

# SENATE, No. 2681

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JULY 6, 2020

**Sponsored by:**

**Senator VIN GOPAL**

**District 11 (Monmouth)**

**Senator STEVEN V. OROHO**

**District 24 (Morris, Sussex and Warren)**

**Co-Sponsored by:**

**Senator T.Kean**

**SYNOPSIS**

Establishes certain temporary and permanent privileges for certain alcoholic beverage licensees; authorizes certain activities, events, and festivals in which certain alcoholic beverage licensees may participate.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/29/2020)**

1 AN ACT concerning alcoholic beverage licensing and  
2 supplementing and amending various sections of statutory law.

3

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

6

7 1. (New section) a. As used in this section,

8 “Crowler” means a fillable and machine-sealable can which  
9 does not hold more than 32 ounces of malt alcoholic beverage and  
10 may be used to package draft malt alcoholic beverages for  
11 consumption off the licensed premises of a limited brewery with  
12 event privileges.

13 “Growler” means a glass, ceramic, or stainless steel receptacle  
14 which does not hold more than 128 ounces of malt alcoholic  
15 beverage and is used to transport draft malt alcoholic beverage for  
16 consumption off the licensed premises of a limited brewery with  
17 event privileges.

18 b. The holder of a plenary retail consumption license issued  
19 pursuant to R.S.33:1-10 or concessionaire permit who, following  
20 the enactment of P.L.2020, c.33 and prior to the expiration of  
21 P.L. , c. (pending before the Legislature as this bill), purchased  
22 additional equipment necessary to package and sell malt alcoholic  
23 beverages in a crowler or growler for consumption off the licensed  
24 premises in response to the COVID-19 pandemic shall be entitled to  
25 continue to use the equipment to sell malt alcoholic beverages in  
26 crowlers or growlers following the expiration of P.L.2020, c.33.

27 c. The provisions of this section shall not apply to the holder  
28 of:

29 (1) a plenary retail consumption license used in connection with  
30 a hotel or motel; or

31 (2) a single plenary retail consumption license that is used in  
32 connection with multiple restaurants or other establishments located  
33 on the same licensed premises.

34

35 2. (New section) a. As used in P.L. , c. (pending before the  
36 Legislature as this bill) and R.S.33:1-10:

37 “Extended premises activity” means any activity occurring on an  
38 outdoor area either adjacent to or adjoining the licensed premises of  
39 a winery, limited brewery, distillery, cidery, or meadery that is not  
40 owned by the license holder and may include but not be limited to a  
41 sidewalk or parking lot. An “extended premises activity” shall not  
42 include an off-premises event or festival as defined by sections 3  
43 and 4 of P.L. , c. (pending before the Legislature as this bill).

44 “Mercantile business” means the selling of goods or merchandise  
45 that are not related to or incidental to the licensed business.

**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 A “mercantile business” shall not include a restaurant, food vendor,  
2 or food truck.

3 “On-premises activity” means any activity that is open to the  
4 public and held on the licensed premises of a winery, limited  
5 brewery, craft distillery, cidery, meadery, or other outdoor area,  
6 including but not limited to a parking lot that is owned by the  
7 license holder and is adjacent to or adjoining the licensed premises.

8 An “on-premises activity” shall include, but not be limited to:

9 (1) private parties, birthdays, weddings, anniversaries, civic and  
10 political functions, professional and trade association events, class  
11 reunion and alumni events;

12 (2) video games;

13 (3) board games;

14 (4) card games for which wagers are not placed;

15 (5) trivia and quizzo;

16 (6) paint and sip events;

17 (7) craftmaking;

18 (8) shuffleboard;

19 (9) yard games;

20 (10) background or radio music;

21 (11) live music or music played by a disc jockey;

22 (12) educational events and seminars;

23 (13) movies and theatrical events;

24 (14) animal adoption, to the extent permitted by local ordinance;

25 (15) yoga and exercise classes; or

26 (16) any other similar activity held on the licensed premises or  
27 other area owned by the licensee that is adjacent to or adjoining the  
28 licensed premises.

29 b. The holder of a winery, limited brewery, craft distillery, or  
30 cidery and meadery license issued pursuant to R.S.33:1-10 may  
31 hold an unlimited number of extended premises or on-premises  
32 activities as defined in subsection a. of this section.

33 Except as provided in subsection d. of this section, the holder of  
34 a license shall not be required to obtain a permit or provide  
35 notification to the division to hold an extended premises or on-  
36 premises activity. A municipality may, by ordinance or resolution,  
37 as appropriate, limit the types of extended premises or on-premises  
38 activities that the licensee may hold on the licensed premises. The  
39 ordinance or resolution shall not limit or restrict the rights and  
40 privileges granted to the holder of a license issued pursuant to  
41 R.S.33:1-10.

42 c. Application to hold an extended premises activity shall be  
43 made to the clerk of the municipality in which the licensee intends  
44 to hold the activity, The clerk of the municipality shall notify the  
45 governing body of the municipality and the chief law enforcement  
46 officer of the municipality. The governing body of the municipality  
47 shall approve or deny the application.

1 The holder of the license shall be required to obtain this approval  
2 at least 10 days prior to the extended premises event. The  
3 governing body, in its discretion, may grant approval less than 10  
4 days prior to the extended premises event.

5 d. The holder of a winery, limited brewery, distillery, or cidery  
6 and meadery license issued pursuant to R.S.33:1-10 shall provide  
7 electronic notification to the division at least 10 days prior to  
8 hosting an on-premises or extended premises activity for which  
9 tickets are sold in advance. The notification shall include the name  
10 of the license holder, the date and hours during which the activity is  
11 to be held, and the expected number of attendees of the activity. A  
12 licensee shall submit to the division a \$250 filing fee with the  
13 notification required pursuant to this section.

14 e. A licensee may host another mercantile business on the  
15 licensed premises to sell goods or merchandise that are not related  
16 to or incidental to the licensed business. The holder of the license  
17 shall not own an interest in, or profit from, the sale of goods by the  
18 mercantile establishment. The license holder shall not host any  
19 mercantile business on the licensed premises on more than four  
20 days during each month.

21 f. The extended premises activities and on-premises activities  
22 authorized pursuant to this section shall adhere to executive or  
23 administrative orders issued by the Governor or Commissioner of  
24 Health establishing coronavirus-related occupancy or customer  
25 seating restrictions applicable to licensed premises.

