

SENATE, No. 1514

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Senator Gopal

SYNOPSIS

Creates restricted distillery license; permits holder thereof to operate restaurant on licensed premises in Garden State Growth Zone.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/8/2021)

1 AN ACT concerning craft distillery licenses and amending R.S.33:1-
2 10.

3

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

6

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

8 33:1-10. Class A licenses shall be subdivided and classified as
9 follows:

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

21 Limited brewery license. 1b. The holder of this license shall
22 be entitled, subject to rules and regulations, to brew any malt
23 alcoholic beverages in a quantity to be expressed in said license,
24 dependent upon the following fees and not in excess of 300,000
25 barrels of 31 fluid gallons capacity per year and to sell and
26 distribute this product to wholesalers and retailers licensed in
27 accordance with this chapter, and to sell and distribute without this
28 State to any persons pursuant to the laws of the places of such sale
29 and distribution, and to maintain a warehouse; provided, however,
30 that the delivery of this product by the holder of this license to
31 retailers licensed under this title shall be from inventory in a
32 warehouse located in this State which is operated under a limited
33 brewery license. The holder of this license shall be entitled to sell
34 this product at retail to consumers on the licensed premises of the
35 brewery for consumption on the premises, but only in connection
36 with a tour of the brewery, or for consumption off the premises in a
37 quantity of not more than 15.5 fluid gallons per person, and to offer
38 samples for sampling purposes only pursuant to an annual permit
39 issued by the director. The holder of this license shall not sell food
40 or operate a restaurant on the licensed premises. The fee for this
41 license shall be graduated as follows:

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

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

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

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

5 For the purposes of this subsection, "sampling" means the selling
6 at a nominal charge or the gratuitous offering of an open container
7 not exceeding four ounces of any malt alcoholic beverage. For the
8 purposes of this subsection, "product" means any malt alcoholic
9 beverage that is produced on the premises licensed under this
10 subsection.

11 Restricted brewery license. 1c. The holder of this license shall be
12 entitled, subject to rules and regulations, to brew any malt alcoholic
13 beverages in a quantity to be expressed in such license not in excess
14 of 10,000 barrels of 31 gallons capacity per year. Notwithstanding
15 the provisions of R.S.33:1-26, the director shall issue a restricted
16 brewery license only to a person or an entity which has identical
17 ownership to an entity which holds a plenary retail consumption
18 license issued pursuant to R.S.33:1-12, provided that such plenary
19 retail consumption license is operated in conjunction with a
20 restaurant regularly and principally used for the purpose of
21 providing meals to its customers and having adequate kitchen and
22 dining room facilities, and that the licensed restaurant premises is
23 immediately adjoining the premises licensed under this subsection.
24 The holder of this license shall be entitled to sell or deliver the
25 product to that restaurant premises. The holder of this license also
26 shall be entitled to sell and distribute the product to wholesalers
27 licensed in accordance with this chapter. The fee for this license
28 shall be \$1,250, which fee shall entitle the holder to brew up to
29 1,000 barrels of 31 liquid gallons per annum. The licensee also shall
30 pay an additional \$250 for every additional 1,000 barrels of 31 fluid
31 gallons produced. The fee shall be paid at the time of application
32 for the license, and additional payments based on barrels produced
33 shall be paid within 60 days following the expiration of the license
34 term upon certification by the licensee of the actual gallons brewed
35 during the license term. No more than 10 restricted brewery
36 licenses shall be issued to a person or entity which holds an interest
37 in a plenary retail consumption license. If the governing body of the
38 municipality in which the licensed premises will be located should
39 file a written objection, the director shall hold a hearing and may
40 issue the license only if the director finds that the issuance of the
41 license will not be contrary to the public interest. All fees related to
42 the issuance of both licenses shall be paid in accordance with
43 statutory law. The provisions of this subsection shall not be
44 construed to limit or restrict the rights and privileges granted by the
45 plenary retail consumption license held by the holder of the
46 restricted brewery license issued pursuant to this subsection.

47 The holder of this license shall be entitled to offer samples of its
48 product for promotional purposes at charitable or civic events off

1 the licensed premises pursuant to an annual permit issued by the
2 director.

3 For the purposes of this subsection, "sampling" means the selling
4 at a nominal charge or the gratuitous offering of an open container
5 not exceeding four ounces of any malt alcoholic beverage product.
6 For the purposes of this subsection, "product" means any malt
7 alcoholic beverage that is produced on the premises licensed under
8 this subsection.

