

SENATE, No. 3977

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 21, 2021

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator VIN GOPAL

District 11 (Monmouth)

Co-Sponsored by:

Senator Turner

SYNOPSIS

Establishes advisory council for the brewery, cidery, meadery, and distillery industries in NJ and provides for funding through certain alcoholic beverage tax receipts.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/15/2021)

1 AN ACT concerning the promotion of the brewery, cidery, meadery,
2 and distillery industries in the State and supplementing Title 33
3 of the Revised Statutes.

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

7
8 1. As used in P.L. , c. (C.) (pending before the
9 Legislature as this bill):

10 "Account" means the New Jersey Brewery, Cidery, Meadery,
11 and Distillery Industry Promotion Account established pursuant to
12 section 2 of P.L. , c. (C.) (pending before the Legislature as
13 this bill).

14 "Advisory council" means the New Jersey Brewery, Cidery,
15 Meadery, and Distillery Industry Advisory Council established
16 pursuant to section 3 of P.L. , c. (C.) (pending before the
17 Legislature as this bill).

18 "Beer" means beer, lager beer, ale, stout, porter, and all similar
19 fermented malt beverages having an alcoholic content of one-half of
20 one percent (1/2 of 1%) or more by volume.

21 "Chief executive officer" means the Chief Executive Officer of
22 the New Jersey Economic Development Authority.

23 "Department" means the Department of State.

24 "Division" means the Division of Travel and Tourism in the
25 Department of State.

26 "Executive director" means Executive Director of the Division of
27 Travel and Tourism in the Department of State.

28 "Cider" means a beverage made from the alcoholic fermentation
29 of the juice of apples, including but not limited to flavored,
30 sparkling or carbonated cider.

31 "Liquors" means all distilled or rectified spirits, alcohol, brandy,
32 whisky, rum, gin and all similar distilled alcoholic beverages,
33 including all dilutions and mixtures of one or more of the foregoing,
34 such as liqueurs, cordials, and similar compounds, having an
35 alcoholic content of one-half of one percent (1/2 of 1%) or more by
36 volume.

37 "Mead" means an alcoholic beverage primarily made from
38 honey, water, and yeast, and which may contain fruit, fruit juices,
39 spices, or herbs added before or after fermentation has completed,
40 except that the ratio of fermentable sugars from fruit or fruit juices
41 shall not exceed 49 percent of the total fermentable sugars used to
42 produce mead.

43 "Qualifying licensee" means a person or entity that holds a
44 limited brewery license, a restricted brewery license, a cidery and
45 meadery license, or a craft distillery license issued pursuant to
46 R.S.33:1-10.

1 2. a. There is established in the Division of Travel and
2 Tourism in the Department of State the "New Jersey Brewery,
3 Cidery, Meadery, and Distillery Industry Promotion Account." All
4 monies received in this account shall be expended by the executive
5 director for research and development concerning the limited
6 brewery, restricted brewery, cidery, meadery, and craft distillery
7 industries in the State and for the promotion of New Jersey's
8 limited brewery, restricted brewery, cidery, meadery, and craft
9 distillery industries, consistent with the recommendations of the
10 advisory council created pursuant to section 3 of
11 P.L. , c. (C.) (pending before the Legislature as this bill).

12 b. The account shall be credited annually, in an appropriation
13 by law, with an amount equal to 50 percent of the receipts from the
14 per gallon tax, as provided for pursuant to R.S.54:43-1, imposed on
15 all sales of beer, cider, mead, and liquors sold by a qualifying
16 licensee during the preceding taxable year.

17 c. The account shall also be credited with any monies made
18 available to it from the General Fund or any non-State public or
19 private source.

20 d. The Secretary of State shall include with the annual budget
21 request for the department a request for funds sufficient to carry out
22 the purposes and intent of P.L. , c. (C.) (pending before the
23 Legislature as this bill).

24
25 3. a. There is established in the division the "New Jersey
26 Brewery, Cidery, Meadery, and Distillery Industry Advisory
27 Council," comprising seven members, one of whom shall be the
28 executive director and one of whom shall be the Chief Executive
29 Officer of the New Jersey Economic Development Authority, or
30 their respective designees, who shall serve ex officio and as
31 nonvoting members, and five public members to be appointed by
32 the Secretary of State, following consultation with the executive
33 director and chief executive officer, two of whom shall be
34 representatives of the limited brewery or restricted brewery
35 industry, one of whom shall be a representative of the cidery
36 industry, one of whom shall be a representative of the meadery
37 industry, and one of whom shall be a representative of the craft
38 distillery industry. To the maximum extent practicable and
39 feasible, the members appointed from the general public shall be
40 chosen so as to collectively provide wide geographical
41 representation. The members appointed from the general public
42 shall serve for terms of three years and may be reappointed and may
43 serve until a successor has been appointed. Of the public members
44 first appointed, the representatives of the limited brewery or
45 restricted brewery industry shall be appointed for terms of three
46 years, the representatives of the cidery and craft distillery industries
47 shall be appointed for terms of two years, and the representative of
48 the meadery industry shall be appointed for a term of one year. A

