

ASSEMBLY, No. 4751

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED OCTOBER 8, 2020

Sponsored by:

Assemblyman ROY FREIMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblyman P. CHRISTOPHER TULLY

District 38 (Bergen and Passaic)

SYNOPSIS

Establishes temporary three-year alcoholic beverage license for new restaurants that opened during COVID-19 pandemic.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/8/2020)

1 AN ACT concerning the issuance of temporary plenary retail
2 consumption licenses.

3

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

6

7 1. a. The Director of the Division of Alcoholic Beverage
8 Control shall issue a temporary plenary retail consumption license
9 for use in connection with a newly owned restaurant that was
10 acquired, constructed, or began serving customers during the period
11 this act remains in effect. The holder of this license shall be
12 entitled, subject to rules and regulations, to sell any alcoholic
13 beverages for consumption by the glass or other open receptacle in
14 or upon the premises of a restaurant as defined in subsection t. of
15 R.S.33:1-1.

16 b. This license shall be valid for three years and shall expire on
17 the first day of the 37th month following the date on which it was
18 initially issued. The holder of this license shall not be permitted to
19 renew the license following the three year period. The license
20 holder shall not sell or transfer the license during or following the
21 three year period.

22 c. The restriction in section 2 of P.L.1947, c.94 (C.33:1-12.14)
23 concerning the number of retail consumption licenses that may be
24 issued in a municipality shall not be applicable to a license issued
25 pursuant to this section.

26 d. A person who would fail to qualify as a holder of a plenary
27 retail consumption license under Title 33 of the Revised Statutes
28 shall not be authorized to hold an interest in a temporary plenary
29 retail consumption license issued pursuant to the provisions of this
30 section.

31 e. A plenary retail consumption license shall not be issued
32 pursuant to this section for use in connection with a restaurant with
33 more than two separate locations in out-of-State jurisdictions.

34 f. The initial and annual renewal fee for this license shall be
35 \$5,000.

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37 2. This act shall take effect immediately, be retroactive to
38 March 9, 2020, and expire on: (a) the date of expiration,
39 termination, or rescission of any and all executive or administrative
40 orders issued by the Governor or Commissioner of Health
41 establishing coronavirus-related occupancy or customer seating
42 restrictions applicable to a licensed premises; or (b) the first day of
43 the thirteenth month following the date of enactment, whichever
44 date occurs later.

STATEMENT

This bill requires the Director of the Division of Alcoholic Beverage Control (ABC) to issue temporary three-year plenary retail consumption licenses to new restaurants regardless of the population restrictions placed on the issuance of these licenses. The temporary license would be issued only for use in connection with a restaurant that was newly acquired, constructed, or began serving customers during the period the bill remains effective.

Plenary retail consumption licenses are generally issued to bars and restaurants and allow the license holder to sell alcoholic beverages for consumption on the licensed premises. Under current law, a municipality may issue plenary retail consumption licenses until the combined total number in the municipality is fewer than one license for each 3,000 municipal residents. Because of this restriction, there is a shortage of these licenses in some municipalities. This bill addresses this shortage and assists new restaurants that opened during the COVID-19 pandemic by allowing the issuance of temporary plenary retail consumption licenses regardless of the population restriction.

The bill prohibits a license holder from renewing the license following the three-year period. License holders also would be prohibited from selling or transferring the license during or following the three year period. These licenses would not be issued for use in connection with a restaurant with more than two separate locations in out-of-State jurisdictions. At the end of the three-year period, the holder of a temporary license may seek to obtain a plenary retail consumption license with full privileges in accordance with current law.

This bill would take effect immediately and be retroactive to March 9, 2020, which is the date on which the Governor declared a state of emergency in response to the COVID-19 pandemic. This temporary enactment has an effective date that expires: (1) on the date on which the coronavirus-related occupancy or customer seating restrictions no longer apply to these licensed premises; or (2) 12 months following the date of the bill's enactment, whichever date occurs later.