

SENATE, No. 2064

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

SYNOPSIS

Clarifies certain responsibilities of licensed wineries and retail salesrooms.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning wineries and salesrooms, amending P.L.1999,
2 c.90, and supplementing Title 33 of the Revised Statutes.

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

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7 1. Section 5 of P.L.1999, c.90 (C.2C:33-27) is amended to read
8 as follows:

9 5. Consumption of alcohol in restaurants.

10 a. No person who owns or operates a restaurant, dining room ,
11 salesroom, or other public place where food or liquid refreshments
12 are sold or served to the general public, and for which premises a
13 license or permit authorizing the sale of alcoholic beverages for on-
14 premises consumption has not been issued:

15 (1) Shall allow the consumption of alcoholic beverages, other
16 than wine or a malt alcoholic beverage, in a portion of the premises
17 which is open to the public; **【or】**

18 (2) Shall charge any admission fee or cover, corkage or service
19 charge or advertise inside or outside of such premises that patrons
20 may bring and consume their own wine or malt alcoholic beverages
21 in a portion of the premises which is open to the public **【.】** ;

22 (3) Shall allow the consumption of wine or malt alcoholic
23 beverages at times or by persons to whom the service or
24 consumption or alcoholic beverages on licensed premises is
25 prohibited by State or municipal law or regulation **【.】** ; or

26 (4) Shall allow the consumption of wine by a person under the
27 legal age to purchase or consume alcoholic beverages when the
28 premises is used as a salesroom established pursuant to the
29 provisions of subsection 2a. or 2b. of R.S.33:1-10.

30 b. Nothing in this act shall restrict the right of a municipality or
31 an owner or operator of a restaurant, dining room or other public
32 place where food or liquid refreshments are sold or served to the
33 general public from prohibiting the consumption of alcoholic
34 beverages on those premises.

35 c. A person who violates any provision of this act is a
36 disorderly person, and the court, in addition to the sentence imposed
37 for the disorderly person violation, may by its judgment bar the
38 owner or operator from allowing consumption of wine or malt
39 alcoholic beverages in his premises as authorized by this act.

40 (cf: P.L.1999, c.90, s.5)

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42 2. (New section) a. As used in this section, an “authorized
43 person” means a person who completes a training program prior to
44 selling wine at a retail salesroom, and receives supplemental
45 training on at least an annual basis.

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.

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3. This act shall take effect on the first day of the fourth month next following the date of enactment.

The bill also provides that to be considered “authorized,” a person is required to complete a training program prior to selling

1 wine at the outlet and would need to receive supplemental training,
2 at least on an annual basis.

3 A person who owns or operates a restaurant that allows patrons
4 to “bring-your-own-bottle” is already responsible for ensuring that
5 no person under the legal drinking age consumes any alcohol on the
6 restaurant premises. An owner or operator of a BYOB restaurant
7 who allows an underage person to consume wine is a disorderly
8 person pursuant to N.J.S.2C:33-27. In addition to the sentence
9 imposed for the disorderly person violation, the court may bar the
10 owner or operator from allowing the consumption of wine or malt
11 alcoholic beverages on the licensed premises.

12 Under R.S.33:1-77, a person operating under a license issued by
13 the Division of Alcoholic Beverage Control is a disorderly person if
14 the person sells an alcoholic beverage to an underage person. A
15 disorderly persons conviction is punishable by a term of
16 imprisonment of up to six months, a fine of up to \$1,000, or both.