum, \$7,500.

19 For the purposes of this subsection, "sampling" means the selling
20 at a nominal charge or the gratuitous offering of an open container
21 not exceeding four ounces of any malt alcoholic beverage. For the
22 purposes of this subsection, "product" means any malt alcoholic
23 beverage that is produced on the premises licensed under this
24 subsection.

25 Restricted brewery license. 1c. **【The】** Except as otherwise
26 provided in this section, the holder of this license shall be entitled,
27 subject to rules and regulations, to brew any malt alcoholic
28 beverages in a quantity to be expressed in such license not in excess
29 of 10,000 barrels of 31 gallons capacity per year. The holder of this
30 license may apply to the Director of the Division of Alcoholic
31 Beverage Control prior to the expiration of P.L. , c. (pending
32 before the Legislature as this bill) to brew any malt alcoholic
33 beverages in a quantity to be expressed in such license not in excess
34 of 100,000 barrels of 31 gallons capacity per year.

35 Notwithstanding the provisions of R.S.33:1-26, the director shall
36 issue a restricted brewery license only to a person or an entity
37 which has identical ownership to an entity which holds a plenary
38 retail consumption license issued pursuant to R.S.33:1-12 or
39 concessionaire permit issued pursuant to Title 33 of the Revised
40 Statutes that authorizes the sale of all alcoholic beverages for
41 consumption on the licensed premises, provided that such plenary
42 retail consumption license or concessionaire permit is operated in
43 conjunction with a restaurant regularly and principally used for the
44 purpose of providing meals to its customers and having adequate
45 kitchen and dining room facilities, and that the licensed restaurant
46 premises is immediately adjoining the premises licensed or
47 permitted under this subsection. The holder of this license shall be
48 entitled to sell or deliver the product to that restaurant premises.

1 The holder of this license also shall be entitled to sell and distribute
2 the product to wholesalers licensed in accordance with this chapter.
3 The fee for this license shall be \$1,250, which fee shall entitle the
4 holder to brew up to 1,000 barrels of 31 liquid gallons per annum.
5 The licensee also shall pay an additional \$250 for every additional
6 1,000 barrels of 31 fluid gallons produced. The fee shall be paid at
7 the time of application for the license, and additional payments
8 based on barrels produced shall be paid within 60 days following
9 the expiration of the license term upon certification by the licensee
10 of the actual gallons brewed during the license term. No more than
11 10 restricted brewery licenses shall be issued to a person or entity
12 which holds an interest in a plenary retail consumption license. If
13 the governing body of the municipality in which the licensed
14 premises will be located should file a written objection, the director
15 shall hold a hearing and may issue the license only if the director
16 finds that the issuance of the license will not be contrary to the
17 public interest. All fees related to the issuance of both licenses shall
18 be paid in accordance with statutory law. The provisions of this
19 subsection shall not be construed to limit or restrict the rights and
20 privileges granted by the plenary retail consumption license held by
21 the holder of the restricted brewery license issued pursuant to this
22 subsection.

23 The holder of this license shall be entitled to offer samples of its
24 product for promotional purposes at charitable or civic events off
25 the licensed premises pursuant to an annual permit issued by the
26 director.

27 For the purposes of this subsection, "sampling" means the selling
28 at a nominal charge or the gratuitous offering of an open container
29 not exceeding four ounces of any malt alcoholic beverage product.
30 For the purposes of this subsection, "product" means any malt
31 alcoholic beverage that is produced on the premises licensed under
32 this subsection.

33 Plenary winery license. 2a. Provided that the holder is
34 engaged in growing and cultivating grapes or fruit used in the
35 production of wine on at least three acres on, or adjacent to, the
36 winery premises, the holder of this license shall be entitled, subject
37 to rules and regulations, to produce any fermented wines, and to
38 blend, fortify and treat wines, and to sell and distribute his products
39 to wholesalers licensed in accordance with this chapter and to
40 churches for religious purposes, and to sell and distribute without
41 this State to any persons pursuant to the laws of the places of such
42 sale and distribution, and to maintain a warehouse, and to sell his
43 products at retail to consumers on the licensed premises of the
44 winery for consumption on or off the premises and to offer samples
45 for sampling purposes only. The fee for this license shall be \$938.
46 A holder of this license who produces not more than 250,000
47 gallons per year shall also have the right to sell and distribute his
48 products to retailers licensed in accordance with this chapter, except

