

ASSEMBLY, No. 4637

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED SEPTEMBER 22, 2022

Sponsored by:

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

Assemblyman KEVIN J. ROONEY

District 40 (Bergen, Essex, Morris and Passaic)

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Assemblywoman Flynn

SYNOPSIS

Allows limited brewery license holder to engage in certain activities; establishes farm brewery and winery-brewery beverage license.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/6/2023)

1 AN ACT concerning activities of limited brewery license holders
2 and amending R.S.33:1-10.

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

6
7 1. R.S.33:1-10 is amended to read as follows:

8 33:1-10. Class A licenses shall be subdivided and classified as
9 follows:

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

21 Limited brewery license 1b. The holder of this license shall be
22 entitled, subject to rules and regulations, to brew any malt alcoholic
23 beverages in a quantity to be expressed in said license, dependent
24 upon the following fees and not in excess of 300,000 barrels of 31
25 fluid gallons capacity per year and to sell and distribute this product
26 to wholesalers and retailers licensed in accordance with this
27 chapter, and to sell and distribute without this State to any persons
28 pursuant to the laws of the places of such sale and distribution, and
29 to maintain a warehouse; provided, however, that the delivery of
30 this product by the holder of this license to retailers licensed under
31 this title or to a consumer's home shall be from inventory in a
32 warehouse located in this State which is operated under a limited
33 brewery license. Pourers and servers employed by the holder of
34 this license shall not be required to be certified by an industry-
35 recognized server training program. The holder of this license shall
36 be entitled to sell this product at retail to consumers on the licensed
37 premises of the brewery for consumption on the premises **【**, but
38 only in connection with a tour of the brewery,**】** or **【**for consumption
39 off the premises**】** in a quantity of not more than 15.5 fluid gallons
40 per person for consumption off the premises, and to offer samples
41 for sampling purposes only pursuant to an annual permit issued by
42 the director. If the holder of this license holds a bonded warehouse
43 bottling license issued pursuant to subsection 5 of this section,
44 product brewed in accordance with this subsection and transferred
45 to a bonded warehouse for bottling and storage may be sold at retail

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 and offered for sampling on the licensed premises of the brewery by
2 the holder of this license. The holder of this license shall not sell
3 food or operate a restaurant on the licensed premises. However, the
4 licensee may sell soda and coffee, whether or not manufactured by
5 the license holder; coordinate with a food vendor for the provision
6 of food on the licensed premises; and provide menus to consumers
7 for the sale of food.

8 The holder of this license shall be entitled to hold an unlimited
9 number of on-premises special events, for which the license holder
10 may sell tickets. The holder of the license shall not be required to
11 obtain a permit or provide electronic notification to the division of
12 on-premises special events.

13 The holder of this license shall be entitled to hold up to 18 off-
14 premises special events per year pursuant to a permit issued by the
15 director for each off-premises special event. If an off-premises
16 special event is to be held on a publicly-owned or controlled
17 property, the holder of the license shall be required to obtain the
18 consent of the political subdivision that owns or controls the
19 property or the chief law enforcement officer of the law
20 enforcement agency that has jurisdiction over the property.

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

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

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

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

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

30 For the purposes of this subsection, For the purposes of this
31 subsection **["sampling"]** :

32 "Off-premises special events" means special events that take
33 place at a location other than on the licensed premises or the
34 sidewalk, parking lot, or other area owned by the licensee that is
35 adjacent to or adjoining the licensed premises and shall include, but
36 not be limited to:

37 (1) beer, music, and arts festivals;

38 (2) civic events;

39 (3) foot races, bike races, and other athletic events;

40 (4) limited brewery anniversary celebrations; and

41 (5) holiday celebrations.