26

27 3. (New section) a. As used in this act, “off-premises event”  
28 means an event that takes place off the licensed premises of a  
29 winery, limited brewery, craft distillery, cidery, meadery, or other  
30 adjacent or adjoining outdoor area owned by the license holder, and  
31 shall include, but not be limited to, music and arts festivals; civic  
32 events; five kilometer or other running races, mud races, bike races  
33 and other athletic events; the license holder’s anniversary  
34 celebrations; and holiday celebrations. An “off-premises event”  
35 shall not include a festival as defined by section 4 of P.L. , c.  
36 (pending before the Legislature as this bill).

37 b. The holder of a valid winery license, limited brewery  
38 license, craft distillery license, or cidery and meadery license may  
39 hold up to 25 off-premises events per year.

40 c. Application to hold an off-premises event activity shall be  
41 made to the clerk of the municipality in which the licensee intends  
42 to hold the activity, The clerk of the municipality shall notify the  
43 governing body of the municipality and the chief law enforcement  
44 officer of the municipality. The governing body of the municipality  
45 shall approve or deny the application.

46 The holder of the license shall be required to obtain this approval  
47 at least 10 days prior to the off premises event. The governing

1 body, in its discretion, may grant approval less than 10 days prior to  
2 the off premises event.

3 d. A municipality that approves an off-premises event pursuant  
4 to this section may request that the licensee provide a detailed  
5 security plan to ensure general safety, as well as emergency medical  
6 assistance. The plan shall include, but not be limited to, a procedure  
7 for: age verification; prevention of intoxication; compliance with  
8 regulatory requirements on sample sizes; identification of security  
9 personnel, duties, numbers and experience; confirmation that all  
10 servers shall be employees of the applicant; and proof that the  
11 licensee hosting is certified by an industry recognized server training  
12 program.

13 e. At least 10 days prior to an off-premises event, the license  
14 holder shall provide electronic notification to the division of the  
15 event. Notification to the director shall include the name of the  
16 license or permit holder, the date and hours during which the event  
17 is to be held, and the expected attendance.

18 f. The license holders may remove any of the their unused or  
19 unopened products following the event for the purpose of resale.

20 g. The fee for the first day and each consecutive day on which  
21 an off-premise event is held shall be \$250 and shall be payable to  
22 the division.

23 h. The extended premises activities and on-premises activities  
24 authorized pursuant to this section shall adhere to executive or  
25 administrative orders issued by the Governor or Commissioner of  
26 Health establishing coronavirus-related occupancy or customer  
27 seating restrictions applicable to licensed premises.

28

29 4. (New section) a. As used in this act:

30 "Festival" means an indoor or outdoor scheduled gathering,  
31 function, occasion or event that shall be sponsored or hosted by the  
32 holder of any winery license, limited brewery license, craft  
33 distillery license, or cidery and meadery license, retail consumption  
34 license, concessionaire permit, or a social affairs permit wherein  
35 small samples of an alcoholic beverage are available from multiple  
36 offerings from multiple suppliers, served for a single admission  
37 price or per sample price.

38 "Third party promoter" means a person or entity engaged to  
39 assist in operating or organizing the festival for a fee.

40 b. The holder of a winery license, limited brewery license, craft  
41 distillery license, or cidery and meadery license, retail consumption  
42 license, concessionaire permit, or a social affairs permit may hold  
43 not more than five festivals per year.

44 The license holder shall provide, at least 45 days prior to a  
45 festival, electronic notification to the division of the festival.  
46 Notification to the director shall include the name of the license or  
47 permit holder, the hours during which the festival is to be held, the  
48 expected attendance of the festival, and the festival date.

1 c. Application to hold a festival shall be made to the clerk of  
2 the municipality in which the licensee intends to hold the festival.  
3 The clerk of the municipality shall notify the governing body of the  
4 municipality and the chief law enforcement officer of the  
5 municipality. The governing body of the municipality shall approve  
6 or deny the application.

7 The holder of the license shall be required to obtain this approval  
8 at least 10 days prior to the festival. The governing body, in its  
9 discretion, may grant approval less than 10 days prior to the  
10 festival.

11 d. A municipality that approves a festival pursuant to this  
12 section may request that the licensee provide a detailed security  
13 plan to assure general safety, as well as emergency medical  
14 assistance. The plan shall include, but not be limited to, a procedure  
15 for: age verification; prevention of intoxication; compliance with  
16 regulatory requirements on sample sizes; identification of security  
17 personnel, duties, numbers and experience; confirmation that all  
18 servers shall be employees of the applicant; and proof that the  
19 licensee hosting the festival is certified by an industry recognized  
20 server training program.

21 e. The provisions of this section shall not prohibit a person  
22 from applying to the director for a social affairs permit for an event  
23 that does not constitute a festival as defined in subsection a. of this  
24 section.

25 f. A festival shall be subject to the following conditions:

26 (1) the categories for festivals shall be malt alcoholic beverage,  
27 wine, cider, mead, distilled spirits, or a combination thereof;

28 (2) the festival host shall be in control of and responsible for the  
29 event and the premises at all times;

30 (3) the festival attendees shall be the legal age to purchase and  
31 consume alcoholic beverages;

32 (4) alcoholic beverages used or consumed at a festival shall be  
33 brand registered, stored securely with all transportation permits  
34 intact and purchased in accordance with Title 33 of the Revised  
35 Statutes and rules and regulations promulgated by the director;

36 (5) a festival session shall not exceed four hours in duration, but  
37 multiple sessions separated by a break of at least one hour are  
38 permitted provided attendees are not permitted to attend more than  
39 one four hour session per day. The governing body of the  
40 municipality may extend a session for not more than one hour upon  
41 a showing of good cause;

42 (6) festival participants may sell alcoholic beverages in original  
43 containers for off-premises consumption. However, the holder of a  
44 limited brewery license may sell malt alcoholic beverages for off-  
45 premises consumption in a crowler or growler as defined in  
46 R.S.33:1-10;

47 (7) a festival shall not be held on more than three consecutive  
48 days;

