

ASSEMBLY, No. 5282

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 27, 2021

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Allows certain winery licensees to also hold plenary retail consumption licenses and operate restaurants; excludes land used for sale of alcohol under plenary retail consumption license from farmland tax assessment.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning alcoholic beverage licensing, amending
2 R.S.33:1-10, and supplementing Title 33 of the Revised Statutes
3 and P.L.1964, c.48 (C.54:4-23.1 et seq.).
4

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

8 1. (New section) Notwithstanding the provisions of R.S.33:1-
9 26, the holder of a plenary winery license or farm winery license
10 issued pursuant to R.S.33:1-10 may have identical ownership to an
11 entity which holds a plenary retail consumption license issued
12 pursuant to R.S.33:1-12 provided that the plenary retail
13 consumption license is operated in conjunction with a restaurant
14 that is immediately adjoining the winery premises. The restaurant
15 adjoining the winery premises shall be regularly and principally
16 used for the purpose of providing meals to its customers and have
17 an adequate kitchen and dining room facilities.

18 The annual fee for holding a plenary winery license or farm
19 winery license in conjunction with a plenary retail consumption
20 license shall be \$1,250.
21

22 2. R.S.33:1-10 is amended to read as follows:

23 33:1-10. Class A licenses shall be subdivided and classified as
24 follows:

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

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

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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

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

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

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

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

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

26 Restricted brewery license. 1c. 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 such license not in excess
29 of 10,000 barrels of 31 gallons capacity per year. Notwithstanding
30 the provisions of R.S.33:1-26, the director shall issue a restricted
31 brewery license only to a person or an entity which has identical
32 ownership to an entity which holds a plenary retail consumption
33 license issued pursuant to R.S.33:1-12, provided that such plenary
34 retail consumption license is operated in conjunction with a
35 restaurant regularly and principally used for the purpose of
36 providing meals to its customers and having adequate kitchen and
37 dining room facilities, and that the licensed restaurant premises is
38 immediately adjoining the premises licensed under this subsection.
39 The holder of this license shall be entitled to sell or deliver the
40 product to that restaurant premises. The holder of this license also
41 shall be entitled to sell and distribute the product to wholesalers
42 licensed in accordance with this chapter. The fee for this license
43 shall be \$1,250, which fee shall entitle the holder to brew up to
44 1,000 barrels of 31 liquid gallons per annum. The licensee also shall
45 pay an additional \$250 for every additional 1,000 barrels of 31 fluid
46 gallons produced. The fee shall be paid at the time of application
47 for the license, and additional payments based on barrels produced
48 shall be paid within 60 days following the expiration of the license

1 term upon certification by the licensee of the actual gallons brewed
2 during the license term. No more than 10 restricted brewery
3 licenses shall be issued to a person or entity which holds an interest
4 in a plenary retail consumption license. If the governing body of the
5 municipality in which the licensed premises will be located should
6 file a written objection, the director shall hold a hearing and may
7 issue the license only if the director finds that the issuance of the
8 license will not be contrary to the public interest. All fees related to
9 the issuance of both licenses shall be paid in accordance with
10 statutory law. The provisions of this subsection shall not be
11 construed to limit or restrict the rights and privileges granted by the
12 plenary retail consumption license held by the holder of the
13 restricted brewery license issued pursuant to this subsection.

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

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

24 Plenary winery license. 2a. Provided that the holder is
25 engaged in growing and cultivating grapes or fruit used in the
26 production of wine on at least three acres on, or adjacent to, the
27 winery premises, the holder of this license shall be entitled, subject
28 to rules and regulations, to produce any fermented wines, and to
29 blend, fortify and treat wines, and to sell and distribute his products
30 to wholesalers licensed in accordance with this chapter and to
31 churches for religious purposes, and to sell and distribute without
32 this State to any persons pursuant to the laws of the places of such
33 sale and distribution, and to maintain a warehouse, and to sell his
34 products at retail to consumers on the licensed premises of the
35 winery for consumption on or off the premises and to offer samples
36 for sampling purposes only. The holder of this license shall be
37 entitled to have identical ownership to an entity which holds a
38 plenary retail consumption license used in connection with a
39 restaurant pursuant to section 1 of P.L. , c. (C.) (pending
40 before the Legislature as this bill).

