

SENATE, No. 154

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator GERALD CARDINALE

District 39 (Bergen and Passaic)

SYNOPSIS

Exempts wines approved for sale in certain other states from brand registration requirements.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning wine brand registration and amending
2 R.S.33:1-2.

3

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

6

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

8 33:1-2. a. It shall be unlawful to manufacture, sell, possess
9 with intent to sell, transport, warehouse, rectify, blend, treat, fortify,
10 mix, process, bottle or distribute alcoholic beverages in this State,
11 except pursuant to and within the terms of a license, or as otherwise
12 expressly authorized, under this chapter; but any drink actually
13 intended for immediate personal use may be mixed by any person.
14 Except as hereinafter provided, a person may, without limitation,
15 purchase any amount of alcoholic beverages intended in good faith
16 to be used solely for personal use and may personally transport
17 those alcoholic beverages so purchased for personal use in any
18 vehicle from a point within this State. Alcoholic beverages
19 intended in good faith solely for personal use may be transported,
20 by the owner thereof, in a vehicle other than that of the holder of a
21 transportation license, from a point outside this State to the extent
22 of, not exceeding 1/4 barrel or one case containing not in excess of
23 12 quarts in all, of beer, ale or porter, and one gallon of wine and
24 two quarts of other alcoholic beverages within any consecutive
25 period of 24 hours; provided, however, that except pursuant to and
26 within the terms of a license or permit issued by the director, no
27 person shall transport into this State or receive from without this
28 State into this State, alcoholic beverages where the alcoholic
29 beverages are transported or received from a state which prohibits
30 the transportation into that state of alcoholic beverages purchased or
31 otherwise obtained in the State of New Jersey. If any person or
32 persons desire to transport alcoholic beverages intended only for
33 personal use in quantities in excess of those above-mentioned, an
34 application may be made to the director who may, upon being
35 satisfied of the good faith of the applicant, and upon payment of a
36 fee of \$25.00 issue a special permit limited by such conditions as
37 the director may impose, authorizing the transportation of alcoholic
38 beverages in quantities in excess of those above-mentioned.

39 b. A holder of a Class B license under R.S.33:1-11 shall not
40 sell or deliver for sale in New Jersey any brand of alcoholic
41 beverage for resale in this State unless the alcoholic beverage is
42 acquired from the brand owner, or his authorized agent, or a
43 wholesale licensee designated as the registered distributor by the
44 brand owner, or his authorized agent.

45 c. No licensee shall knowingly sell, offer for sale, deliver,
46 receive or purchase, for resale in this State, any alcoholic beverage,

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 including private label brands owned by a retailer and exclusive
2 brands owned by a manufacturer or wholesaler and offered for sale
3 or sold by such manufacturer or wholesaler exclusively to one New
4 Jersey retailer or affiliated retailer, unless the brand owner or his
5 authorized agent files with the Director of the Division of Alcoholic
6 Beverage Control a brand registration schedule containing such
7 information as the director shall by rule or regulation require. Each
8 brand registration schedule must be renewed annually by January 1
9 of each year.

10 d. Each person who files a brand registration schedule and
11 amendments thereto shall pay a filing fee of \$23 per filing for each
12 initial brand registration and annual renewal and \$10 for each
13 amendment. All wines shall be subject to the initial brand
14 registration and annual renewal filings and fees, except that
15 different vintages of the same wine shall not require separate brand
16 registrations or renewals. However, any wine that is registered and
17 approved for sale in the State of New York, the State of
18 Connecticut, the State of Delaware, the Commonwealth of
19 Pennsylvania, or 10 or more other states, shall be deemed registered
20 and approved for sale by the director and shall not be subject to the
21 initial brand registration and annual renewal filings and fees. Any
22 registration may be suspended or revoked in the same manner as an
23 alcoholic beverage license for any violation of Title 33 of the
24 Revised Statutes and the rules and regulations promulgated thereto.

25 e. Nothing contained in this section shall be deemed to limit or
26 modify the prohibition against discrimination in the sale of any
27 nationally advertised brand of alcoholic beverages to currently
28 authorized wholesalers as set forth in P.L.1966, c.59 (C.33:1-93.6 et
29 seq.) nor shall this section be deemed to require the sale to anyone
30 other than authorized retailers of private label brands which are
31 owned by a retailer or exclusive brands which are owned by a
32 manufacturer or wholesaler and offered for sale or sold by the
33 manufacturer or wholesaler exclusively to one retailer or affiliated
34 retailer, in this State.

35 f. No person shall sell, offer for sale, or deliver, receive or
36 purchase for resale in this State, any product consisting of or
37 containing powdered alcohol.

38 (cf: P.L.2015, c.137, s.2)

39
40 2. This act shall take effect immediately.

41 42 43 STATEMENT

44
45 This bill exempts wines that are registered and approved for sale
46 in certain other states from brand registration requirements.

47 Current law requires the brand and trade name label of every

1 alcoholic beverage to be registered with, and annually renewed by,
2 the Director of Alcoholic Beverage Control before its legal sale,
3 delivery, or purchase in this State. The initial brand registration fee
4 and annual renewal fee is \$23 for each filing. Under current law,
5 vintage wines are exempt from the annual renewal filings and fees.
6 The bill exempts certain wines, which are registered and
7 approved for sale in certain other states, from brand registration
8 filings and fees. Specifically, if a wine is registered and approved
9 for sale in New York, Connecticut, Delaware, or Pennsylvania, or
10 10 or more other states, that wine would automatically be deemed
11 registered and approved for sale in the State of New Jersey. Under
12 this bill, the director may not require the brand owner of any wine
13 that qualifies under this exemption to apply for an initial brand
14 registration, annual brand renewals, or pay any fee thereof, prior to
15 the legal sale of that wine in this State.