42 "On-premises special event" means an event that is open to the
43 public and held on the licensed premises or the sidewalk, parking
44 lot, or other area owned by the licensee that is adjacent to or
45 adjoining the licensed premises. An on-premises special event shall
46 include, but not be limited to:

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

4 (2) trivia and quiz games;

5 (3) paint and sip;

6 (4) craftmaking;

7 (5) pop up shops;

8 (6) DJs, live music, and open mic;

9 (7) televised or streamed sporting events;

10 (8) educational events and seminars;

11 (9) movies and theatrical events;

12 (10) animal adoption, to the extent permitted by local ordinance;

13 and

14 (11) yoga and exercise classes.

15 "Sampling" means the selling at a nominal charge or the
16 gratuitous offering of an open container not exceeding four ounces
17 of any malt alcoholic beverage. For the purposes of this subsection,
18 "product" means any malt alcoholic beverage that is produced on
19 the premises licensed under this subsection.

20 Restricted brewery license. 1c. The holder of this license shall
21 be entitled, subject to rules and regulations, to brew any malt
22 alcoholic beverages in a quantity to be expressed in such license not
23 in excess of 10,000 barrels of 31 gallons capacity per year.
24 Notwithstanding the provisions of R.S.33:1-26, the director shall
25 issue a restricted brewery license only to a person or an entity
26 which has identical ownership to an entity which holds a plenary
27 retail consumption license issued pursuant to R.S.33:1-12, provided
28 that such plenary retail consumption license is operated in
29 conjunction with a restaurant regularly and principally used for the
30 purpose of providing meals to its customers and having adequate
31 kitchen and dining room facilities, and that the licensed restaurant
32 premises is immediately adjoining the premises licensed under this
33 subsection. The holder of this license shall be entitled to sell or
34 deliver the product to that restaurant premises. The holder of this
35 license also shall be entitled to sell and distribute the product to
36 wholesalers licensed in accordance with this chapter. The fee for
37 this license shall be \$1,250, which fee shall entitle the holder to
38 brew up to 1,000 barrels of 31 liquid gallons per annum. The
39 licensee also shall pay an additional \$250 for every additional 1,000
40 barrels of 31 fluid gallons produced. The fee shall be paid at the
41 time of application for the license, and additional payments based
42 on barrels produced shall be paid within 60 days following the
43 expiration of the license term upon certification by the licensee of
44 the actual gallons brewed during the license term. No more than 10
45 restricted brewery licenses shall be issued to a person or entity
46 which holds an interest in a plenary retail consumption license. If
47 the governing body of the municipality in which the licensed
48 premises will be located should file a written objection, the director

1 shall hold a hearing and may issue the license only if the director
2 finds that the issuance of the license will not be contrary to the
3 public interest. All fees related to the issuance of both licenses
4 shall be paid in accordance with statutory law. The provisions of
5 this subsection shall not be construed to limit or restrict the rights
6 and privileges granted by the plenary retail consumption license
7 held by the holder of the restricted brewery license issued pursuant
8 to this subsection.

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

13 For the purposes of this subsection, "sampling" means the selling
14 at a nominal charge or the gratuitous offering of an open container
15 not exceeding four ounces of any malt alcoholic beverage product.
16 For the purposes of this subsection, "product" means any malt
17 alcoholic beverage that is produced on the premises licensed under
18 this subsection.

19 Farm brewery license. 1d. The holder of this license shall be
20 entitled, subject to rules and regulations, to brew any malt alcoholic
21 beverages in a quantity to be expressed in the license not in excess of
22 2,000 barrels of 31 fluid gallons per year and to maintain a warehouse
23 and to sell products to consumers for consumption off the licensed
24 premises and to offer samples for sampling purposes only. The license
25 shall be issued only when the brewery at which such malt alcoholic
26 beverages are brewed is located and constructed upon a tract of land
27 exclusively under the control of the licensee, provided the licensee is
28 actively engaged in farming on or adjacent to the brewery premises
29 and is growing and cultivating hops or another product which is used
30 in the production of the malt alcoholic beverages. The fee for this
31 license shall be graduated as follows: to manufacture between 1,200
32 and 2,000 barrels per year, \$300; to manufacture between 100 and
33 1,199 barrels per year, \$200; to manufacture fewer than 100 barrels per
34 year, \$100. For purposes of this subsection, "sampling" means the
35 selling at a nominal charge or the gratuitous offering of an open
36 container not exceeding one and one-half ounces of a malt alcoholic
37 beverage. No individual or entity shall hold more than one farm
38 brewery license.

