

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 4630

STATE OF NEW JERSEY
220th LEGISLATURE

ADOPTED MAY 25, 2023

Sponsored by:

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

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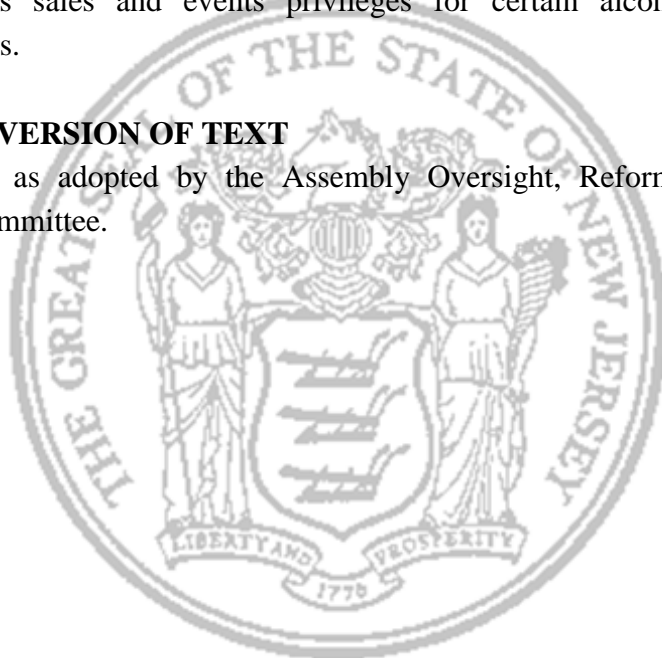
**Assemblywoman McKnight, Assemblyman Stanley, Assemblywoman
Chaparro, Assemblymen Spearman, Rooney, Assemblywoman Flynn,
Assemblymen Sauickie and Danielsen**

SYNOPSIS

Establishes sales and events privileges for certain alcoholic beverage manufacturers.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Oversight, Reform and Federal Relations Committee.



1 **AN ACT** concerning alcoholic beverage manufacturers,
2 supplementing Title 33 of the Revised Statutes, and amending
3 R.S.33:1-10.

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

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

9 “Craft manufacturer’s license” means a limited brewery license,
10 cidery and meadery license, and craft distillery license issued pursuant
11 to R.S.33:1-10.

12 “Off-premises special events” means special events that take
13 place at a location other than on the licensed premises or the
14 sidewalk, parking lot, or other area owned by the licensee that is
15 adjacent to or adjoining the licensed premises and shall include, but
16 not be limited to: beer, music, and arts festivals; civic events; foot
17 races, bike races, and other athletic events; craft manufacturer’s
18 anniversary celebrations; and holiday celebrations.

19 “On-premises special event” means an event that is open to the
20 public and held on the licensed premises or the sidewalk, parking
21 lot, or other area owned by the licensee that is adjacent to or
22 adjoining the licensed premises. An on-premises special event shall
23 include, but not be limited to: trivia and quiz games; paint and sip;
24 craftmaking; pop up shops; DJs, live music, amplified music and
25 open mic; televised or streamed sporting events; educational events
26 and seminars; movies and theatrical events; animal adoption, to the
27 extent permitted by local ordinance; yoga and exercise classes; and
28 games of skill.

29 “Private party” means an event that is held on the licensed
30 premises and closed to the general public, either by the
31 establishment of a special area of the licensed premises that may be
32 reserved to be occupied only by the hosts or guests of the private
33 party, or by closure of the licensed premises to the public for the
34 duration of the private party.

35 b. The holder of a craft manufacturer’s license shall be entitled
36 to sell and serve customers tableside utilizing servers or wait staff
37 employed by the license holder. The license holder shall be entitled
38 to serve the licensee’s products for on-premises consumption in
39 outdoor spaces approved by the municipality. A craft manufacturer
40 that serves alcoholic beverages in outdoor spaces may utilize a
41 permanent or portable tap system located in the approved outdoor
42 space. Pourers and servers employed by a craft manufacturer’s
43 license holder shall be certified by an industry-recognized server
44 training program.