- 1 (8) sample sizes used at a festival shall not exceed:  
2 (a) two ounce samples for malt alcoholic beverages;  
3 (b) one ounce samples for wine; and  
4 (c) one-half ounce samples for distilled spirits.  
5 (9) all pourers and servers shall be supervised by an employee  
6 who is certified by an industry recognized server training program;  
7 (10) a festival shall have sufficient food and non-alcoholic  
8 beverages available, whether complimentary or for purchase; and  
9 (11) a festival participant may remove any unused or unopened  
10 products following the event. The holder of a winery license,  
11 limited brewery license, craft distillery license, or cidery and  
12 meadery license, retail consumption license, or concessionaire  
13 permit may resell the unused or unopened products.  
14 g. A third party promoter who participates in a festival shall  
15 meet the qualifications of a licensee, permittee, or employee under  
16 N.J.S.33:1-26 prior to the festival event.  
17 h. The fee for a festival shall be paid to the municipality.  
18 Except as provided in subsection i. and j. of this section, the fee for  
19 the first day and each consecutive day on which a festival is held  
20 shall be:  
21 (1) \$300 for an expected attendance of less than 1,000 people;  
22 (2) \$1,000 for an expected attendance of between 1,001 and  
23 5,000 people;  
24 (3) \$2,000 for an expected attendance of between 5,001 and  
25 10,000 people; and  
26 (4) \$3,000 for an expected attendance of more than 10,000  
27 people.  
28 i. The fee for the first day and each consecutive day shall be  
29 \$150 for a festival held for the sole benefit of a non-profit  
30 organization provided the festival does not involve a third-party  
31 promoter.  
32 j. The fee for the first day and each consecutive day of a  
33 festival that utilizes a third party promoter shall be:  
34 (1) \$2,500 for an expected attendance of less than 5,000 people;  
35 and  
36 (2) \$5,000 for an expected attendance of 5,000 or more people.  
37 k. The festivals authorized pursuant to this section shall adhere  
38 to executive or administrative orders issued by the Governor or  
39 Commissioner of Health establishing coronavirus-related occupancy  
40 or customer seating restrictions applicable to licensed premises.  
41  
42 5. (New section) The holder of a Class A license issued  
43 pursuant to R.S.33:1-10 or Class C license issued pursuant to  
44 R.S.33:1-12 who hosts an off-premises event or festival temporarily  
45 authorized pursuant to P.L. , c. (pending before the Legislature  
46 as this bill) shall maintain liquor liability insurance coverage to  
47 insure against loss resulting from liability imposed by law for  
48 bodily injury or death sustained by any person resulting from the

1 consumption of alcoholic beverages while on the premises. The  
2 licensee shall submit a copy of the insurance policy to the Director  
3 of the Division of Alcoholic Beverage Control and the clerk of the  
4 municipality which the licensed premises are located.

5  
6 6. (New section) a. Notwithstanding the provisions of  
7 R.S.33:1-10 or any other law to the contrary, during the period this  
8 section remains in effect:

9 (1) the holder of a limited brewery license and craft distillery  
10 license shall not be required to provide a tour of the licensed  
11 premises in connection with the sale of the licensee's products for  
12 consumption on the licensed premises;

13 (2) the holder of a limited brewery license may sell the  
14 licensee's product for consumption off the licensed premises in the  
15 form of a keg, sixtel, case, six-pack, growler, crowler, or other  
16 container; and

17 (3) the holder of a limited brewery license, cidery and meadery  
18 license, and craft distillery license may:

19 (a) offer to consumers or maintain on the licensed premises  
20 menus for the sale of food by any restaurant, food vendor, or food  
21 truck that is situated off the licensed premises;

22 (b) allow a person to consume on the licensed premises food  
23 that was prepared by a restaurant, food vendor, or food truck that is  
24 situated off the licensed premises;

25 (c) sell any non-alcoholic beverages on the licensed premises,  
26 whether or not manufactured by the license holder; and

27 (d) offer for sale or make the gratuitous offering of packaged  
28 crackers, chips, nuts, and similar snacks to consumers.

29 b. The activities authorized pursuant to this section shall adhere  
30 to executive or administrative orders issued by the Governor or  
31 Commissioner of Health establishing coronavirus-related occupancy  
32 or customer seating restrictions applicable to licensed premises.

33  
34 7. R.S.33:1-12 is amended to read as follows:

35 33:1-12. Class C licenses shall be subdivided and classified as  
36 follows:

37 Plenary retail consumption license. 1. The holder of this license  
38 shall be entitled, subject to rules and regulations, to sell any  
39 alcoholic beverages for consumption on the licensed premises by  
40 the glass or other open receptacle, and also to sell any alcoholic  
41 beverages in original containers for consumption off the licensed  
42 premises; but this license shall not be issued to permit the sale of  
43 alcoholic beverages in or upon any premises in which a grocery,  
44 delicatessen, drug store or other mercantile business is carried on,  
45 except as hereinafter provided. The holder of this license shall be  
46 permitted to conduct consumer wine, beer and spirits tasting events  
47 and samplings for a fee or on a complimentary basis pursuant to  
48 conditions established by rules and regulations of the Division of

1 Alcoholic Beverage Control, provided however, that the holder of  
2 this license complies with the terms and conditions set forth in  
3 section 3 of P.L.2009, c.216 (C.33:1-12d). The holder of this  
4 license shall be entitled to sell and deliver alcoholic beverages for  
5 consumption off the licensed premises upon the enactment of an  
6 ordinance pursuant to section 9 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending  
7 before the Legislature as this bill).

8 The holder of this license who applies to the Director of the  
9 Division of Alcoholic Beverage Control prior to the expiration of  
10 P.L. \_\_\_\_\_, c. \_\_\_\_\_ (pending before the Legislature as this bill) may  
11 thereafter, for a set price or cover charge, hold a promotional event  
12 not more than once per month that allows for the unlimited  
13 availability of alcoholic beverages for consumption on the licensed  
14 premises in conjunction with a food pairing and an educational  
15 component relating to the type of alcoholic beverages served or  
16 promoted at the event.

17 The holder of this license also may hold a promotional event that  
18 allows for the unlimited availability of alcoholic beverages for  
19 consumption on the licensed premises on New Year's Eve in  
20 addition to the 12 events permitted pursuant to this section. A  
21 license holder who holds an event on New Year's Eve shall not be  
22 required to offer a food pairing or educational component. Tickets  
23 for a promotional event may be sold in advance or on the day of the  
24 promotional event.