9 Plenary winery license. 2a. Provided that the holder is
10 engaged in growing and cultivating grapes or fruit used in the
11 production of wine on at least three acres on, or adjacent to, the
12 winery premises, the holder of this license shall be entitled, subject
13 to rules and regulations, to produce any fermented wines, and to
14 blend, fortify and treat wines, and to sell and distribute his products
15 to wholesalers licensed in accordance with this chapter and to
16 churches for religious purposes, and to sell and distribute without
17 this State to any persons pursuant to the laws of the places of such
18 sale and distribution, and to maintain a warehouse, and to sell his
19 products at retail to consumers on the licensed premises of the
20 winery for consumption on or off the premises and to offer samples
21 for sampling purposes only. The fee for this license shall be \$938.
22 A holder of this license who produces not more than 250,000
23 gallons per year shall also have the right to sell and distribute his
24 products to retailers licensed in accordance with this chapter, except
25 that the holder of this license shall not use a common carrier for
26 such distribution. The fee for this additional privilege shall be
27 graduated as follows: a licensee who manufactures more than
28 150,000 gallons, but not in excess of 250,000 gallons per annum,
29 \$1,000; a licensee who manufactures more than 100,000 gallons,
30 but not in excess of 150,000 gallons per annum, \$500; a licensee
31 who manufactures more than 50,000 gallons, but not in excess of
32 100,000 gallons per annum, \$250; a licensee who manufactures
33 50,000 gallons or less per annum, \$100. A holder of this license
34 who produces not more than 250,000 gallons per year shall have the
35 right to sell such wine at retail in original packages in 15
36 salesrooms apart from the winery premises for consumption on or
37 off the premises and for sampling purposes for consumption on the
38 premises, at a fee of \$250 for each salesroom. Licensees shall not
39 jointly control and operate salesrooms. Additionally, the holder of
40 this license who produces not more than 250,000 gallons per year
41 may ship not more than 12 cases of wine per year, subject to
42 regulation, to any person within or without this State over 21 years
43 of age for personal consumption and not for resale. A case of wine
44 shall not exceed a maximum of nine liters. A copy of the original
45 invoice shall be available for inspection by persons authorized to
46 enforce the alcoholic beverage laws of this State for a minimum
47 period of three years at the licensed premises of the winery. For the
48 purposes of this subsection, "sampling" means the selling at a

1 nominal charge or the gratuitous offering of an open container not
2 exceeding one and one-half ounces of any 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. In addition, a holder of this
7 license who produces more than 250,000 gallons per year shall not
8 own, either in whole or in part, or hold, either directly or indirectly,
9 any interest in a winery that produces not more than 250,000
10 gallons per year. For the purposes of this subsection, "product"
11 means any wine that is produced, blended, fortified, or treated by
12 the licensee on its licensed premises situated in the State of New
13 Jersey. For the purposes of this subsection, "wine" shall include
14 "hard cider" and "mead" as defined in this section.

15 Farm winery license. 2b. The holder of this license shall
16 be entitled, subject to rules and regulations, to manufacture any
17 fermented wines and fruit juices in a quantity to be expressed in
18 said license, dependent upon the following fees and not in excess of
19 50,000 gallons per year and to sell and distribute his products to
20 wholesalers and retailers licensed in accordance with this chapter
21 and to churches for religious purposes and to sell and distribute
22 without this State to any persons pursuant to the laws of the places
23 of such sale and distribution, and to maintain a warehouse and to
24 sell at retail to consumers for consumption on or off the licensed
25 premises and to offer samples for sampling purposes only. The
26 license shall be issued only when the winery at which such
27 fermented wines and fruit juices are manufactured is located and
28 constructed upon a tract of land exclusively under the control of the
29 licensee, provided that the licensee is actively engaged in growing
30 and cultivating an area of not less than three acres on or adjacent to
31 the winery premises and on which are growing grape vines or fruit
32 to be processed into wine or fruit juice; and provided, further, that
33 for the first five years of the operation of the winery such fermented
34 wines and fruit juices shall be manufactured from at least 51
35 percent grapes or fruit grown in the State and that thereafter they
36 shall be manufactured from grapes or fruit grown in this State at
37 least to the extent required for labeling as "New Jersey Wine" under
38 the applicable federal laws and regulations. The containers of all
39 wine sold to consumers by such licensee shall have affixed a label
40 stating such information as shall be required by the rules and
41 regulations of the Director of the Division of Alcoholic Beverage
42 Control. The fee for this license shall be graduated as follows: to so
43 manufacture between 30,000 and 50,000 gallons per annum, \$375;
44 to so manufacture between 2,500 and 30,000 gallons per annum,
45 \$250; to so manufacture between 1,000 and 2,500 gallons per
46 annum, \$125; to so manufacture less than 1,000 gallons per annum,
47 \$63. No farm winery license shall be held by the holder of a plenary

1 winery license or be situated on a premises licensed as a plenary
2 winery.