45 c. The holder of a craft manufacturer’s license shall be permitted
46 to offer for sale or make the gratuitous offering of de minimis food

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 items including, but not limited to, packaged crackers, chips, nuts,
2 and similar snacks to consumers. The license holder may sell non-
3 alcoholic beverages, whether or not manufactured by the license
4 holder. The license holder also may coordinate with a food vendor
5 for the provision of food on the licensed premises and provide
6 menus to consumers for the sale of food.

7 The holder of a craft manufacturer's license may offer for sale
8 suitable gift items and novelty wearing apparel identified with the
9 name of the craft manufacturer, or to promote the craft beverage
10 industry.

11 d. The license holder shall be entitled to hold an unlimited
12 number of on-premises special events, for which the license holder
13 may sell tickets or charge a cover fee for attendance. The license
14 holder shall not be required to obtain a permit or provide electronic
15 notification to the division of on-premises special events.

16 e. The holder of a craft manufacturer's license shall be entitled
17 to hold an unlimited number of off-premises special events
18 authorized by a permit issued by the director for each off-premises
19 special event. An off-premises special event permit may be issued
20 for an event that is held for up to three consecutive days. The
21 license holder shall be entitled to coordinate with food vendors for
22 the provision of food at off-premises events. If an off-premises
23 special event is to be held on a publicly-owned or controlled
24 property, the license holder shall be required to obtain the consent
25 of the political subdivision that owns or controls the property or the
26 chief law enforcement officer of the law enforcement agency that
27 has jurisdiction over the property.

28 f. The holder of a craft manufacturer's license shall be entitled
29 to hold an unlimited number of private parties per year to occur on
30 the licensed premises including, but not limited to, birthdays,
31 weddings, anniversaries, civic and political functions, professional
32 and trade association events, or class reunions and alumni events.
33 The license holder shall be entitled to coordinate with food vendors
34 for the provision of food at private parties. Subject to the consent of
35 the licensee, the host of a private party may provide wine and malt
36 alcoholic beverages purchased off the licensed premises to be
37 served at the private party. A host of a private party may hire an
38 employee of the craft manufacturer's license to pour the alcoholic
39 beverages served at the party. The license holder shall not be
40 required to obtain a permit or provide electronic notification to the
41 director of private parties.

42 g. The holder of a craft manufacturer's license shall be entitled
43 to hold on the licensed premises not more than 25 social affair
44 events hosted by the holder of a social affair permit issued pursuant
45 to R.S.33:1-74. Subject to the consent of the license holder, the
46 holder of the social affair permit may sell and serve any wine and
47 malt alcoholic beverages for on-premises consumption only,
48 provided the wine and malt alcoholic beverages are obtained in

1 accordance with regulations promulgated by the director governing
2 the issuance of social affair permits. A host of a social affair
3 permitted event may hire employees or agents of the licensee to
4 pour the alcoholic beverages served at the event. The holder of this
5 license shall be entitled to sell the products manufactured pursuant
6 to the license for consumption off the craft manufacturer's premises
7 during a social affair permitted event.

8 h. The holder of a craft manufacturer's license shall be entitled to
9 deliver the licensee's products directly to the residence of a consumer
10 within this State who is 21 years of age or older in original containers
11 for personal consumption and not for resale. A license holder shall
12 transport alcoholic beverages pursuant to this section through a third
13 party delivery service or in a vehicle owned, operated, or otherwise
14 used in connection with the licensed premises.

15 i. The holder of a craft manufacturer's license shall be entitled to
16 sell the holder's products at a discount for promotional purposes,
17 provide targeted discounts, and establish membership programs that
18 offer discounts provided that the licensee's products are not sold
19 below the cost of manufacturing the product.