1 that the holder of this license shall not use a common carrier for
2 such distribution. The fee for this additional privilege shall be
3 graduated as follows: a licensee who manufactures more than
4 150,000 gallons, but not in excess of 250,000 gallons per annum,
5 \$1,000; a licensee who manufactures more than 100,000 gallons,
6 but not in excess of 150,000 gallons per annum, \$500; a licensee
7 who manufactures more than 50,000 gallons, but not in excess of
8 100,000 gallons per annum, \$250; a licensee who manufactures
9 50,000 gallons or less per annum, \$100. A holder of this license
10 who produces not more than 250,000 gallons per year shall have the
11 right to sell such wine at retail in original packages in 15
12 salesrooms apart from the winery premises for consumption on or
13 off the premises and for sampling purposes for consumption on the
14 premises, at a fee of \$250 for each salesroom. Licensees shall not
15 jointly control and operate salesrooms. Additionally, the holder of
16 this license who produces not more than 250,000 gallons per year
17 may ship not more than 12 cases of wine per year, subject to
18 regulation, to any person within or without this State over 21 years
19 of age for personal consumption and not for resale. A case of wine
20 shall not exceed a maximum of nine liters. A copy of the original
21 invoice shall be available for inspection by persons authorized to
22 enforce the alcoholic beverage laws of this State for a minimum
23 period of three years at the licensed premises of the winery. For the
24 purposes of this subsection, "sampling" means the selling at a
25 nominal charge or the gratuitous offering of an open container not
26 exceeding one and one-half ounces of any wine.

27 A holder of this license who produces not more than 250,000
28 gallons per year shall not own, either in whole or in part, or hold,
29 either directly or indirectly, any interest in a winery that produces
30 more than 250,000 gallons per year. In addition, a holder of this
31 license who produces more than 250,000 gallons per year shall not
32 own, either in whole or in part, or hold, either directly or indirectly,
33 any interest in a winery that produces not more than 250,000
34 gallons per year. For the purposes of this subsection, "product"
35 means any wine that is produced, blended, fortified, or treated by
36 the licensee on its licensed premises situated in the State of New
37 Jersey. For the purposes of this subsection, "wine" shall include
38 "hard cider" and "mead" as defined in this section.

39 Farm winery license. 2b. The holder of this license shall
40 be entitled, subject to rules and regulations, to manufacture any
41 fermented wines and fruit juices in a quantity to be expressed in
42 said license, dependent upon the following fees and not in excess of
43 50,000 gallons per year and to sell and distribute his products to
44 wholesalers and retailers licensed in accordance with this chapter
45 and to churches for religious purposes and to sell and distribute
46 without this State to any persons pursuant to the laws of the places
47 of such sale and distribution, and to maintain a warehouse and to
48 sell at retail to consumers for consumption on or off the licensed

1 premises and to offer samples for sampling purposes only. The
2 license shall be issued only when the winery at which such
3 fermented wines and fruit juices are manufactured is located and
4 constructed upon a tract of land exclusively under the control of the
5 licensee, provided that the licensee is actively engaged in growing
6 and cultivating an area of not less than three acres on or adjacent to
7 the winery premises and on which are growing grape vines or fruit
8 to be processed into wine or fruit juice; and provided, further, that
9 for the first five years of the operation of the winery such fermented
10 wines and fruit juices shall be manufactured from at least 51
11 percent grapes or fruit grown in the State and that thereafter they
12 shall be manufactured from grapes or fruit grown in this State at
13 least to the extent required for labeling as "New Jersey Wine" under
14 the applicable federal laws and regulations. The containers of all
15 wine sold to consumers by such licensee shall have affixed a label
16 stating such information as shall be required by the rules and
17 regulations of the Director of the Division of Alcoholic Beverage
18 Control. The fee for this license shall be graduated as follows: to so
19 manufacture between 30,000 and 50,000 gallons per annum, \$375;
20 to so manufacture between 2,500 and 30,000 gallons per annum,
21 \$250; to so manufacture between 1,000 and 2,500 gallons per
22 annum, \$125; to so manufacture less than 1,000 gallons per annum,
23 \$63. No farm winery license shall be held by the holder of a plenary
24 winery license or be situated on a premises licensed as a plenary
25 winery.