41 The fee for this license shall be \$938. A holder of this license
42 who produces not more than 250,000 gallons per year shall also
43 have the right to sell and distribute his products to retailers licensed
44 in accordance with this chapter, except that the holder of this
45 license shall not use a common carrier for such distribution. The fee
46 for this additional privilege shall be graduated as follows: a licensee
47 who manufactures more than 150,000 gallons, but not in excess of
48 250,000 gallons per annum, \$1,000; a licensee who manufactures

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

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

35 Farm winery license. 2b. The holder of this license shall
36 be entitled, subject to rules and regulations, to manufacture any
37 fermented wines and fruit juices in a quantity to be expressed in
38 said license, dependent upon the following fees and not in excess of
39 50,000 gallons per year and to sell and distribute his products to
40 wholesalers and retailers licensed in accordance with this chapter
41 and to churches for religious purposes and to sell and distribute
42 without this State to any persons pursuant to the laws of the places
43 of such sale and distribution, and to maintain a warehouse and to
44 sell at retail to consumers for consumption on or off the licensed
45 premises and to offer samples for sampling purposes only. The
46 license shall be issued only when the winery at which such
47 fermented wines and fruit juices are manufactured is located and
48 constructed upon a tract of land exclusively under the control of the

1 licensee, provided that the licensee is actively engaged in growing
2 and cultivating an area of not less than three acres on or adjacent to
3 the winery premises and on which are growing grape vines or fruit
4 to be processed into wine or fruit juice; and provided, further, that
5 for the first five years of the operation of the winery such fermented
6 wines and fruit juices shall be manufactured from at least 51
7 percent grapes or fruit grown in the State and that thereafter they
8 shall be manufactured from grapes or fruit grown in this State at
9 least to the extent required for labeling as "New Jersey Wine" under
10 the applicable federal laws and regulations. The containers of all
11 wine sold to consumers by such licensee shall have affixed a label
12 stating such information as shall be required by the rules and
13 regulations of the Director of the Division of Alcoholic Beverage
14 Control.

15 The holder of this license also shall be entitled to have identical
16 ownership to an entity which holds a plenary retail consumption
17 license used in connection with a restaurant pursuant to section 1 of
18 P.L. , c. (C.) (pending before the Legislature as this bill).

19 The fee for this license shall be graduated as follows: to so
20 manufacture between 30,000 and 50,000 gallons per annum, \$375;
21 to so manufacture between 2,500 and 30,000 gallons per annum,
22 \$250; to so manufacture between 1,000 and 2,500 gallons per
23 annum, \$125; to so manufacture less than 1,000 gallons per annum,
24 \$63. No farm winery license shall be held by the holder of a plenary
25 winery license or be situated on a premises licensed as a plenary
26 winery.

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

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

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

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

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

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

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

1 director. The fee for this license shall be \$1,000. For the purposes
2 of this subsection, "sampling" means the gratuitous offering of an
3 open container not exceeding one and one-half ounces of any wine.

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

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

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

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

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

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

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

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

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

46 "Mead" means an alcoholic beverage primarily made from
47 honey, water, and yeast, and which may contain fruit, fruit juices,
48 spices, or herbs added before or after fermentation has completed,

1 except that the ratio of fermentable sugars from fruit or fruit juices
2 shall not exceed 49 percent of the total fermentable sugars used to
3 produce mead.