25 Subject to such rules and regulations established from time to  
26 time by the director, the holder of this license shall be permitted to  
27 sell alcoholic beverages in or upon the premises in which any of the  
28 following is carried on: the keeping of a hotel or restaurant  
29 including the sale of mercantile items incidental thereto as an  
30 accommodation to patrons; the sale, at an entertainment facility as  
31 defined in R.S.33:1-1, having a seating capacity for no less than  
32 4,000 patrons, of mercantile items traditionally associated with the  
33 type of event or program held at the site; the sale of distillers',  
34 brewers' and vintners' packaged merchandise prepacked as a unit  
35 with other suitable objects as gift items to be sold only as a unit; the  
36 sale of novelty wearing apparel identified with the name of the  
37 establishment licensed under the provisions of this section; the sale  
38 of cigars, cigarettes, packaged crackers, chips, nuts and similar  
39 snacks and ice at retail as an accommodation to patrons, or the retail  
40 sale of nonalcoholic beverages as accessory beverages to alcoholic  
41 beverages; or, in commercial bowling establishments, the retail sale  
42 or rental of bowling accessories and the retail sale from vending  
43 machines of candy, ice cream and nonalcoholic beverages. The fee  
44 for this license shall be fixed by the governing board or body of the  
45 municipality in which the licensed premises are situated, by  
46 ordinance, at not less than \$250 and not more than \$2,500. No  
47 ordinance shall be enacted which shall raise or lower the fee to be  
48 charged for this license by more than 20% from that charged in the

1 preceding license year or ~~【\$500.00】~~ \$500, whichever is the lesser.  
2 The governing board or body of each municipality may, by  
3 ordinance, enact that no plenary retail consumption license shall be  
4 granted within its respective municipality.

5 The holder of this license shall be permitted to obtain a restricted  
6 brewery license issued pursuant to subsection 1c. of R.S.33:1-10  
7 and to operate a restricted brewery immediately adjoining the  
8 licensed premises in accordance with the restrictions set forth in  
9 that subsection. All fees related to the issuance of both licenses  
10 shall be paid in accordance with statutory law.

11 Seasonal retail consumption license. 2. (1) The holder of this  
12 license shall be entitled, subject to rules and regulations, to sell any  
13 alcoholic beverages for consumption on the licensed premises by  
14 the glass or other open receptacle, and also to sell any alcoholic  
15 beverages in original containers for consumption off the licensed  
16 premises, during the summer season from May 1 until November  
17 14, inclusive, or during the winter season from November 15 until  
18 April 30, inclusive.

19 (2) In addition, the director shall issue to the holder of this  
20 license, upon request by the licensee, one-day permits that shall  
21 entitle the license holder to sell alcoholic beverages for  
22 consumption on the licensed premises during the season when the  
23 license holder is not authorized to sell alcoholic beverages pursuant  
24 to subparagraph (1) of this subsection. The number of one-day  
25 permits issued to a licensee pursuant to this subsection shall not  
26 exceed an aggregate of 14 permits in one calendar year. A one-day  
27 permit issued pursuant to this subsection shall be valid for 24  
28 consecutive hours. The fee for each one-day permit shall be \$500.

29 The governing body of the municipality in which the licensed  
30 premises is situated may place reasonable conditions upon a one-  
31 day permit for the purpose of maintaining public safety on the  
32 licensed premises and immediately surrounding area. The costs  
33 associated with the reasonable conditions placed on the one-day  
34 permit shall be assumed by the holder of this license.

35 (3) This license shall not be issued to permit the sale of  
36 alcoholic beverages in or upon any premises in which a grocery,  
37 delicatessen, drug store or other mercantile business is carried on,  
38 except as hereinafter provided. Subject to such rules and  
39 regulations established from time to time by the director, the holder  
40 of this license shall be permitted to sell alcoholic beverages in or  
41 upon the premises in which any of the following is carried on: the  
42 keeping of a hotel or restaurant including the sale of mercantile  
43 items incidental thereto as an accommodation to patrons; the sale of  
44 distillers', brewers' and vintners' packaged merchandise prepacked  
45 as a unit with other suitable objects as gift items to be sold only as a  
46 unit; the sale of novelty wearing apparel identified with the name of  
47 the establishment licensed under the provisions of this section; the  
48 sale of cigars, cigarettes, packaged crackers, chips, nuts and similar

1 snacks and ice at retail as an accommodation to patrons; or the retail  
2 sale of nonalcoholic beverages as accessory beverages to alcoholic  
3 beverages. The fee for this license shall be fixed by the governing  
4 board or body of the municipality in which the licensed premises  
5 are situated, by ordinance, at 75% of the fee fixed by said board or  
6 body for plenary retail consumption licenses. The governing board  
7 or body of each municipality may, by ordinance, enact that no  
8 seasonal retail consumption license shall be granted within its  
9 respective municipality.

10 Plenary retail distribution license. 3. a. The holder of this license  
11 shall be entitled, subject to rules and regulations, to sell any  
12 alcoholic beverages for consumption off the licensed premises, but  
13 only in original containers; except that licensees shall be permitted  
14 to conduct consumer wine, beer, and spirits tasting events and  
15 samplings on a complimentary basis pursuant to conditions  
16 established by rules and regulations of the Division of Alcoholic  
17 Beverage Control, provided however, that the holder of this license  
18 complies with the terms and conditions set forth in section 3 of  
19 P.L.2009, c.216 (C.33:1-12d).

20 The governing board or body of each municipality may, by  
21 ordinance, enact that this license shall not be issued to permit the  
22 sale of alcoholic beverages in or upon any premises in which any  
23 other mercantile business is carried on, except that any such  
24 ordinance, heretofore or hereafter adopted, shall not prohibit the  
25 retail sale of distillers', brewers' and vintners' packaged  
26 merchandise prepacked as a unit with other suitable objects as gift  
27 items to be sold only as a unit; the sale of novelty wearing apparel  
28 identified with the name of the establishment licensed under the  
29 provisions of this act; cigars, cigarettes, packaged crackers, chips,  
30 nuts and similar snacks, ice, and nonalcoholic beverages as  
31 accessory beverages to alcoholic beverages. The fee for this license  
32 shall be fixed by the governing board or body of the municipality in  
33 which the licensed premises are situated, by ordinance, at not less  
34 than \$125 and not more than \$2,500. No ordinance shall be enacted  
35 which shall raise or lower the fee to be charged for this license by  
36 more than 20% from that charged in the preceding license year or  
37 \$500.00, whichever is the lesser. The governing board or body of  
38 each municipality may, by ordinance, enact that no plenary retail  
39 distribution license shall be granted within its respective  
40 municipality.