39 Plenary winery license. 2a. Provided that the holder is engaged
40 in growing and cultivating grapes or fruit used in the production of
41 wine on at least three acres on, or adjacent to, the winery premises,
42 the holder of this license shall be entitled, subject to rules and
43 regulations, to produce any fermented wines, and to blend, fortify
44 and treat wines, and to sell and distribute his products to
45 wholesalers licensed in accordance with this chapter and to
46 churches for religious purposes, and to sell and distribute without
47 this State to any persons pursuant to the laws of the places of such
48 sale and distribution, and to maintain a warehouse, and to sell his

1 products at retail to consumers on the licensed premises of the
2 winery for consumption on or off the premises and to offer samples
3 for sampling purposes only. The fee for this license shall be \$938.
4 A holder of this license who produces not more than 250,000
5 gallons per year shall also have the right to sell and distribute his
6 products to retailers licensed in accordance with this chapter, except
7 that the holder of this license shall not use a common carrier for
8 such distribution. The fee for this additional privilege shall be
9 graduated as follows: a licensee who manufactures more than
10 150,000 gallons, but not in excess of 250,000 gallons per annum,
11 \$1,000; a licensee who manufactures more than 100,000 gallons,
12 but not in excess of 150,000 gallons per annum, \$500; a licensee
13 who manufactures more than 50,000 gallons, but not in excess of
14 100,000 gallons per annum, \$250; a licensee who manufactures
15 50,000 gallons or less per annum, \$100. A holder of this license
16 who produces not more than 250,000 gallons per year shall have the
17 right to sell such wine at retail in original packages in 15
18 salesrooms apart from the winery premises for consumption on or
19 off the premises and for sampling purposes for consumption on the
20 premises, at a fee of \$250 for each salesroom. Licensees shall not
21 jointly control and operate salesrooms. Additionally, the holder of
22 this license who produces not more than 250,000 gallons per year
23 may ship not more than 12 cases of wine per year, subject to
24 regulation, to any person within or without this State over 21 years
25 of age for personal consumption and not for resale. A case of wine
26 shall not exceed a maximum of nine liters. A copy of the original
27 invoice shall be available for inspection by persons authorized to
28 enforce the alcoholic beverage laws of this State for a minimum
29 period of three years at the licensed premises of the winery. For the
30 purposes of this subsection, "sampling" means the selling at a
31 nominal charge or the gratuitous offering of an open container not
32 exceeding one and one-half ounces of any wine.

33 A holder of this license who produces not more than 250,000
34 gallons per year shall not own, either in whole or in part, or hold,
35 either directly or indirectly, any interest in a winery that produces
36 more than 250,000 gallons per year. In addition, a holder of this
37 license who produces more than 250,000 gallons per year shall not
38 own, either in whole or in part, or hold, either directly or indirectly,
39 any interest in a winery that produces not more than 250,000
40 gallons per year. For the purposes of this subsection, "product"
41 means any wine that is produced, blended, fortified, or treated by
42 the licensee on its licensed premises situated in the State of New
43 Jersey. For the purposes of this subsection, "wine" shall include
44 "hard cider" and "mead" as defined in this section.

45 Farm winery license. 2b. The holder of this license shall be
46 entitled, subject to rules and regulations, to manufacture any
47 fermented wines and fruit juices in a quantity to be expressed in
48 said license, dependent upon the following fees and not in excess of