20 j. The holder of a craft manufacturer's license shall be entitled to
21 exercise the privileges established pursuant to this section and
22 R.S.33:1-10 regardless of whether the property on which alcoholic
23 beverages are manufactured is owned or leased by the licensee.

24 k. The holder of a craft manufacturer's license shall be entitled to
25 show or display any televised program on televisions or other
26 screening devices of any number or size on the licensed premises.
27 The televised programs may include any sporting event, including
28 live-televised championship sporting events. The holder of this
29 license may publicly advertise that a televised event will be
30 displayed on the licensed premises in advance thereof. The license
31 holder shall not be required to provide notice to or obtain a permit
32 from the division prior to showing or displaying any televised
33 event.

34 1. The holder of a craft manufacturer's license who coordinates
35 with a food vendor pursuant to this section, including, but not
36 limited to, a food truck or restaurant, shall not own or operate the
37 food vendor. The holder of a craft manufacturer's license that is
38 used in connection with a licensed premises that is adjoining a food
39 vendor's premises shall have its own entrance and exit way to and
40 from the licensed premises and shall not have a doorway that allows
41 direct access and egress to the food vendor's premises.

42

43 2. R.S.33:1-10 is amended to read as follows:

44 33:1-10. Class A licenses shall be subdivided and classified as
45 follows:

46 Plenary brewery license 1a. The holder of this license shall be
47 entitled, subject to rules and regulations, to brew any malt alcoholic
48 beverages and to sell and distribute his products to wholesalers and

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

9 Limited brewery license 1b. The holder of this license shall be
10 entitled, subject to rules and regulations, to brew any malt alcoholic
11 beverages in a quantity to be expressed in said license, dependent
12 upon the following fees and not in excess of 300,000 barrels of 31
13 fluid gallons capacity per year and to sell and distribute this product
14 to wholesalers and retailers licensed in accordance with this
15 chapter, and to sell and distribute without this State to any persons
16 pursuant to the laws of the places of such sale and distribution, and
17 to maintain a warehouse; provided, however, that the delivery of
18 this product by the holder of this license to retailers licensed under
19 this title shall be from inventory in a warehouse located in this State
20 which is operated under a limited brewery license. The holder of
21 this license shall be entitled to sell this product at retail to
22 consumers on the licensed premises of the brewery for consumption
23 on the premises, **【but only in connection with a tour of the**
24 **brewery,】** or **【for consumption off the premises】** in a quantity of
25 not more than 15.5 fluid gallons per person for consumption off the
26 premises, and to offer samples for sampling purposes **【only**
27 **pursuant to an annual permit issued by the director】**. The holder of
28 this license shall not be required to pay a fee to the division for the
29 privilege of offering samples pursuant to this section. If the holder
30 of this license holds a bonded warehouse bottling license issued
31 pursuant to subsection 5 of this section, product brewed in
32 accordance with this subsection and transferred to a bonded
33 warehouse for bottling and storage may be sold at retail and offered
34 for sampling on the licensed premises of the brewery by the holder
35 of this license. The holder of this license shall not sell food or
36 operate a restaurant on the licensed premises but may coordinate
37 with food vendors pursuant to section 1 of P.L. , c. (C.)
38 (pending before the Legislature as this bill). The holder of this
39 license shall be entitled to engage in the privileges established
40 pursuant to section 1 of P.L. , c. (C.) (pending before the
41 Legislature as this bill).