26 The holder of this license shall also have the right to sell and
27 distribute his products to retailers licensed in accordance with this
28 chapter, except that the holder of this license shall not use a
29 common carrier for such distribution. The fee for this additional
30 privilege shall be \$100. The holder of this license shall have the
31 right to sell his products in original packages at retail to consumers
32 in 15 salesrooms apart from the winery premises for consumption
33 on or off the premises, and for sampling purposes for consumption
34 on the premises, at a fee of \$250 for each salesroom. Licensees
35 shall not jointly control and operate salesrooms. Additionally, the
36 holder of this license may ship not more than 12 cases of wine per
37 year, subject to regulation, to any person within or without this
38 State over 21 years of age for personal consumption and not for
39 resale. A case of wine shall not exceed a maximum of nine liters. A
40 copy of the original invoice shall be available for inspection by
41 persons authorized to enforce the alcoholic beverage laws of this
42 State for a minimum period of three years at the licensed premises
43 of the winery. For the purposes of this subsection, "sampling"
44 means the selling at a nominal charge or the gratuitous offering of
45 an open container not exceeding one and one-half ounces of any
46 wine.

47 A holder of this license who produces not more than 250,000
48 gallons per year shall not own, either in whole or in part, or hold,

1 either directly or indirectly, any interest in a winery that produces
2 more than 250,000 gallons per year.

3 Unless otherwise indicated, for the purposes of this subsection,
4 with respect to farm winery licenses, "manufacture" means the
5 vinification, aging, storage, blending, clarification, stabilization and
6 bottling of wine or juice from New Jersey fruit to the extent
7 required by this subsection.

8 For the purposes of this subsection, "wine" shall include "hard
9 cider" and "mead" as defined in this section.

10 Wine blending license. 2c. The holder of this license shall
11 be entitled, subject to rules and regulations, to blend, treat, mix, and
12 bottle fermented wines and fruit juices with non-alcoholic
13 beverages, and to sell and distribute his products to wholesalers and
14 retailers licensed in accordance with this chapter, and to sell and
15 distribute without this State to any persons pursuant to the laws of
16 the places of such sale and distribution, and to maintain a
17 warehouse. The fee for this license shall be \$625.

18 For the purposes of this subsection, "wine" shall include "hard
19 cider" and "mead" as defined in this section.

20 Instructional winemaking facility license. 2d. The
21 holder of this license shall be entitled, subject to rules and
22 regulations, to instruct persons in and provide them with the
23 opportunity to participate directly in the process of winemaking and
24 to directly assist such persons in the process of winemaking while
25 in the process of instruction on the premises of the facility. The
26 holder of this license also shall be entitled to manufacture wine on
27 the premises not in excess of an amount of 10 percent of the wine
28 produced annually on the premises of the facility, which shall be
29 used only to replace quantities lost or discarded during the
30 winemaking process, to maintain a warehouse, and to offer samples
31 produced by persons who have received instruction in winemaking
32 on the premises by the licensee for sampling purposes only on the
33 licensed premises for the purpose of promoting winemaking for
34 personal or household use or consumption. Wine produced on the
35 premises of an instructional winemaking facility shall be used,
36 consumed or disposed of on the facility's premises or distributed
37 from the facility's premises to a person who has participated
38 directly in the process of winemaking for the person's personal or
39 household use or consumption. The holder of this license may sell
40 mercantile items traditionally associated with winemaking and
41 novelty wearing apparel identified with the name of the
42 establishment licensed under the provisions of this section. The
43 holder of this license may use the licensed premises for an event or
44 affair, including an event or affair at which a plenary retail
45 consumption licensee serves alcoholic beverages in compliance
46 with all applicable statutes and regulations promulgated by the
47 director. The fee for this license shall be \$1,000. For the purposes

1 of this subsection, "sampling" means the gratuitous offering of an
2 open container not exceeding one and one-half ounces of any wine.

3 For the purposes of this subsection, "wine" shall include "hard
4 cider" and "mead" as defined in this section.

5 Out-of-State winery license. 2e. Provided that the
6 applicant does not produce more than 250,000 gallons of wine per
7 year, the holder of a valid winery license issued in any other state
8 may make application to the director for this license. The holder of
9 this license shall have the right to sell and distribute his products to
10 wholesalers licensed in accordance with this chapter and to sell
11 such wine at retail in original packages in 16 salesrooms apart from
12 the winery premises for consumption on or off the premises at a fee
13 of \$250 for each salesroom. Licensees shall not jointly control and
14 operate salesrooms. The annual fee for this license shall be \$938.
15 A copy of a current license issued by another state shall accompany
16 the application. The holder of this license also shall have the right
17 to sell and distribute his products to retailers licensed in accordance
18 with this chapter, except that the holder of this license shall not use
19 a common carrier for such distribution. The fee for this additional
20 privilege shall be graduated as follows: a licensee who
21 manufactures more than 150,000 gallons, but not in excess of
22 250,000 gallons per annum, \$1,000; a licensee who manufactures
23 more than 100,000 gallons, but not in excess of 150,000 gallons per
24 annum, \$500; a licensee who manufactures more than 50,000
25 gallons, but not in excess of 100,000 gallons per annum, \$250; a
26 licensee who manufactures 50,000 gallons or less per annum, \$100.
27 Additionally, the holder of this license may ship not more than 12
28 cases of wine per year, subject to regulation, to any person within or
29 without this State over 21 years of age for personal consumption
30 and not for resale. A case of wine shall not exceed a maximum of
31 nine liters. A copy of the original invoice shall be available for
32 inspection by persons authorized to enforce the alcoholic beverage
33 laws of this State for a minimum period of three years at the
34 licensed premises of the winery.