41 Limited retail distribution license. 3. b. The holder of this license  
42 shall be entitled, subject to rules and regulations, to sell any  
43 unchilled, brewed, malt alcoholic beverages in quantities of not less  
44 than 72 fluid ounces for consumption off the licensed premises, but  
45 only in original containers; provided, however, that this license  
46 shall be issued only for premises operated and conducted by the  
47 licensee as a bona fide grocery store, meat market, meat and  
48 grocery store, delicatessen, or other type of bona fide food store at

1 which groceries or other foodstuffs are sold at retail; and provided  
2 further that this license shall not be issued except for premises at  
3 which the sale of groceries or other foodstuffs is the primary and  
4 principal business and at which the sale of alcoholic beverages is  
5 merely incidental and subordinate thereto. The fee for this license  
6 shall be fixed by the governing body or board of the municipality in  
7 which the licensed premises are situated, by ordinance, at not less  
8 than \$31 and not more than \$63. The governing board or body of  
9 each municipality may, by ordinance, enact that no limited retail  
10 distribution license shall be granted within its respective  
11 municipality.

12 Plenary retail transit license. 4. The holder of this license shall be  
13 entitled, subject to rules and regulations, to sell any alcoholic  
14 beverages, for consumption only, on railroad trains, airplanes,  
15 limousines and boats, while in transit. The fee for this license for  
16 use by a railroad or air transport company shall be \$375, for use by  
17 the owners of limousines shall be \$31 per vehicle, and for use on a  
18 boat shall be \$63 on a boat 65 feet or less in length, \$125 on a boat  
19 more than 65 feet in length but not more than 110 feet in length,  
20 and \$375 on a boat more than 110 feet in length; such boat lengths  
21 shall be determined in the manner prescribed by the Bureau of  
22 Customs of the United States Government or any federal agency  
23 successor thereto for boat measurement in connection with issuance  
24 of marine documents. A license issued under this provision to a  
25 railroad or air transport company shall cover all railroad cars and  
26 planes operated by any such company within the State of New  
27 Jersey. A license for a boat or limousine issued under this  
28 provision shall apply only to the particular boat or limousine for  
29 which issued, and shall permit the purchase of alcoholic beverages  
30 for sale or service in a boat or limousine to be made from any Class  
31 A and B licensee or from any Class C licensee whose license  
32 privilege permits the sale of alcoholic beverages in original  
33 containers for off-premises consumption. An interest in a plenary  
34 retail transit license issued in accordance with this section shall be  
35 excluded in determining the maximum number of retail licenses  
36 permitted under P.L.1962, c.152 (C.33:1-12.31 et seq.).

37 Club license. 5. The holder of this license shall be entitled,  
38 subject to rules and regulations, to sell any alcoholic beverages but  
39 only for immediate consumption on the licensed premises and only  
40 to bona fide club members and their guests. The fee for this license  
41 shall be fixed by the governing board or body of the municipality in  
42 which the licensed premises are situated, by ordinance, at not less  
43 than \$63 and not more than \$188. The governing board or body of  
44 each municipality may, by ordinance, enact that no club licenses  
45 shall be granted within its respective municipality. Club licenses  
46 may be issued only to such corporations, associations and  
47 organizations as are operated for benevolent, charitable, fraternal,  
48 social, religious, recreational, athletic, or similar purposes, and not

1 for private gain, and which comply with all conditions which may  
2 be imposed by the Director of the Division of Alcoholic Beverage  
3 Control by rules and regulations.

4 The provisions of section 23 of P.L.2003, c.117 amendatory of  
5 this section shall apply to licenses issued or transferred on or after  
6 July 1, 2003, and to license renewals commencing on or after July  
7 1, 2003.

8 Sporting facility license. 6. The holder of this license shall be  
9 entitled, subject to rules and regulations, to sell at retail or to serve  
10 any alcoholic beverages as the owner, operator, lessee, or  
11 concessionaire of a sporting facility by the glass or other receptacle  
12 or in original containers only on the premises of the sporting  
13 facility.

14 Notwithstanding any other provision of Title 33 of the Revised  
15 Statutes and subject to conditions established by the director, the  
16 holder of this license may share direction and control of the  
17 premises to be licensed and share proceeds and profits from the sale  
18 of alcoholic beverages with the owner, operator, concessionaire, or  
19 lessee of the facility. The holder of this license shall be permitted  
20 to conduct consumer wine, beer, and spirits tasting events and  
21 samplings for a fee or on a complimentary basis provided, however,  
22 the license holder complies with the provisions of section 3 of  
23 P.L.2009, c.216 (C.33:1-12d) and rules and regulations promulgated  
24 thereto. Notwithstanding any law, rule or regulation to the  
25 contrary, the holder of this license shall be entitled to establish an  
26 all-inclusive area within the licensed sporting facility, provided the  
27 all-inclusive area is limited to one area within the sporting facility  
28 for each game or event and the capacity of the all-inclusive area  
29 does not exceed 500 persons.

30 The fee for this license shall be \$2,500 for venues with a  
31 capacity of less than 7,500 persons; \$5,000 for venues with a  
32 capacity of not less than 7,500 persons but not more than 14,999  
33 persons; \$7,500 for venues with a capacity of not less than 15,000  
34 persons but not more than 22,499 persons; and \$10,000 for venues  
35 with a capacity of 22,500 persons or more.

36 For the purposes of this subsection:

37 "Sporting facility" means a stadium, arena, team training facility,  
38 or similar venue located on public property where alcoholic  
39 beverages are served or sold at retail for consumption on the  
40 premises by the glass or other open receptacle or in original  
41 containers.

42 "Team training facility" shall include team offices and team  
43 headquarters.