42 The fee for this license shall be graduated as follows:

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

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

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

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

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

9 Restricted brewery license. 1c. The holder of this license shall
10 be entitled, subject to rules and regulations, to brew any malt
11 alcoholic beverages in a quantity to be expressed in such license not
12 in excess of ~~10,000~~ 300,000 barrels of 31 gallons capacity per
13 year. Notwithstanding the provisions of R.S.33:1-26, the director
14 shall issue a restricted brewery license only to a person or an entity
15 which has identical ownership to an entity which holds a plenary
16 retail consumption license issued pursuant to R.S.33:1-12, provided
17 that such plenary retail consumption license is operated in
18 conjunction with a restaurant regularly and principally used for the
19 purpose of providing meals to its customers and having adequate
20 kitchen and dining room facilities, and that the licensed restaurant
21 premises is immediately adjoining the premises licensed under this
22 subsection. The holder of this license shall be entitled to sell or
23 deliver the product to that restaurant premises. The holder of this
24 license also shall be entitled to sell and distribute the product to
25 wholesalers and retailers licensed in accordance with this chapter,
26 and to sell and distribute without this State to any persons pursuant
27 to the laws of those places of such sale and distribution, and to
28 maintain a warehouse; provided, however, that the delivery of this
29 product by the holder of this license to retailers licensed under this
30 title shall be from inventory in a warehouse located in this State
31 which is operated under a restricted brewery license.

32 The fee for this license shall be \$1,250, which fee shall entitle
33 the holder to brew up to 1,000 barrels of 31 liquid gallons per
34 annum. The licensee also shall pay an additional \$250 for every
35 additional 1,000 barrels of 31 fluid gallons produced. The fee shall
36 be paid at the time of application for the license, and additional
37 payments based on barrels produced shall be paid within 60 days
38 following the expiration of the license term upon certification by
39 the licensee of the actual gallons brewed during the license term.
40 No more than 10 restricted brewery licenses shall be issued to a
41 person or entity which holds an interest in a plenary retail
42 consumption license. If the governing body of the municipality in
43 which the licensed premises will be located should file a written
44 objection, the director shall hold a hearing and may issue the license
45 only if the director finds that the issuance of the license will not be
46 contrary to the public interest. All fees related to the issuance of
47 both licenses shall be paid in accordance with statutory law. The
48 provisions of this subsection shall not be construed to limit or

1 restrict the rights and privileges granted by the plenary retail
2 consumption license held by the holder of the restricted brewery
3 license issued pursuant to this subsection.

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

8 For the purposes of this subsection, "sampling" means the selling
9 at a nominal charge or the gratuitous offering of an open container
10 not exceeding four ounces of any malt alcoholic beverage product.
11 For the purposes of this subsection, "product" means any malt
12 alcoholic beverage that is produced on the premises licensed under
13 this subsection.

14 Plenary winery license. 2a. Provided that the holder is engaged
15 in growing and cultivating grapes or fruit used in the production of
16 wine on at least three acres on, or adjacent to, the winery premises,
17 the holder of this license shall be entitled, subject to rules and
18 regulations, to produce any fermented wines, and to blend, fortify
19 and treat wines, and to sell and distribute his products to
20 wholesalers licensed in accordance with this chapter and to
21 churches for religious purposes, and to sell and distribute without
22 this State to any persons pursuant to the laws of the places of such
23 sale and distribution, and to maintain a warehouse, and to sell his
24 products at retail to consumers on the licensed premises of the
25 winery for consumption on or off the premises and to offer samples
26 for sampling purposes only. The fee for this license shall be \$938.
27 A holder of this license who produces not more than 250,000
28 gallons per year shall also have the right to sell and distribute his
29 products to retailers licensed in accordance with this chapter, except
30 that the holder of this license shall not use a common carrier for
31 such distribution. The fee for this additional privilege shall be
32 graduated as follows: a licensee who manufactures more than
33 150,000 gallons, but not in excess of 250,000 gallons per annum,
34 \$1,000; a licensee who manufactures more than 100,000 gallons,
35 but not in excess of 150,000 gallons per annum, \$500; a licensee
36 who manufactures more than 50,000 gallons, but not in excess of
37 100,000 gallons per annum, \$250; a licensee who manufactures
38 50,000 gallons or less per annum, \$100. A holder of this license
39 who produces not more than 250,000 gallons per year shall have the
40 right to sell such wine at retail in original packages in 15
41 salesrooms apart from the winery premises for consumption on or
42 off the premises and for sampling purposes for consumption on the
43 premises, at a fee of \$250 for each salesroom. Licensees shall not
44 jointly control and operate salesrooms. Additionally, the holder of
45 this license who produces not more than 250,000 gallons per year
46 may ship not more than 12 cases of wine per year, subject to
47 regulation, to any person within or without this State over 21 years
48 of age for personal consumption and not for resale. A case of wine