35 The licensee shall collect from the customer the tax due on the
36 sale pursuant to the "Sales and Use Tax Act," P.L.1966, c.30
37 (C.54:32B-1 et seq.) and shall pay the tax due on the delivery of
38 alcoholic beverages pursuant to the "Alcoholic beverage tax law,"
39 R.S.54:41-1 et seq. The Director of the Division of Taxation in the
40 Department of the Treasury shall promulgate such rules and
41 regulations necessary to effectuate the provisions of this paragraph,
42 and may provide by regulation for the co-administration of the tax
43 due on the delivery of alcoholic beverages pursuant to the
44 "Alcoholic beverage tax law," R.S.54:41-1 et seq. with the
45 administration of the tax due on the sale pursuant to the "Sales and
46 Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

47 A holder of this license who produces not more than 250,000
48 gallons per year shall not own, either in whole or in part, or hold,

1 either directly or indirectly, any interest in a winery that produces
2 more than 250,000 gallons per year.

3 For the purposes of this subsection, "wine" shall include "hard
4 cider" and "mead" as defined in this section.

5 Cidery and meadery license. 2f. The holder of this
6 license shall be entitled, subject to rules and regulations, to
7 manufacture hard cider and mead and to sell and distribute these
8 products to wholesalers and retailers licensed in accordance with
9 this chapter, and to sell and distribute without this State to any
10 persons pursuant to the laws of the places of such sale and
11 distribution, and to maintain a warehouse. The holder of this
12 license shall be entitled to sell these products at retail to consumers
13 on the licensed premises for consumption on or off the premises and
14 to offer samples for sampling purposes only. The holder of this
15 license shall be permitted to offer for sale or make the gratuitous
16 offering of packaged crackers, chips, nuts, and similar snacks to
17 consumers, but shall not operate a restaurant on the licensed
18 premises. The fee for this license shall be \$938.

19 The holder of this license shall be entitled to manufacture hard
20 cider in a quantity not to exceed 50,000 barrels of 31 fluid gallons
21 capacity per year. With respect to the sale and distribution of hard
22 cider to a wholesaler, the licensee shall be subject to the same
23 statutory and regulatory requirements as a brewer, and hard cider
24 shall be considered a malt alcoholic beverage, for the purposes of
25 the "Malt Alcoholic Beverage Practices Act," P.L.2005, c.243
26 (C.33:1-93.12 et seq.). The holder of this license shall not directly
27 ship hard cider either within or without this State.

28 The holder of this license shall be entitled to manufacture not
29 more than 250,000 gallons of mead per year. The holder of this
30 license may ship not more than 12 cases of mead per year, subject
31 to regulation, to any person within or without this State over 21
32 years of age for personal consumption and not for resale. A case of
33 mead shall not exceed a maximum of nine liters. A copy of the
34 original invoice shall be available for inspection by persons
35 authorized to enforce the alcoholic beverage laws of this State for a
36 minimum period of three years at the licensed premises. As used in
37 this subsection:

38 "Hard cider" means a fermented alcoholic beverage derived
39 primarily from apples, pears, apple juice concentrate and water, or
40 pear juice concentrate and water, which may include spices, herbs,
41 honey, or other flavoring, and which contains at least one half of
42 one percent but less than eight and one half percent alcohol by
43 volume.

44 "Mead" means an alcoholic beverage primarily made from
45 honey, water, and yeast, and which may contain fruit, fruit juices,
46 spices, or herbs added before or after fermentation has completed,
47 except that the ratio of fermentable sugars from fruit or fruit juices

1 shall not exceed 49 percent of the total fermentable sugars used to
2 produce mead.