44 (cf: P.L.2018, c.147, s.1)

45

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

47 33:1-10. Class A licenses shall be subdivided and classified as  
48 follows:

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

12 Limited brewery license. 1b. The holder of this license shall  
13 be entitled, subject to rules and regulations, to brew any malt  
14 alcoholic beverages in a quantity to be expressed in said license,  
15 dependent upon the following fees and not in excess of 300,000  
16 barrels of 31 fluid gallons capacity per year and 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; provided, however,  
21 that the delivery of this product by the holder of this license to  
22 retailers licensed under this title shall be from inventory in a  
23 warehouse located in this State which is operated under a limited  
24 brewery license. The holder of this license shall be entitled to sell  
25 this product at retail to consumers on the licensed premises of the  
26 brewery for consumption on the premises, but only in connection  
27 with a tour of the brewery, or for consumption off the premises in a  
28 quantity of not more than 15.5 fluid gallons per person, and to offer  
29 samples for sampling purposes only pursuant to an annual permit  
30 issued by the director. The holder of this license shall not sell food  
31 or operate a restaurant on the licensed premises. The fee for this  
32 license shall be graduated as follows:

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

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

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

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

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

47 Restricted brewery license. 1c. **【The】** Except as otherwise  
48 provided in this section, the holder of this license shall be entitled,

1 subject to rules and regulations, to brew any malt alcoholic  
2 beverages in a quantity to be expressed in such license not in excess  
3 of 10,000 barrels of 31 gallons capacity per year. The holder of this  
4 license may apply to the Director of the Division of Alcoholic  
5 Beverage Control prior to the expiration of P.L. \_\_\_\_\_, c. (pending  
6 before the Legislature as this bill) to brew any malt alcoholic  
7 beverages in a quantity to be expressed in such license not in excess  
8 of 100,000 barrels of 31 gallons capacity per year.

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

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

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

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

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

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

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

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

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

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

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

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

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

41 The holder of this license shall be entitled to manufacture hard  
42 cider in a quantity not to exceed 50,000 barrels of 31 fluid gallons  
43 capacity per year. With respect to the sale and distribution of hard  
44 cider to a wholesaler, the licensee shall be subject to the same  
45 statutory and regulatory requirements as a brewer, and hard cider  
46 shall be considered a malt alcoholic beverage, for the purposes of  
47 the "Malt Alcoholic Beverage Practices Act," P.L.2005, c.243

1 (C.33:1-93.12 et seq.). The holder of this license shall not directly  
2 ship hard cider either within or without this State.

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

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

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

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

28 Plenary distillery license.

29 3a. The holder of this license shall be entitled, subject to rules  
30 and regulations, to manufacture any distilled alcoholic beverages  
31 and rectify, blend, treat and mix, and to sell and distribute his  
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 fee for this license  
36 shall be \$12,500.

37 Limited distillery license.

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

1       Supplementary limited distillery license.

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

15       Craft distillery license.

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

36       A municipality may enact an ordinance within 12 months prior to  
37 the expiration of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (pending before the Legislature as  
38 this bill) to authorize the holder of this license to sell on the  
39 licensed premises for consumption off the licensed premises  
40 distilled alcoholic beverages that are manufactured on the licensed  
41 premises and mixed or blended with other alcoholic or nonalcoholic  
42 beverages and sold in closed and sealed containers. The holder of  
43 this license shall be entitled to sell on the licensed premises for  
44 consumption off the licensed premises distilled alcoholic beverages  
45 that are manufactured on the licensed premises and sold in original  
46 containers and accompanied by one or more nonalcoholic beverages  
47 or food stuffs that may be combined by the consumer to prepare a

1 mixed drink. Any food stuffs sold pursuant to the subsection shall  
2 be sold only as a mixed drink ingredient and not as a separate meal.

3 Containers in which distilled alcoholic beverages mixed with  
4 other alcoholic or nonalcoholic beverages are sold pursuant to this  
5 section shall be affixed with a tamper evident seal and have a  
6 maximum capacity of 16 fluid ounces.

7 The holder of this license shall not sell food **【or】** aside from  
8 foodstuffs sold as a mixed drink ingredient pursuant to this  
9 subsection. The holder of this license shall not operate a restaurant  
10 on the licensed premises. A holder of this license who certifies that  
11 not less than 51 percent of the raw materials used in the production  
12 of distilled alcoholic beverages under this section are grown in this  
13 State or purchased from providers located in this State may,  
14 consistent with all applicable federal laws and regulations, label  
15 these distilled alcoholic beverages as "New Jersey Distilled."

16 The holder of this license who applies to the Director of the  
17 Division of Alcoholic Beverage Control prior to the expiration of  
18 P.L. , c. (pending before the Legislature as this bill) shall be  
19 entitled, subject to rules and regulations, to thereafter manufacture  
20 not more than 100,000 gallons of distilled alcoholic beverages per  
21 annum. The fee for this license shall be **【\$938】** graduated as  
22 follows: to so manufacture more than 80,000 gallons, but not in  
23 excess of 100,000 gallons per annum, \$4,690; to so manufacture  
24 more than 60,000 gallons, but not in excess of 80,000 gallons per  
25 annum, \$3,752; to so manufacture more than 40,000 gallons, but not  
26 in excess of 60,000 gallons per annum, \$2,814; to so manufacture  
27 more than 20,000 gallons, but not in excess of 40,000 gallons per  
28 annum, \$1,876; to so manufacture 20,000 gallons or less per annum,  
29 \$938.

30 Rectifier and blender license.

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

40 Bonded warehouse bottling license.

41 5. The holder of this license shall be entitled, subject to rules  
42 and regulations, to bottle alcoholic beverages in bond on behalf of  
43 all persons authorized by federal and State law and regulations to  
44 withdraw alcoholic beverages from bond. The fee for this license  
45 shall be \$625. This license shall be issued only to persons holding  
46 permits to operate Internal Revenue bonded warehouses pursuant to  
47 the laws of the United States.

1 The provisions of section 21 of P.L.2003, c.117 amendatory of  
2 this section shall apply to licenses issued or transferred on or after  
3 July 1, 2003, and to license renewals commencing on or after July  
4 1, 2003.