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

32 The holder of this license shall also have the right to sell and
33 distribute his products to retailers licensed in accordance with this
34 chapter, except that the holder of this license shall not use a
35 common carrier for such distribution. The fee for this additional
36 privilege shall be \$100. The holder of this license shall have the
37 right to sell his products in original packages at retail to consumers
38 in 15 salesrooms apart from the winery premises for consumption
39 on or off the premises, and for sampling purposes for consumption
40 on the premises, at a fee of \$250 for each salesroom. Licensees
41 shall not jointly control and operate salesrooms. Additionally, the
42 holder of this license may ship not more than 12 cases of wine per
43 year, subject to regulation, to any person within or without this
44 State over 21 years of age for personal consumption and not for
45 resale. A case of wine shall not exceed a maximum of nine liters.
46 A copy of the original invoice shall be available for inspection by
47 persons authorized to enforce the alcoholic beverage laws of this
48 State for a minimum period of three years at the licensed premises

1 of the winery. For the purposes of this subsection, "sampling"
2 means the selling at a nominal charge or the gratuitous offering of
3 an open container not exceeding one and one-half ounces of any
4 wine.

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

9 Unless otherwise indicated, for the purposes of this subsection,
10 with respect to farm winery licenses, "manufacture" means the
11 vinification, aging, storage, blending, clarification, stabilization and
12 bottling of wine or juice from New Jersey fruit to the extent
13 required by this subsection.

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

16 Wine blending license. 2c. The holder of this license shall be
17 entitled, subject to rules and regulations, to blend, treat, mix, and
18 bottle fermented wines and fruit juices with non-alcoholic
19 beverages, and to sell and distribute his products to wholesalers and
20 retailers licensed in accordance with this chapter, and to sell and
21 distribute without this State to any persons pursuant to the laws of
22 the places of such sale and distribution, and to maintain a
23 warehouse. The fee for this license shall be \$625.

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

26 Instructional winemaking facility license. 2d. The holder of this
27 license shall be entitled, subject to rules and regulations, to instruct
28 persons in and provide them with the opportunity to participate
29 directly in the process of winemaking and to directly assist such
30 persons in the process of winemaking while in the process of
31 instruction on the premises of the facility. The holder of this
32 license also shall be entitled to manufacture wine on the premises
33 not in excess of an amount of 10 percent of the wine produced
34 annually on the premises of the facility, which shall be used only to
35 replace quantities lost or discarded during the winemaking process,
36 to maintain a warehouse, and to offer samples produced by persons
37 who have received instruction in winemaking on the premises by
38 the licensee for sampling purposes only on the licensed premises for
39 the purpose of promoting winemaking for personal or household use
40 or consumption. Wine produced on the premises of an instructional
41 winemaking facility shall be used, consumed or disposed of on the
42 facility's premises or distributed from the facility's premises to a
43 person who has participated directly in the process of winemaking
44 for the person's personal or household use or consumption. The
45 holder of this license may sell mercantile items traditionally
46 associated with winemaking and novelty wearing apparel identified
47 with the name of the establishment licensed under the provisions of
48 this section. The holder of this license may use the licensed

1 premises for an event or affair, including an event or affair at which
2 a plenary retail consumption licensee serves alcoholic beverages in
3 compliance with all applicable statutes and regulations promulgated
4 by the director. The fee for this license shall be \$1,000. For the
5 purposes of this subsection, "sampling" means the gratuitous
6 offering of an open container not exceeding one and one-half
7 ounces of any wine.

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

10 Out-of-State winery license. 2e. Provided that the applicant
11 does not produce more than 250,000 gallons of wine per year, the
12 holder of a valid winery license issued in any other state may make
13 application to the director for this license. The holder of this
14 license shall have the right to sell and distribute his products to
15 wholesalers licensed in accordance with this chapter and to sell
16 such wine at retail in original packages in 16 salesrooms apart from
17 the winery premises for consumption on or off the premises at a fee
18 of \$250 for each salesroom. Licensees shall not jointly control and
19 operate salesrooms. The annual fee for this license shall be \$938.
20 A copy of a current license issued by another state shall accompany
21 the application. The holder of this license also shall have the right
22 to sell and distribute his products to retailers licensed in accordance
23 with this chapter, except that the holder of this license shall not use
24 a common carrier for such distribution. The fee for this additional
25 privilege shall be graduated as follows: a licensee who
26 manufactures more than 150,000 gallons, but not in excess of
27 250,000 gallons per annum, \$1,000; a licensee who manufactures
28 more than 100,000 gallons, but not in excess of 150,000 gallons per
29 annum, \$500; a licensee who manufactures more than 50,000
30 gallons, but not in excess of 100,000 gallons per annum, \$250; a
31 licensee who manufactures 50,000 gallons or less per annum, \$100.
32 Additionally, the holder of this license may ship not more than 12
33 cases of wine per year, subject to regulation, to any person within or
34 without this State over 21 years of age for personal consumption
35 and not for resale. A case of wine shall not exceed a maximum of
36 nine liters. A copy of the original invoice shall be available for
37 inspection by persons authorized to enforce the alcoholic beverage
38 laws of this State for a minimum period of three years at the
39 licensed premises of the winery.