3 "Sampling" means the selling at a nominal charge or the
4 gratuitous offering of an open container not exceeding four ounces
5 of hard cider or mead produced on the licensed premises.

6 Plenary distillery license. 3a. The holder of this license shall
7 be entitled, subject to rules and regulations, to manufacture any
8 distilled alcoholic beverages and rectify, blend, treat and mix, and
9 to sell and distribute his products to wholesalers and retailers
10 licensed in accordance with this chapter, and to sell and distribute
11 without this State to any persons pursuant to the laws of the places
12 of such sale and distribution, and to maintain a warehouse. The fee
13 for this license shall be \$12,500.

14 Limited distillery license. 3b. The holder of this license shall
15 be entitled, subject to rules and regulations, to manufacture and
16 bottle any alcoholic beverages distilled from fruit juices and rectify,
17 blend, treat, mix, compound with wine and add necessary
18 sweetening and flavor to make cordial or liqueur, and to sell and
19 distribute to wholesalers and retailers licensed in accordance with
20 this chapter, and to sell and distribute without this State to any
21 persons pursuant to the laws of the places of such sale and
22 distribution and to warehouse these products. The fee for this
23 license shall be \$3,750.

24 Supplementary limited distillery license. 3c. The
25 holder of this license shall be entitled, subject to rules and
26 regulations, to bottle and rebottle, in a quantity to be expressed in
27 said license, dependent upon the following fees, alcoholic
28 beverages distilled from fruit juices by such holder pursuant to a
29 prior plenary or limited distillery license, and to sell and distribute
30 his products to wholesalers and retailers licensed in accordance
31 with this chapter, and to sell and distribute without this State to any
32 persons pursuant to the laws of the places of such sale and
33 distribution, and to maintain a warehouse. The fee for this license
34 shall be graduated as follows: to so bottle and rebottle not more
35 than 5,000 wine gallons per annum, \$313; to so bottle and rebottle
36 not more than 10,000 wine gallons per annum, \$625; to so bottle
37 and rebottle without limit as to amount, \$1,250.

38 Craft distillery license. 3d. **【The】** Except as otherwise
39 provided in this section, the holder of this license shall be entitled,
40 subject to rules and regulations, to manufacture not more than
41 20,000 gallons of distilled alcoholic beverages, to rectify, blend,
42 treat and mix distilled alcoholic beverages, to sell and distribute this
43 product to wholesalers and retailers licensed in accordance with this
44 chapter, and to sell and distribute without this State to any persons
45 pursuant to the laws of the places of such sale and distribution, and
46 to maintain a warehouse. The holder of this license shall be entitled
47 to sell this product at retail to consumers on the licensed premises
48 of the distillery for consumption on the premises, but only in

1 connection with a tour of the distillery, and for consumption off the
2 premises in a quantity of not more than five liters per person. In
3 addition, the holder of this license may offer any person not more
4 than three samples per calendar day for sampling purposes only. For
5 the purposes of this subsection, "sampling" means the gratuitous
6 offering of an open container not exceeding one-half ounce serving
7 of distilled alcoholic beverage produced on the distillery premises.
8 Nothing in this subsection shall be deemed to permit the direct
9 shipment of distilled spirits either within or without this State.

10 A municipality may enact an ordinance within 12 months prior to
11 the expiration of P.L. , c. (pending before the Legislature as
12 this bill) to authorize the holder of this license to sell on the
13 licensed premises for consumption off the licensed premises
14 distilled alcoholic beverages that are manufactured on the licensed
15 premises and mixed or blended with other alcoholic or nonalcoholic
16 beverages and sold in closed and sealed containers. The holder of
17 this license shall be entitled to sell on the licensed premises for
18 consumption off the licensed premises distilled alcoholic beverages
19 that are manufactured on the licensed premises and sold in original
20 containers and accompanied by one or more nonalcoholic beverages
21 or food stuffs that may be combined by the consumer to prepare a
22 mixed drink. Any food stuffs sold pursuant to the subsection shall
23 be sold only as a mixed drink ingredient and not as a separate meal.

24 Containers in which distilled alcoholic beverages mixed with
25 other alcoholic or nonalcoholic beverages are sold pursuant to this
26 section shall be affixed with a tamper evident seal and have a
27 maximum capacity of 16 fluid ounces.

28 The holder of this license shall not sell food **【or】** aside from
29 foodstuffs sold as a mixed drink ingredient pursuant to this
30 subsection. The holder of this license shall not operate a restaurant
31 on the licensed premises. A holder of this license who certifies that
32 not less than 51 percent of the raw materials used in the production
33 of distilled alcoholic beverages under this section are grown in this
34 State or purchased from providers located in this State may,
35 consistent with all applicable federal laws and regulations, label
36 these distilled alcoholic beverages as "New Jersey Distilled."