1 vacancy in the membership occurring other than by expiration of a
2 term shall be filled in the same manner as the original appointment
3 for the remainder of the unexpired term. The members of the
4 advisory council shall serve without compensation, but the advisory
5 council may, within the limits of funds appropriated or otherwise
6 made available to it, reimburse members for actual expenses
7 necessarily incurred in the discharge of their official duties.

8 b. The advisory council shall organize as soon as its
9 membership has been appointed and shall select a chairman and
10 vice-chairman from among its members and may select a secretary,
11 who need not be a member of the advisory council. The advisory
12 council shall meet twice annually, and at other times as determined
13 by the advisory council.

14 c. It shall be the duty of the advisory council to assess the
15 condition of the limited brewery, restricted brewery, cidery,
16 meadery, and craft distillery industries of the State and to advise the
17 executive director on expenditures from the account for research,
18 development, and promotion of the New Jersey limited brewery,
19 restricted brewery, cidery, meadery, and craft distillery industries.

20 d. The advisory council is entitled to call to its assistance and
21 avail itself of the services of such employees of any State, county or
22 municipal department, board, bureau, commission, or agency as it
23 may require and as may be available to it for these purposes.

24 e. The advisory council shall promulgate rules and regulations
25 subject to the approval of the Secretary of State to effectuate the
26 purposes of P.L. , c. (C.) (pending before the Legislature as
27 this bill). The advisory council may employ, prescribe the duties,
28 and fix and pay the compensation of such persons it may deem
29 necessary to carry out the duties of the advisory council within the
30 limits of available appropriations and subject to the approval of the
31 Secretary of State.

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33 4. The Director of the Division of Taxation shall certify by
34 March 1 annually to the advisory council the taxable volume of
35 beer, cider, mead, and liquors sold by qualifying licensees during
36 the preceding taxable year.

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38 5. This act shall take effect immediately.

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STATEMENT

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43 This bill establishes the “New Jersey Brewery, Cidery, Meadery,
44 and Distillery Industry Advisory Council” (advisory council), and
45 provides for funding through certain alcoholic beverage tax
46 receipts.

1 The advisory council is to comprise seven members, including
2 the Executive Director of the Division of Travel and Tourism
3 (executive director) in the Department of State and Chief Executive
4 Officer of the New Jersey Economic Development Authority, or
5 their designees, and five public members to be appointed by the
6 Secretary of State for terms of three years, following consultation
7 with the executive director and chief executive officer, two of
8 whom shall be representatives of the limited brewery or restricted
9 brewery industry, one of whom shall be a representative of the
10 cidery industry, one of whom shall be a representative of the
11 meadery industry, and one of whom shall be a representative of the
12 craft distillery industry. The members of the advisory council are to
13 serve without compensation, but may be reimbursed for certain
14 expenses. The advisory council is to meet twice annually and at
15 other times as determined by the advisory council. The advisory
16 council is to assess the condition of the limited brewery, restricted
17 brewery, cidery, meadery, and craft distillery industries of the State.

18 The bill also establishes a "New Jersey Brewery, Cidery,
19 Meadery, and Distillery Industry Promotion Account" (account).
20 All monies received in this account are to be expended by the
21 executive director for research and development concerning the
22 limited brewery, restricted brewery, cidery, meadery, and craft
23 distillery industries in the State and for the promotion of New
24 Jersey's limited brewery, restricted brewery, cidery, meadery, and
25 craft distillery industries, consistent with the recommendations of
26 the advisory council. The bill provides that the account is to be
27 credited annually, in an appropriation by law, with an amount equal
28 to 50 percent of the receipts from the per gallon tax imposed on all
29 sales of beer, cider, mead, and liquors sold by breweries, cideries,
30 meaderies, and distilleries in this State, and any other monies made
31 available to it. The bill also requires the Secretary of State to
32 include with the annual budget request for the Department of State a
33 request for funds sufficient to carry out the purposes and intent of
34 the bill. The advisory council is to advise the executive director on
35 expenditures from the account for research, development, and
36 promotion of the New Jersey limited brewery, restricted brewery,
37 cidery, meadery, and craft distillery industries.

38 The bill further requires the Director of the Division of Taxation
39 to certify by March 1 annually to the advisory council the taxable
40 volume of beer, cider, mead, and liquors sold by qualifying
41 licensees during the preceding taxable year.