1 shall not exceed a maximum of nine liters. A copy of the original
2 invoice shall be available for inspection by persons authorized to
3 enforce the alcoholic beverage laws of this State for a minimum
4 period of three years at the licensed premises of the winery. For the
5 purposes of this subsection, "sampling" means the selling at a
6 nominal charge or the gratuitous offering of an open container not
7 exceeding one and one-half ounces of any wine.

8 A holder of this license who produces not more than 250,000
9 gallons per year shall not own, either in whole or in part, or hold,
10 either directly or indirectly, any interest in a winery that produces
11 more than 250,000 gallons per year. In addition, a holder of this
12 license who produces more than 250,000 gallons per year shall not
13 own, either in whole or in part, or hold, either directly or indirectly,
14 any interest in a winery that produces not more than 250,000
15 gallons per year. For the purposes of this subsection, "product"
16 means any wine that is produced, blended, fortified, or treated by
17 the licensee on its licensed premises situated in the State of New
18 Jersey. For the purposes of this subsection, "wine" shall include
19 "hard cider" and "mead" as defined in this section.

20 Farm winery license. 2b. The holder of this license shall be
21 entitled, subject to rules and regulations, to manufacture any
22 fermented wines and fruit juices in a quantity to be expressed in
23 said license, dependent upon the following fees and not in excess of
24 50,000 gallons per year and to sell and distribute his products to
25 wholesalers and retailers licensed in accordance with this chapter
26 and to churches for religious purposes and to sell and distribute
27 without this State to any persons pursuant to the laws of the places
28 of such sale and distribution, and to maintain a warehouse and to
29 sell at retail to consumers for consumption on or off the licensed
30 premises and to offer samples for sampling purposes only. The
31 license shall be issued only when the winery at which such
32 fermented wines and fruit juices are manufactured is located and
33 constructed upon a tract of land exclusively under the control of the
34 licensee, provided that the licensee is actively engaged in growing
35 and cultivating an area of not less than three acres on or adjacent to
36 the winery premises and on which are growing grape vines or fruit
37 to be processed into wine or fruit juice; and provided, further, that
38 for the first five years of the operation of the winery such fermented
39 wines and fruit juices shall be manufactured from at least 51
40 percent grapes or fruit grown in the State and that thereafter they
41 shall be manufactured from grapes or fruit grown in this State at
42 least to the extent required for labeling as "New Jersey Wine" under
43 the applicable federal laws and regulations. The containers of all
44 wine sold to consumers by such licensee shall have affixed a label
45 stating such information as shall be required by the rules and
46 regulations of the Director of the Division of Alcoholic Beverage
47 Control. The fee for this license shall be graduated as follows: to so
48 manufacture between 30,000 and 50,000 gallons per annum, \$375;

1 to so manufacture between 2,500 and 30,000 gallons per annum,
2 \$250; to so manufacture between 1,000 and 2,500 gallons per
3 annum, \$125; to so manufacture less than 1,000 gallons per annum,
4 \$63. No farm winery license shall be held by the holder of a
5 plenary winery license or be situated on a premises licensed as a
6 plenary winery.

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

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

32 Unless otherwise indicated, for the purposes of this subsection,
33 with respect to farm winery licenses, "manufacture" means the
34 vinification, aging, storage, blending, clarification, stabilization and
35 bottling of wine or juice from New Jersey fruit to the extent
36 required by this subsection.

