

SENATE, No. 2365

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED APRIL 13, 2020

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

SYNOPSIS

Allows certain alcoholic beverage manufacturers to deliver products during declared state of emergency.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the shipment and delivery of certain alcoholic
2 beverages and amending R.S.33:1-10.

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

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

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

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

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

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

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

43 Instructional winemaking facility license. 2d. The
44 holder of this license shall be entitled, subject to rules and
45 regulations, to instruct persons in and provide them with the
46 opportunity to participate directly in the process of winemaking and
47 to directly assist such persons in the process of winemaking while
48 in the process of instruction on the premises of the facility. The
49 holder of this license also shall be entitled to manufacture wine on

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

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

26 Out-of-State winery license. 2e. Provided that the
27 applicant does not produce more than 250,000 gallons of wine per
28 year, the holder of a valid winery license issued in any other state
29 may make application to the director for this license. The holder of
30 this license shall have the right to sell and distribute his products to
31 wholesalers licensed in accordance with this chapter and to sell
32 such wine at retail in original packages in 16 salesrooms apart from
33 the winery premises for consumption on or off the premises at a fee
34 of \$250 for each salesroom. Licensees shall not jointly control and
35 operate salesrooms. The annual fee for this license shall be \$938.
36 A copy of a current license issued by another state shall accompany
37 the application. The holder of this license also shall have the right
38 to sell and distribute his products to retailers licensed in accordance
39 with this chapter, except that the holder of this license shall not use
40 a common carrier for such distribution. The fee for this additional
41 privilege shall be graduated as follows: a licensee who
42 manufactures more than 150,000 gallons, but not in excess of
43 250,000 gallons per annum, \$1,000; a licensee who manufactures
44 more than 100,000 gallons, but not in excess of 150,000 gallons per
45 annum, \$500; a licensee who manufactures more than 50,000
46 gallons, but not in excess of 100,000 gallons per annum, \$250; a
47 licensee who manufactures 50,000 gallons or less per annum, \$100.
48 Additionally, the holder of this license may ship not more than 12
49 cases of wine per year, subject to regulation, to any person within or

1 without this State over 21 years of age for personal consumption
2 and not for resale. A case of wine shall not exceed a maximum of
3 nine liters. A copy of the original invoice shall be available for
4 inspection by persons authorized to enforce the alcoholic beverage
5 laws of this State for a minimum period of three years at the
6 licensed premises of the winery.

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

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

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

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

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

48 The holder of this license shall be entitled to manufacture not
49 more than 250,000 gallons of mead per year. The holder of this

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

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

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

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

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

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

42 Supplementary limited distillery license. 3c. The holder of this
43 license shall be entitled, subject to rules and regulations, to bottle
44 and rebottle, in a quantity to be expressed in said license, dependent
45 upon the following fees, alcoholic beverages distilled from fruit
46 juices by such holder pursuant to a prior plenary or limited distillery
47 license, and to sell and distribute his products to wholesalers and
48 retailers licensed in accordance with this chapter, and to sell and
49 distribute without this State to any persons pursuant to the laws of

1 the places of such sale and distribution, and to maintain a
2 warehouse. The fee for this license shall be graduated as follows:
3 to so bottle and rebottle not more than 5,000 wine gallons per
4 annum, \$313; to so bottle and rebottle not more than 10,000 wine
5 gallons per annum, \$625; to so bottle and rebottle without limit as
6 to amount, \$1,250.

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

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

36 Rectifier and blender license. 4. The holder of this
37 license shall be entitled, subject to rules and regulations, to rectify,
38 blend, treat and mix distilled alcoholic beverages, and to fortify,
39 blend, and treat fermented alcoholic beverages, and prepare
40 mixtures of alcoholic beverages, and to sell and distribute his
41 products to wholesalers and retailers licensed in accordance with
42 this chapter, and to sell and distribute without this State to any
43 persons pursuant to the laws of the places of such sale and
44 distribution, and to maintain a warehouse. The fee for this license
45 shall be \$7,500.

46 Bonded warehouse bottling license. 5. The holder of this
47 license shall be entitled, subject to rules and regulations, to bottle
48 alcoholic beverages in bond on behalf of all persons authorized by

1 federal and State law and regulations to withdraw alcoholic
2 beverages from bond. The fee for this license shall be \$625. This
3 license shall be issued only to persons holding permits to operate
4 Internal Revenue bonded warehouses pursuant to the laws of the
5 United States.

6 The provisions of section 21 of P.L.2003, c.117 amendatory of
7 this section shall apply to licenses issued or transferred on or after
8 July 1, 2003, and to license renewals commencing on or after July
9 1, 2003.

10 The holder of a plenary winery license, farm winery license, out-
11 of-State winery license, limited brewery license, restricted brewery
12 license, cidery and meadery license, and craft distillery license
13 issued pursuant to this section shall be entitled to deliver to the
14 residence of a consumer within this State who is 21 years of age or
15 older the licensee's products in original packages for personal
16 consumption and not for resale during a state of emergency declared
17 by the Governor.

18 A purchase of the licensee's products for delivery during a
19 declared state of emergency pursuant to this section shall be made
20 by a telephone order or via the licensee's website. A copy of the
21 original invoice shall be available for inspection by persons
22 authorized to enforce the alcoholic beverage laws of this State for a
23 minimum period of three years at the licensed premises.

24 The director may establish guidelines regarding the delivery of
25 alcoholic beverages during a declared state of emergency pursuant
26 to this section.

27 The director shall submit to the Governor, and to the Legislature
28 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), a report
29 with recommendations as to whether license holders should
30 continue to be entitled to deliver their products to consumers
31 indefinitely. The report shall be submitted on the first day of the
32 13th month following the date of enactment of P.L. , c. (pending
33 before the Legislature as this bill).

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

35
36 2. This act shall take effect immediately.
37
38

39 STATEMENT

40
41 This bill allows certain alcoholic beverage manufacturers to
42 deliver alcoholic beverages to the residence of a consumer during a
43 state of emergency declared by the Governor.

44 The bill allows the holder of a limited brewery license, restricted
45 brewery license, plenary winery license, farm winery license, out-
46 of-State winery license, cidery and meadery license, and craft
47 distillery license to deliver to the residence of a consumer the
48 licensee's products in original packages during the state of
49 emergency.

1 The bill requires alcoholic beverage purchases for delivery to be
2 made by a telephone order or via the licensee's website. A copy of
3 the original sales invoice is to be made available for inspection by
4 persons authorized to enforce the alcoholic beverage laws for at
5 least three years at the licensed premises.

6 In addition, the bill allows the Director of the Division of
7 Alcoholic Beverage Control to establish guidelines regarding the
8 delivery of alcoholic beverages during a declared state of
9 emergency. The bill also requires the director to submit to the
10 Governor and Legislature within one year of the bill's enactment a
11 report with recommendations as to whether these licensees should
12 be entitled to deliver their products indefinitely.

13 Under current law, licensees with plenary retail privileges, such
14 as liquor stores, are permitted to deliver alcoholic beverages in
15 original containers to a consumer's residence. This bill extends this
16 privilege to certain alcoholic beverage manufacturers during a
17 declared state of emergency.