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

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

28 Unless otherwise indicated, for the purposes of this subsection,
29 with respect to farm winery licenses, "manufacture" means the
30 vinification, aging, storage, blending, clarification, stabilization and
31 bottling of wine or juice from New Jersey fruit to the extent
32 required by this subsection.

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

35 Wine blending license. 2c. The holder of this license shall
36 be entitled, subject to rules and regulations, to blend, treat, mix, and
37 bottle fermented wines and fruit juices with non-alcoholic
38 beverages, and to sell and distribute his products to wholesalers and
39 retailers licensed in accordance with this chapter, and to sell and
40 distribute without this State to any persons pursuant to the laws of
41 the places of such sale and distribution, and to maintain a
42 warehouse. The fee for this license shall be \$625.

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

45 Instructional winemaking facility license. 2d. The
46 holder of this license shall be entitled, subject to rules and
47 regulations, to instruct persons in and provide them with the
48 opportunity to participate directly in the process of winemaking and

1 to directly assist such persons in the process of winemaking while
2 in the process of instruction on the premises of the facility. The
3 holder of this license also shall be entitled to manufacture wine on
4 the premises not in excess of an amount of 10 percent of the wine
5 produced annually on the premises of the facility, which shall be
6 used only to replace quantities lost or discarded during the
7 winemaking process, to maintain a warehouse, and to offer samples
8 produced by persons who have received instruction in winemaking
9 on the premises by the licensee for sampling purposes only on the
10 licensed premises for the purpose of promoting winemaking for
11 personal or household use or consumption. Wine produced on the
12 premises of an instructional winemaking facility shall be used,
13 consumed or disposed of on the facility's premises or distributed
14 from the facility's premises to a person who has participated
15 directly in the process of winemaking for the person's personal or
16 household use or consumption. The holder of this license may sell
17 mercantile items traditionally associated with winemaking and
18 novelty wearing apparel identified with the name of the
19 establishment licensed under the provisions of this section. The
20 holder of this license may use the licensed premises for an event or
21 affair, including an event or affair at which a plenary retail
22 consumption licensee serves alcoholic beverages in compliance
23 with all applicable statutes and regulations promulgated by the
24 director. The fee for this license shall be \$1,000. For the purposes
25 of this subsection, "sampling" means the gratuitous offering of an
26 open container not exceeding one and one-half ounces of any wine.

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

29 Out-of-State winery license. 2e. Provided that the
30 applicant does not produce more than 250,000 gallons of wine per
31 year, the holder of a valid winery license issued in any other state
32 may make application to the director for this license. The holder of
33 this license shall have the right to sell and distribute his products to
34 wholesalers licensed in accordance with this chapter and to sell
35 such wine at retail in original packages in 16 salesrooms apart from
36 the winery premises for consumption on or off the premises at a fee
37 of \$250 for each salesroom. Licensees shall not jointly control and
38 operate salesrooms. The annual fee for this license shall be \$938.
39 A copy of a current license issued by another state shall accompany
40 the application. The holder of this license also shall have the right
41 to sell and distribute his products to retailers licensed in accordance
42 with this chapter, except that the holder of this license shall not use
43 a common carrier for such distribution. The fee for this additional
44 privilege shall be graduated as follows: a licensee who
45 manufactures more than 150,000 gallons, but not in excess of
46 250,000 gallons per annum, \$1,000; a licensee who manufactures
47 more than 100,000 gallons, but not in excess of 150,000 gallons per
48 annum, \$500; a licensee who manufactures more than 50,000

1 gallons, but not in excess of 100,000 gallons per annum, \$250; a
2 licensee who manufactures 50,000 gallons or less per annum, \$100.
3 Additionally, the holder of this license may ship not more than 12
4 cases of wine per year, subject to regulation, to any person within or
5 without this State over 21 years of age for personal consumption
6 and not for resale. A case of wine shall not exceed a maximum of
7 nine liters. A copy of the original invoice shall be available for
8 inspection by persons authorized to enforce the alcoholic beverage
9 laws of this State for a minimum period of three years at the
10 licensed premises of the winery.