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

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

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

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

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

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

1 manufactures more than 150,000 gallons, but not in excess of
2 250,000 gallons per annum, \$1,000; a licensee who manufactures
3 more than 100,000 gallons, but not in excess of 150,000 gallons per
4 annum, \$500; a licensee who manufactures more than 50,000
5 gallons, but not in excess of 100,000 gallons per annum, \$250; a
6 licensee who manufactures 50,000 gallons or less per annum, \$100.
7 Additionally, the holder of this license may ship not more than 12
8 cases of wine per year, subject to regulation, to any person within or
9 without this State over 21 years of age for personal consumption
10 and not for resale. A case of wine shall not exceed a maximum of
11 nine liters. A copy of the original invoice shall be available for
12 inspection by persons authorized to enforce the alcoholic beverage
13 laws of this State for a minimum period of three years at the
14 licensed premises of the winery.

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

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

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

33 Cidery and meadery license. 2f. The holder of this license shall
34 be entitled, subject to rules and regulations, to manufacture hard
35 cider and mead and to sell and distribute these products to
36 wholesalers and retailers licensed in accordance with this chapter,
37 and to sell and distribute without this State to any persons pursuant
38 to the laws of the places of such sale and distribution, and to
39 maintain a warehouse. The holder of this license shall be entitled to
40 sell these products at retail to consumers on the licensed premises
41 for consumption on or off the premises and to offer samples for
42 sampling purposes only. The holder of this license shall be
43 permitted to offer for sale or make the gratuitous offering of
44 packaged crackers, chips, nuts, and similar snacks to consumers [,
45 but] . The holder of this license shall not operate a restaurant on
46 the licensed premises but may coordinate with food vendors
47 pursuant to section 1 of P.L. , c. (C.) (pending before the
48 Legislature as this bill). The holder of this license shall be entitled to

1 engage in the privileges established pursuant to section 1 of P.L. , c.
2 (C.) (pending before the Legislature as this bill). The fee for this
3 license shall be \$938.

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

13 The holder of this license shall be entitled to manufacture not
14 more than 250,000 gallons of mead per year. The holder of this
15 license may ship not more than 12 cases of mead per year, subject
16 to regulation, to any person within or without this State over 21
17 years of age for personal consumption and not for resale. A case of
18 mead shall not exceed a maximum of nine liters. A copy of the
19 original invoice shall be available for inspection by persons
20 authorized to enforce the alcoholic beverage laws of this State for a
21 minimum period of three years at the licensed premises.

22 As used in this subsection:

23 "Hard cider" means a fermented alcoholic beverage derived
24 primarily from apples, pears, apple juice concentrate and water, or
25 pear juice concentrate and water, which may include spices, herbs,
26 honey, or other flavoring, and which contains at least one half of
27 one percent but less than eight and one half percent alcohol by
28 volume.

29 "Mead" means an alcoholic beverage primarily made from
30 honey, water, and yeast, and which may contain fruit, fruit juices,
31 spices, or herbs added before or after fermentation has completed,
32 except that the ratio of fermentable sugars from fruit or fruit juices
33 shall not exceed 49 percent of the total fermentable sugars used to
34 produce mead.

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

38 Plenary distillery license. 3a. The holder of this license shall be
39 entitled, subject to rules and regulations, to manufacture any
40 distilled alcoholic beverages and rectify, blend, treat and mix, and
41 to sell and distribute his products to wholesalers and retailers
42 licensed in accordance with this chapter, and to sell and distribute
43 without this State to any persons pursuant to the laws of the places
44 of such sale and distribution, and to maintain a warehouse. The fee
45 for this license shall be \$12,500.