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

6  
7 9. (New section) a. A municipality may enact an ordinance  
8 within 12 months prior to the expiration of P.L. , c. (pending  
9 before the Legislature as this bill) to authorize the holder of a  
10 plenary retail consumption license, plenary retail consumption  
11 license used in connection with a hotel or motel, seasonal retail  
12 consumption license issued pursuant to R.S.33:1-12, or  
13 concessionaire permit to:

14 (1) sell on the licensed premises for consumption off the  
15 licensed premises any alcoholic beverages in original containers or  
16 in any other closed and sealed containers or any distilled alcoholic  
17 beverages mixed or blended with other alcoholic or nonalcoholic  
18 beverages in closed and sealed containers; and

19 (2) deliver, by common carrier or otherwise, to the residence of  
20 a consumer within this State who is 21 years of age or older for  
21 consumption off the licensed premises any alcoholic beverages in  
22 original containers or in any other closed and sealed containers or  
23 any distilled alcoholic beverages mixed or blended with other  
24 alcoholic or nonalcoholic beverages in closed and sealed containers.

25 b. Containers in which alcoholic beverages are sold or  
26 delivered pursuant to this section shall be affixed with a tamper  
27 evident seal and may be of any size, except that containers, other  
28 than original containers, in which any distilled alcoholic beverages  
29 mixed or blended with other alcoholic beverages are sold or  
30 delivered pursuant to this section shall have a maximum capacity of  
31 16 fluid ounces.

32  
33 10. This act shall take effect immediately except that sections 1  
34 through 6 shall expire on: (1) the date of expiration, termination, or  
35 rescission of any and all executive or administrative orders issued  
36 by the Governor or Commissioner of Health establishing  
37 coronavirus-related occupancy or customer seating restrictions  
38 applicable to licensed premises; or (2) the first day of the 13th  
39 month following the date of enactment , whichever date occurs  
40 earlier.

41  
42  
43 STATEMENT

44  
45 This bill establishes certain temporary benefits for the holders of  
46 alcoholic beverage retail and manufacturer's licenses.

47 P.L.2020, c.33 was enacted in response to the COVID-19  
48 pandemic to allow the holders of plenary retail consumption

1 licenses and concessionaire permits, generally issued to bars and  
2 restaurants, to sell and deliver alcoholic beverages in closed and  
3 sealed containers, which would include crowlers and growlers of  
4 beer. P.L.2020, c.33 expires six months following the date on  
5 which: (1) the state of emergency has ended; or (2) the  
6 coronavirus-related occupancy or customer seating restrictions no  
7 longer apply to these licensed premises, whichever date occurs  
8 later. This bill allows these licensees and permit holders who  
9 purchased additional equipment necessary to sell crowlers and  
10 growlers following the enactment of P.L.2020, c.33 until this bill's  
11 expiration to continue to use the equipment. The provisions of the  
12 bill would not apply to holders of hotel or motel licenses or single  
13 licenses used in connection with multiple restaurants located on the  
14 same licensed premises.

15 This bill also allows the holder of a winery, limited brewery,  
16 craft distillery, or cidery and meadery license to hold certain  
17 activities and events both on and off the licensed premises: 1) for up  
18 to 12 months following the bill's enactment; or 2) or until the date  
19 on which the customer seating restrictions no longer apply to these  
20 licensed premises, whichever date occurs earlier. Under the bill,  
21 the holder of a winery, limited brewery, craft distillery, or cidery  
22 and meadery license may hold an unlimited number of on-premises  
23 activities. The bill defines on-premises activity as an activity that is  
24 open to the public and held on the licensed premises of a limited  
25 brewery, craft distillery, cidery, meadery, or other outdoor area,  
26 including but not limited to a parking lot, that is owned by the  
27 license holder and is adjacent to or adjoining the licensed premises.  
28 On-premises activities are to include:

- 29 (1) private parties, birthdays, weddings, anniversaries, civic and  
30 political functions, professional and trade association events, class  
31 reunion and alumni events;  
32 (2) video games;  
33 (3) board games;  
34 (4) card games for which wagers are not placed;  
35 (5) trivia and quizzo;  
36 (6) paint and sip events;  
37 (7) craftmaking;  
38 (8) shuffleboard;  
39 (9) yard games;  
40 (10) background or radio music;  
41 (11) live music or music played by a disk jockey;  
42 (12) educational events and seminars;  
43 (13) movies and theatrical events;  
44 (14) animal adoption, to the extent permitted by local ordinance;  
45 (15) yoga and exercise classes; or  
46 (16) any other similar activity held on the licensed premises or  
47 other area owned by the licensee that is adjacent to or adjoining the  
48 licensed premises.

1 A municipality may, by ordinance or resolution, as appropriate,  
2 limit the types of on-premises activities that the licensee may hold  
3 on the licensed premises.

4 The holder of a winery, limited brewery, craft distillery, or  
5 cidery and meadery license also may hold extended premises  
6 activities which would include activities occurring on an outdoor  
7 area either adjacent to or adjoining the licensed premises of a  
8 limited or restricted brewery, distillery, cidery, or meadery that is  
9 not owned by the license holder and may include, but not be limited  
10 to, a sidewalk or parking lot. The holder of the license would be  
11 required to obtain, at least 10 days prior to an extended premises  
12 activity, the approval of the governing body of the municipality in  
13 which the extended premises activity is to be held. However, a  
14 municipality may approve an extended premises activity less than  
15 10 days prior to the activity date.

16 Under the bill, approval by the Director of the Division of  
17 Alcoholic Beverage Control (ABC) would not be required to hold  
18 on-premises or extended premises activities. However, the bill  
19 requires the licensee to notify the director at least 10 days prior to  
20 an extended premises activity for which tickets are sold in advance.

21 The bill also allows the holder of a winery, limited brewery, craft  
22 distillery, or cidery and meadery license to participate in up to 25  
23 off-premises events per year. In order to participate in an off-  
24 premises event, the holder of the license would be required to apply  
25 to the governing body of the municipality in which the event is to  
26 be held. The application process for holding an off-premises event  
27 would be the same process to hold an extended premises activity.  
28 In addition, the license holder also would be required to provide  
29 electronic notification to the division at least 10 days prior to  
30 hosting an off-premises event. The notification shall include the  
31 name of the license holder, the hours during which the activity is to  
32 be held, and the anticipated number of attendees of the activity. A  
33 licensee shall submit to the division a \$250 filing fee with the  
34 notification required pursuant to this section.