11 The licensee shall collect from the customer the tax due on the
12 sale pursuant to the "Sales and Use Tax Act," P.L.1966, c.30
13 (C.54:32B-1 et seq.) and shall pay the tax due on the delivery of
14 alcoholic beverages pursuant to the "Alcoholic beverage tax law,"
15 R.S.54:41-1 et seq. The Director of the Division of Taxation in the
16 Department of the Treasury shall promulgate such rules and
17 regulations necessary to effectuate the provisions of this paragraph,
18 and may provide by regulation for the co-administration of the tax
19 due on the delivery of alcoholic beverages pursuant to the
20 "Alcoholic beverage tax law," R.S.54:41-1 et seq. with the
21 administration of the tax due on the sale pursuant to the "Sales and
22 Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

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.

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

29 Cidery and meadery license. 2f. The holder of this
30 license shall be entitled, subject to rules and regulations, to
31 manufacture hard cider and mead and to sell and distribute these
32 products to wholesalers and retailers licensed in accordance with
33 this chapter, and to sell and distribute without this State to any
34 persons pursuant to the laws of the places of such sale and
35 distribution, and to maintain a warehouse. The holder of this
36 license shall be entitled to sell these products at retail to consumers
37 on the licensed premises for consumption on or off the premises and
38 to offer samples for sampling purposes only. The holder of this
39 license shall be permitted to offer for sale or make the gratuitous
40 offering of packaged crackers, chips, nuts, and similar snacks to
41 consumers, but shall not operate a restaurant on the licensed
42 premises. The fee for this license shall be \$938.

43 The holder of this license shall be entitled to manufacture hard
44 cider in a quantity not to exceed 50,000 barrels of 31 fluid gallons
45 capacity per year. With respect to the sale and distribution of hard
46 cider to a wholesaler, the licensee shall be subject to the same
47 statutory and regulatory requirements as a brewer, and hard cider
48 shall be considered a malt alcoholic beverage, for the purposes of

1 the "Malt Alcoholic Beverage Practices Act," P.L.2005, c.243
2 (C.33:1-93.12 et seq.). The holder of this license shall not directly
3 ship hard cider either within or without this State.

4 The holder of this license shall be entitled to manufacture not
5 more than 250,000 gallons of mead per year. The holder of this
6 license may ship not more than 12 cases of mead per year, subject
7 to regulation, to any person within or without this State over 21
8 years of age for personal consumption and not for resale. A case of
9 mead shall not exceed a maximum of nine liters. A copy of the
10 original invoice shall be available for inspection by persons
11 authorized to enforce the alcoholic beverage laws of this State for a
12 minimum period of three years at the licensed premises. As used in
13 this subsection:

14 "Hard cider" means a fermented alcoholic beverage derived
15 primarily from apples, pears, apple juice concentrate and water, or
16 pear juice concentrate and water, which may include spices, herbs,
17 honey, or other flavoring, and which contains at least one half of
18 one percent but less than eight and one half percent alcohol by
19 volume.

20 "Mead" means an alcoholic beverage primarily made from
21 honey, water, and yeast, and which may contain fruit, fruit juices,
22 spices, or herbs added before or after fermentation has completed,
23 except that the ratio of fermentable sugars from fruit or fruit juices
24 shall not exceed 49 percent of the total fermentable sugars used to
25 produce mead.

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

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

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

47 Supplementary limited distillery license. 3c. The
48 holder of this license shall be entitled, subject to rules and

1 regulations, to bottle and rebottle, in a quantity to be expressed in
2 said license, dependent upon the following fees, alcoholic
3 beverages distilled from fruit juices by such holder pursuant to a
4 prior plenary or limited distillery license, and to sell and distribute
5 his products to wholesalers and retailers licensed in accordance
6 with this chapter, and to sell and distribute without this State to any
7 persons pursuant to the laws of the places of such sale and
8 distribution, and to maintain a warehouse. The fee for this license
9 shall be graduated as follows: to so bottle and rebottle not more
10 than 5,000 wine gallons per annum, \$313; to so bottle and rebottle
11 not more than 10,000 wine gallons per annum, \$625; to so bottle
12 and rebottle without limit as to amount, \$1,250.

