

SENATE, No. 4171

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 22, 2021

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

SYNOPSIS

Concerns certain sales of alcoholic beverages at farm markets.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain sales of alcoholic beverages at farm
2 markets, and amending P.L.2021, c.15.

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

6
7 1. Section 9 of P.L.2021, c.15 (C.33:1-98) is amended to read
8 as follows:

9 9. a. As used in this section:

10 "Roadside farm stand" means a location owned by a single
11 farmer or producer at which the farmer or producer sells
12 agricultural products only from the farmer's or producer's farm
13 directly to consumers.

14 "[Seasonal farm] Farm market" means a premises or facility
15 utilized for the primary purpose of selling predominately
16 agricultural or horticultural products **】, and which is annually**
17 closed to business during an off-season for a period of not less than
18 90 continuous days**】**.

19 b. The Director of the Division of Alcoholic Beverage Control
20 may, in accordance with regulations or a special ruling issued
21 pursuant to this section, issue to the holder of a limited brewery
22 license, restricted brewery license, craft distillery license, plenary
23 winery license, farm winery license, or cidery and meadery license,
24 as established pursuant to R.S.33:1-10, a daily or annual permit to
25 sell any of the licensee's products in original containers at a
26 **【seasonal】** farm market for consumption off of the premises of the
27 **【seasonal】** farm market. The licensee shall obtain a separate permit
28 for each **【seasonal】** farm market at which the licensee intends to
29 sell its products. The director shall not issue a permit pursuant to
30 this section for use in connection with a roadside farm stand.

31 c. Subject to regulation or special ruling, a licensee issued a
32 permit pursuant to this section may:

33 (1) transport the licensee's products in original containers for the
34 purpose of selling them at a **【seasonal】** farm market; and

35 (2) offer samples for sampling purposes to persons of the legal
36 age to consume alcoholic beverages in the amounts authorized
37 pursuant to R.S.33:1-10 during each day the **【seasonal】** farm
38 market is operating.

39 A licensee or the licensee's employee shall be responsible for
40 checking valid forms of identification to properly verify that
41 consumers are of legal age to sample, consume, or purchase the
42 licensee's products at a farm market.

43 d. A daily permit shall be valid for the hours during which a
44 **【seasonal】** farm market is open within the 24-hour period for which

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 the daily permit is issued. An annual permit shall be valid for one
2 year from the date of issuance. The director may renew a permit,
3 provided the permit holder continues to hold a limited brewery
4 license, restricted brewery license, craft distillery license, plenary
5 winery license, farm winery license, or cidery and meadery license,
6 as applicable.

7 e. Notwithstanding any law or regulation to the contrary, the
8 director may establish a fee, in an amount determined by the
9 director, for the issuance and renewal of a permit under this section.

10 f. The Director of the Division of Alcoholic Beverage Control
11 shall issue a special ruling or adopt regulations necessary to
12 effectuate the purposes of this section. Regulations shall be
13 effective immediately upon filing with the Office of Administrative
14 Law for a period not to exceed 18 months, and may, thereafter, be
15 amended, adopted or readopted in accordance with the provisions of
16 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
17 seq.).

18 (cf: P.L.2021, c.15, s.9)

19

20 2. This act shall take effect immediately.

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STATEMENT

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25 This bill concerns certain sales of alcoholic beverages at farm
26 markets.

27 Currently, the provisions of section 9 of P.L.2021, c.15, applies
28 to seasonal markets. This bill amends the current law in order for
29 the law's provisions to apply to all farm markets, regardless of a
30 farm markets seasonal status. Additionally, the bill requires that a
31 licensee or the licensee's employee in a farm market would be
32 responsible for checking valid forms of identification to properly
33 verify that consumers are of legal age to sample, consume, or
34 purchase the licensee's products at a farm market.