46 Limited distillery license. 3b. The holder of this license shall be
47 entitled, subject to rules and regulations, to manufacture and bottle
48 any alcoholic beverages distilled from fruit juices and rectify,

1 blend, treat, mix, compound with wine and add necessary
2 sweetening and flavor to make cordial or liqueur, and to sell and
3 distribute to wholesalers and retailers licensed in accordance with
4 this chapter, and to sell and distribute without this State to any
5 persons pursuant to the laws of the places of such sale and
6 distribution and to warehouse these products. The fee for this
7 license shall be \$3,750.

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

22 Craft distillery license. 3d. The holder of this license shall be
23 entitled, subject to rules and regulations, to manufacture not more
24 than 20,000 gallons of distilled alcoholic beverages, to rectify,
25 blend, treat and mix distilled alcoholic beverages, to sell and
26 distribute this product to wholesalers and retailers licensed in
27 accordance with this chapter, and to sell and distribute without this
28 State to any persons pursuant to the laws of the places of such sale
29 and distribution, and to maintain a warehouse. The holder of this
30 license shall be entitled to sell this product at retail to consumers on
31 the licensed premises of the distillery for consumption on the
32 premises, [but only in connection with a tour of the distillery,] and
33 for consumption off the premises in a quantity of not more than five
34 liters per person. In addition, the holder of this license may offer
35 any person not more than three samples per calendar day for
36 sampling purposes only. For the purposes of this subsection,
37 "sampling" means the gratuitous offering of an open container not
38 exceeding one-half ounce serving of distilled alcoholic beverage
39 produced on the distillery premises. If the holder of this license
40 holds a bonded warehouse bottling license issued pursuant to
41 subsection 5 of this section, product manufactured in accordance
42 with this subsection and transferred to a bonded warehouse for
43 bottling and storage may be sold at retail and offered for sampling
44 on the licensed premises of the distillery by the holder of this
45 license. Nothing in this subsection shall be deemed to permit the
46 direct shipment of distilled spirits either within or without this
47 State. The holder of this license shall be entitled to engage in the

1 privileges established pursuant to section 1 of P.L. , c. (C.)
2 (pending before the Legislature as this bill).

3 The holder of this license shall not sell food or operate a
4 restaurant on the licensed premises but may coordinate with food
5 vendors pursuant to section 1 of P.L. , c. (C.) (pending before
6 the Legislature as this bill). A holder of this license who certifies that
7 not less than 51 percent of the raw materials used in the production
8 of distilled alcoholic beverages under this section are grown in this
9 State or purchased from providers located in this State may,
10 consistent with all applicable federal laws and regulations, label
11 these distilled alcoholic beverages as "New Jersey Distilled." The
12 fee for this license shall be \$938.

13 Rectifier and blender license. 4. The holder of this license shall
14 be entitled, subject to rules and regulations, to rectify, blend, treat
15 and mix distilled alcoholic beverages, and to fortify, blend, and
16 treat fermented alcoholic beverages, and prepare mixtures of
17 alcoholic beverages, and to sell and distribute his products to
18 wholesalers and retailers licensed in accordance with this chapter,
19 and to sell and distribute without this State to any persons pursuant
20 to the laws of the places of such sale and distribution, and to
21 maintain a warehouse. The fee for this license shall be \$7,500.

22 Bonded warehouse bottling license. 5. The holder of this license
23 shall be entitled, subject to rules and regulations, to bottle alcoholic
24 beverages in bond on behalf of all persons authorized by federal and
25 State law and regulations to withdraw alcoholic beverages from
26 bond. The fee for this license shall be \$625. This license shall be
27 issued only to persons holding permits to operate Internal Revenue
28 bonded warehouses pursuant to the laws of the United States.

29 The provisions of section 21 of P.L.2003, c.117 amendatory of
30 this section shall apply to licenses issued or transferred on or after
31 July 1, 2003, and to license renewals commencing on or after July
32 1, 2003.

33 (cf: P.L.2021, c.407, s.1)

34

35 3. This act shall take effect immediately.