13 Craft distillery license. 3d. The holder of this license shall
14 be entitled, subject to rules and regulations, to manufacture not
15 more than 20,000 gallons of distilled alcoholic beverages, to rectify,
16 blend, treat and mix distilled alcoholic beverages, to sell and
17 distribute this product to wholesalers and retailers licensed in
18 accordance with this chapter, and to sell and distribute without this
19 State to any persons pursuant to the laws of the places of such sale
20 and distribution, and to maintain a warehouse. The holder of this
21 license shall be entitled to sell this product at retail to consumers on
22 the licensed premises of the distillery for consumption on the
23 premises, but only in connection with a tour of the distillery, and
24 for consumption off the premises in a quantity of not more than five
25 liters per person. In addition, the holder of this license may offer
26 any person not more than three samples per calendar day for
27 sampling purposes only. For the purposes of this subsection,
28 "sampling" means the gratuitous offering of an open container not
29 exceeding one-half ounce serving of distilled alcoholic beverage
30 produced on the distillery premises. Nothing in this subsection shall
31 be deemed to permit the direct shipment of distilled spirits either
32 within or without this State.

33 The holder of this license shall not sell food or operate a
34 restaurant on the licensed premises. The holder of this license shall
35 not hold an interest in, nor share a premises with, any other
36 manufacturing license issued under this title. A holder of this
37 license shall not own, either in whole or in part, or hold, either
38 directly or indirectly, any interest in an alcoholic beverage
39 manufacturing license issued by any other jurisdiction, domestic or
40 foreign.

41 A holder of this license who certifies that not less than 51% of
42 the raw materials used in the production of distilled alcoholic
43 beverages under this section are grown in this State or purchased
44 from providers located in this State may, consistent with all
45 applicable federal laws and regulations, label these distilled
46 alcoholic beverages as "New Jersey Distilled." The fee for this
47 license shall be \$938.

1 Restricted distillery license. 3e. The holder of this license shall
2 be entitled, subject to rules and regulations, to manufacture not
3 more than 20,000 gallons of distilled alcoholic beverages, to rectify,
4 blend, treat and mix distilled alcoholic beverages, to sell and
5 distribute this product to wholesalers licensed in accordance with
6 this chapter, and to sell and distribute without this State to any
7 persons pursuant to the laws of the places of such sale and
8 distribution, and to maintain a warehouse. Nothing in this
9 subsection shall be deemed to permit the direct shipment of distilled
10 spirits either within or without this State.

11 The director shall issue a restricted distillery license only to a
12 person or an entity which has identical ownership to an entity which
13 holds a plenary retail consumption license issued pursuant to
14 R.S.33:1-12, provided that such plenary retail consumption license
15 is located within a Garden State Growth Zone, as defined in section
16 2 of P.L.2011, c.149 (C.34:1B-243), and is operated in conjunction
17 with a restaurant regularly and principally used for the purpose of
18 providing meals to its customers and having adequate kitchen and
19 dining room facilities, and that the licensed restaurant premises is
20 immediately adjoining the premises licensed under this subsection.
21 The holder of this license shall be entitled to sell or deliver the
22 product to that restaurant premises. The holder of this license also
23 shall be entitled to sell and distribute the product to wholesalers
24 licensed in accordance with this chapter. The fee for this license
25 shall be \$1,250.

26 No more than 10 restricted distillery licenses shall be issued to a
27 person or entity which holds an interest in a plenary retail
28 consumption license. If the governing body of the municipality in
29 which the licensed premises will be located should file a written
30 objection, the director shall hold a hearing and may issue the license
31 only if the director finds that the issuance of the license will not be
32 contrary to the public interest. All fees related to the issuance of
33 both licenses shall be paid in accordance with statutory law. The
34 provisions of this subsection shall not be construed to limit or
35 restrict the rights and privileges granted by the plenary retail
36 consumption license held by the holder of the restricted distillery
37 license issued pursuant to this subsection.

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

42 For the purposes of this subsection, "sampling" means the selling
43 at a nominal charge or the gratuitous offering of an open container
44 not exceeding one-half ounce of any distilled alcoholic beverage
45 product. For the purposes of this subsection, "product" means any
46 distilled alcoholic beverage that is produced on the premises
47 licensed under this subsection.

1 2009 American Community Survey from the U.S. Census, or a
2 municipality which contains a Tourism District as established
3 pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated
4 by the Casino Reinvestment Development Authority. These cities
5 include Atlantic City, Camden, Passaic, Paterson, and Trenton.