

SENATE, No. 3364

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 12, 2021

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Permits certain licensees to acquire alcoholic beverage license from retail food store that is bankruptcy asset.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning alcoholic beverage licenses, supplementing
2 Title 33 of the Revised Statutes, and amending P.L.1962, c.152.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. (New section) a. For the purposes of this act:

8 “Retail food store” means any retail establishment where
9 groceries and other foodstuffs are regularly and customarily sold in
10 a bona fide manner for off premises consumption and constitute at
11 least 65 percent of the store’s total annual sales in dollars.

12 “Groceries and other foodstuffs” means dairy products; meat and
13 delicatessen products; produce products; seafood products;
14 carbonated beverages; coffee and other beverages; snack foods;
15 candy products; baked products; paper products; household
16 cleaning items; health and beauty products; frozen foods; pet foods
17 and supplies; and any other edible product not previously listed.

18 b. The provisions of section 1 of P.L.1962, c.152 (C.33:1-
19 12.31) shall not apply to the acquisition of an additional plenary
20 retail distribution license or an interest therein when that license
21 was used in connection with a retail food store that was an asset in
22 bankruptcy pursuant to Chapter 7 of the federal Bankruptcy Code,
23 11 U.S.C. s.701 et seq. or Chapter 11 of the federal Bankruptcy
24 Code, 11 U.S.C. s.1101 et seq. and is transferred for use in
25 connection with another retail food store.

26
27 2. Section 1 of P.L.1962, c. 152 (C.33:1-12.31) is amended to
28 read as follows:

29 1. a. On and after the effective date of [this act no] P.L.1962,
30 c. 152 (C.33:1-12.31) et seq. , a person [,] as [the same is] defined
31 in R.S. 33:1-1 [,] shall not, except as hereinafter provided, acquire
32 a beneficial interest in more than a total of two alcoholic beverage
33 retail licenses, but nothing herein shall require any such person who
34 has, on August 3, 1962, such an interest in more than two such
35 licenses to surrender, dispose of, or release his interest in any such
36 license or licenses.

37 b. The provisions of subsection a. of this section shall not
38 apply to a license acquired pursuant to section 1 of P.L. ,
39 c. (C.) (pending before the Legislature as this bill) that is
40 used in connection with a retail food store.

41 (cf: P.L.1962, c.152, s. 1)

42
43 3. This act shall take effect immediately and be retroactive to
44 the first day of the 37th month prior to the date of enactment.

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 STATEMENT

2

3 This bill allows a person to hold more than two plenary retail
4 distribution licenses when the additional license or an interest
5 therein was used in connection with a retail food store that was an
6 asset in bankruptcy and is transferred for use in connection with
7 another retail food store.

8 A plenary retail distribution license is generally issued to retail
9 liquor or food stores and allows the licensee to sell any alcoholic
10 beverage for consumption off the licensed premises. Current law
11 prohibits any person or corporate entity from holding more than two
12 plenary retail distribution licenses to sell alcoholic beverages. This
13 bill waives this two license limitation when an additional license is
14 acquired from a retail food store that was an asset in a bankruptcy
15 proceeding and the license is transferred for use in connection with
16 another retail food store.

17 The bill's effective date is retroactive to three years prior to the
18 bill's enactment.