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

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

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

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

39 Craft distillery license. 3d. The holder of this license shall
40 be entitled, subject to rules and regulations, to manufacture not
41 more than 20,000 gallons of distilled alcoholic beverages, to rectify,
42 blend, treat and mix distilled alcoholic beverages, 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. The holder of this
47 license shall be entitled to sell this product at retail to consumers on
48 the licensed premises of the distillery for consumption on the

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

11 The holder of this license shall not sell food or operate a
12 restaurant on the licensed premises. A holder of this license who
13 certifies that not less than 51 percent of the raw materials used in
14 the production of distilled alcoholic beverages under this section are
15 grown in this State or purchased from providers located in this State
16 may, consistent with all applicable federal laws and regulations,
17 label these distilled alcoholic beverages as "New Jersey Distilled."
18 The fee for this license shall be \$938.

19 Rectifier and blender license. 4. The holder of this
20 license shall be entitled, subject to rules and regulations, to rectify,
21 blend, treat and mix distilled alcoholic beverages, and to fortify,
22 blend, and treat fermented alcoholic beverages, and prepare
23 mixtures of alcoholic beverages, and to sell and distribute his
24 products to wholesalers and retailers licensed in accordance with
25 this chapter, and to sell and distribute without this State to any
26 persons pursuant to the laws of the places of such sale and
27 distribution, and to maintain a warehouse. The fee for this license
28 shall be \$7,500.

29 Bonded warehouse bottling license. 5. The holder of this
30 license shall be entitled, subject to rules and regulations, to bottle
31 alcoholic beverages in bond on behalf of all persons authorized by
32 federal and State law and regulations to withdraw alcoholic
33 beverages from bond. The fee for this license shall be \$625. This
34 license shall be issued only to persons holding permits to operate
35 Internal Revenue bonded warehouses pursuant to the laws of the
36 United States.

37 The provisions of section 21 of P.L.2003, c.117 amendatory of
38 this section shall apply to licenses issued or transferred on or after
39 July 1, 2003, and to license renewals commencing on or after July
40 1, 2003.

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

42

43 3. (New section) a. No land used for the sale or consumption
44 of alcoholic beverages under a plenary retail consumption license
45 shall be considered land in agricultural or horticultural use or
46 actively devoted to agricultural or horticultural use for the purposes
47 of the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-
48 23.1 et seq.).

1 b. No income from the sale of alcoholic beverages under a
2 plenary retail consumption license may be considered income for
3 eligibility for valuation, assessment and taxation of land pursuant to
4 the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-
5 23.1 et seq.).

6
7 4. This act shall take effect immediately.
8
9

10 STATEMENT
11

12 This bill allows the holder of plenary or farm winery license to
13 also hold a plenary retail consumption license for the purpose of
14 selling other alcoholic beverages and operating a restaurant
15 adjoining the winery premises.

16 Under current law, the holder of a plenary or farm winery license
17 is entitled to manufacture wine to sell for consumption on and off
18 the licensed premises. Plenary retail consumption licenses are
19 generally issued to bars and restaurants and allow the licensee to
20 sell any alcoholic beverage for consumption on the licensed
21 premises. This bill would make a plenary and farm winery license
22 similar to a restricted brewery license, which allows the licensee to
23 brew beer and sell other alcoholic beverages, provided a restaurant
24 is operated on licensed premises.

25 Current law limits the number of plenary retail consumption
26 licenses that a municipality may issue based on population. This
27 bill would not increase the number of plenary retail consumption
28 licenses that a municipality is permitted to issue.

29 Under the bill, the winery licensee would be required to also
30 obtain a plenary retail consumption license and operate a restaurant
31 on the premises. The annual fee to hold both licenses would be
32 \$1,250.

33 The bill would exclude land used for the sale and consumption of
34 alcohol under a plenary retail consumption license from eligibility
35 for the farmland tax assessment under the "Farmland Assessment
36 Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.). The bill would
37 also exclude income from such sales from eligibility in relation to
38 the income requirements of the "Farmland Assessment Act of
39 1964."