37 The holder of this license who applies to the Director of the
38 Division of Alcoholic Beverage Control prior to the expiration of
39 P.L. , c. (pending before the Legislature as this bill) shall be
40 entitled, subject to rules and regulations, to thereafter manufacture
41 not more than 100,000 gallons of distilled alcoholic beverages per
42 annum. The fee for this license shall be **【\$938】** graduated as
43 follows: to so manufacture more than 80,000 gallons, but not in
44 excess of 100,000 gallons per annum, \$4,690; to so manufacture
45 more than 60,000 gallons, but not in excess of 80,000 gallons per
46 annum, \$3,752; to so manufacture more than 40,000 gallons, but not
47 in excess of 60,000 gallons per annum, \$2,814; to so manufacture
48 more than 20,000 gallons, but not in excess of 40,000 gallons per

1 annum, \$1,876; to so manufacture 20,000 gallons or less per annum,
2 \$938.

3 Rectifier and blender license. 4. The holder of this
4 license shall be entitled, subject to rules and regulations, to rectify,
5 blend, treat and mix distilled alcoholic beverages, and to fortify,
6 blend, and treat fermented alcoholic beverages, and prepare
7 mixtures of alcoholic beverages, and to sell and distribute his
8 products to wholesalers and retailers licensed in accordance with
9 this chapter, and to sell and distribute without this State to any
10 persons pursuant to the laws of the places of such sale and
11 distribution, and to maintain a warehouse. The fee for this license
12 shall be \$7,500.

13 Bonded warehouse bottling license. 5. The holder of this
14 license shall be entitled, subject to rules and regulations, to bottle
15 alcoholic beverages in bond on behalf of all persons authorized by
16 federal and State law and regulations to withdraw alcoholic
17 beverages from bond. The fee for this license shall be \$625. This
18 license shall be issued only to persons holding permits to operate
19 Internal Revenue bonded warehouses pursuant to the laws of the
20 United States.

21 The provisions of section 21 of P.L.2003, c.117 amendatory of
22 this section shall apply to licenses issued or transferred on or after
23 July 1, 2003, and to license renewals commencing on or after July
24 1, 2003.¹

25 (cf: P.L.2017, c.80, s.1)
26

27 ¹9. (New section) a. A municipality may enact an ordinance
28 within 12 months prior to the expiration of P.L. , c. (pending
29 before the Legislature as this bill) to authorize the holder of a
30 plenary retail consumption license, plenary retail consumption
31 license used in connection with a hotel or motel, seasonal retail
32 consumption license issued pursuant to R.S.33:1-12, or
33 concessionaire permit to:

34 (1) sell on the licensed premises for consumption off the
35 licensed premises any alcoholic beverages in original containers or
36 in any other closed and sealed containers or any distilled alcoholic
37 beverages mixed or blended with other alcoholic or nonalcoholic
38 beverages in closed and sealed containers; and

39 (2) deliver, by common carrier or otherwise, to the residence of
40 a consumer within this State who is 21 years of age or older for
41 consumption off the licensed premises any alcoholic beverages in
42 original containers or in any other closed and sealed containers or
43 any distilled alcoholic beverages mixed or blended with other
44 alcoholic or nonalcoholic beverages in closed and sealed containers.

45 b. Containers in which alcoholic beverages are sold or
46 delivered pursuant to this section shall be affixed with a tamper
47 evident seal and may be of any size, except that containers, other
48 than original containers, in which any distilled alcoholic beverages

1 mixed or blended with other alcoholic beverages are sold or
2 delivered pursuant to this section shall have a maximum capacity of
3 16 fluid ounces.¹

4
5 ¹~~9.1~~ ¹10. This act shall take effect immediately except that
6 ¹~~section~~ ¹sections ¹ ¹~~through 6~~ shall expire on: (1) the date of
7 expiration, termination, or rescission of any and all executive or
8 administrative orders issued by the Governor or Commissioner of
9 Health establishing coronavirus-related occupancy or customer
10 seating restrictions applicable to licensed premises; or (2) the first
11 day of the ¹~~seventh~~ ¹13th month following the date ¹~~on which~~
12 the Governor declares that the state of emergency has ended, ¹~~of~~
13 enactment¹, whichever date occurs ¹~~later~~ ¹earlier.