35 The bill allows the holder of a winery, limited brewery,  
36 distillery, or cidery and meadery license to host another mercantile  
37 business on the licensed premises to sell goods or merchandise that  
38 are not related or incidental to the licensed business. The holder of  
39 the license would be prohibited from owning an interest in, or  
40 profiting from, the sale of goods by the mercantile establishment.  
41 The license holder also would be prohibited from hosting any  
42 mercantile business on the licensed premises on more than four  
43 days during each month.

44 The bill also establishes guidelines for beer, wine, and distilled  
45 spirits festivals. Under the bill, the holder of a valid winery license,  
46 limited brewery license, craft distillery license, or cidery and  
47 meadery license, retail consumption license, concessionaire permit,  
48 or a social affairs permit may hold a festival that showcases beer,

1 wine, and distilled spirits or a combination thereof. The bill  
2 requires the festival host to provide notice to the Director of ABC at  
3 least 45 days prior to a festival. The notification would include the  
4 name of the license or permit holder, the date and hours during  
5 which the festival is to be held, the expected attendance of the  
6 festival. The licensee also would be required to submit an  
7 application to hold a festival to the municipal clerk, who would  
8 notify the governing body of the municipality and chief law  
9 enforcement officer with jurisdiction over the municipality. An  
10 application for a festival must be approved by the governing body  
11 of the municipality. The bill also establishes certain requirements  
12 and a fee schedule for holding a festival.

13 In addition, the bill increases the production limits placed on  
14 craft distillery licensees from 20,000 gallons to 100,000 gallons  
15 provided the license holder applies prior to the bill's expiration.  
16 The bill establishes a graduated fee schedule that would be based on  
17 the amount of spirits annually distilled by the license holder.

18 The bill also increase the increases the production limits placed  
19 on restricted brewery licensees from 10,000 gallons to 100,000  
20 gallons provided the license holder applies for the increase prior to  
21 the bill's expiration. A restricted brewery license, also known as a  
22 "brew pub" license, is only issued to a person who also holds a  
23 Class C consumption license generally issued to bars and  
24 restaurants. The brew pub license allows the licensee to brew the  
25 beer, while the Class C license allows the licensee to sell that beer  
26 directly to restaurant patrons. A brew pub licensee must also  
27 operate a restaurant with a working kitchen in connection with the  
28 sale of beer. Under this bill, the holder of a concessionaire permit  
29 also would be allowed to hold a restricted brewery license.

30 The bill also temporarily removes from current law a provision  
31 requiring the holder of a limited brewery license or distillery license  
32 to provide a tour of the facility when selling the brewery's or  
33 distillery's respective products for consumption on the licensed  
34 premises.

35 The bill also clarifies that certain activities are authorized prior  
36 to the bill's expiration provided licensees adhere to executive or  
37 administrative orders issued by the Governor or Commissioner of  
38 Health establishing coronavirus-related occupancy or customer  
39 seating restrictions applicable to licensed premises. Specifically, the  
40 holder of a limited brewery, craft distillery, or cidery and meadery  
41 license also would be authorized to sell non-alcoholic beverages,  
42 whether or not manufactured by the license holder; coordinate with  
43 a restaurant, food vendor, or food truck to provide food on the  
44 licensed premises; and provide menus to consumers. These  
45 licensees would continue to be prohibited from operating a  
46 restaurant on the licensed premises as required by current law.

47 The bill also requires holders of Class A licenses  
48 (manufacturing) and Class C licenses (retailing) who host off-

1 premises events or festivals to obtain liability insurance to insure  
2 against loss resulting from liability imposed by law for bodily  
3 injury or death sustained by any person resulting from the  
4 consumption of alcoholic beverages while on the licensed premises.

5 This bill also allows a municipality to enact an ordinance prior to  
6 the bill's expiration permitting the holder of plenary retail  
7 consumption licenses, hotel or motel licenses, seasonal retail  
8 consumption licenses, or concessionaire permits, generally issued to  
9 bars and restaurants, to sell and deliver alcoholic beverages in  
10 original containers or in closed and sealed containers and mixed  
11 cocktails in closed and sealed containers for consumption off the  
12 licensed premises.

13 In addition, the bill allows a municipality to enact an ordinance  
14 prior to the bill's expiration permitting craft distillery licensees to  
15 sell for consumption off the licensed premises distilled alcoholic  
16 beverages that are manufactured on the licensed premises and  
17 mixed or blended with other alcoholic or nonalcoholic beverages  
18 and sold in closed and sealed containers. The bill also allows craft  
19 distilleries to sell distilled alcoholic beverages in original containers  
20 accompanied by one or more nonalcoholic beverages or food stuffs  
21 that may be combined by the consumer to prepare a mixed drink.

22 Under the bill, mixed cocktails are to be sold in closed and  
23 sealed containers that are affixed with a tamper evident seal and  
24 hold not more than 16 fluid ounces. Any other alcoholic beverages  
25 may be sold and delivered in original containers of any size.

26 This bill makes permanent provisions of P.L.2020, c.33, which  
27 temporarily granted retail licensees and craft distillery licensees  
28 certain privileges. P.L.2020, c.33 was enacted in response to the  
29 COVID-19 pandemic and expires: 1) six months following the date  
30 on which the state of emergency has ended; or (2) the date on  
31 which the coronavirus-related occupancy or customer seating  
32 restrictions no longer apply, whichever date occurs later.

33 Finally, the bill allows the holder of a plenary retail consumption  
34 license to apply to the director prior to the bill's expiration to hold  
35 up to 12 "open bar" events that allow for the unlimited availability  
36 of alcoholic beverages for consumption on the licensed premises for  
37 a set price or cover charge. The bill requires the holder of this  
38 license to apply to hold these events prior to the bill's expiration.  
39 The bill requires the "open bar" event to be held in conjunction with  
40 a food pairing and an educational component relating to the type of  
41 alcoholic beverages served or promoted at the event. In addition,  
42 the holder of a plenary retail consumption license may hold an  
43 "open bar" event on New Year's Eve. An event held on New  
44 Year's Eve would not be required to have a food pairing or  
45 educational component. Under the New Jersey administrative code,  
46 these events are prohibited unless the "open bar" is for a private  
47 party, an event for which tickets are sold by a non-profit

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- 1 organization that is not advertised to the general public, or held on
- 2 New Year's Eve.