40 The licensee shall collect from the customer the tax due on the
41 sale pursuant to the "Sales and Use Tax Act," P.L.1966, c.30
42 (C.54:32B-1 et seq.) and shall pay the tax due on the delivery of
43 alcoholic beverages pursuant to the "Alcoholic beverage tax law,"
44 R.S.54:41-1 et seq. The Director of the Division of Taxation in the
45 Department of the Treasury shall promulgate such rules and
46 regulations necessary to effectuate the provisions of this paragraph,
47 and may provide by regulation for the co-administration of the tax
48 due on the delivery of alcoholic beverages pursuant to the

1 "Alcoholic beverage tax law," R.S.54:41-1 et seq. with the
2 administration of the tax due on the sale pursuant to the "Sales and
3 Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

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

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

10 Cidery and meadery license. 2f. The holder of this license shall
11 be entitled, subject to rules and regulations, to manufacture hard
12 cider and mead and to sell and distribute these products to
13 wholesalers and retailers licensed in accordance with this chapter,
14 and to sell and distribute without this State to any persons pursuant
15 to the laws of the places of such sale and distribution, and to
16 maintain a warehouse. The holder of this license shall be entitled to
17 sell these products at retail to consumers on the licensed premises
18 for consumption on or off the premises and to offer samples for
19 sampling purposes only. The holder of this license shall be
20 permitted to offer for sale or make the gratuitous offering of
21 packaged crackers, chips, nuts, and similar snacks to consumers, but
22 shall not operate a restaurant on the licensed premises. The fee for
23 this license shall be \$938.

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

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

42 As used in this subsection:

43 "Hard cider" means a fermented alcoholic beverage derived
44 primarily from apples, pears, apple juice concentrate and water, or
45 pear juice concentrate and water, which may include spices, herbs,
46 honey, or other flavoring, and which contains at least one half of
47 one percent but less than eight and one half percent alcohol by
48 volume.

1 "Mead" means an alcoholic beverage primarily made from
2 honey, water, and yeast, and which may contain fruit, fruit juices,
3 spices, or herbs added before or after fermentation has completed,
4 except that the ratio of fermentable sugars from fruit or fruit juices
5 shall not exceed 49 percent of the total fermentable sugars used to
6 produce mead.

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

10 Winery-brewery sublicense. 2g. The holder of a plenary winery
11 license or a farm winery license, provided that the licensee is
12 engaged in farming on or adjacent to the winery premises and is
13 growing and cultivating hops or another product used in the
14 production of malt alcoholic beverages, shall be entitled, subject to
15 rules and regulations, to brew any malt alcoholic beverages in a
16 quantity expressed in the license not in excess of 3,000 barrels of 31
17 fluid gallons capacity per year. The fee for this sublicense shall be
18 \$750. The holder of this sublicense shall be entitled to maintain a
19 warehouse and to sell these products at retail to consumers for
20 consumption off the licensed premises and to offer samples for
21 sampling purposes only. For purposes of this subsection,
22 "sampling" means the selling at a nominal charge or the gratuitous
23 offering of an open container not exceeding one and one-half
24 ounces of any malt alcoholic beverage. No individual or entity
25 shall hold more than one winery-brewery sublicense.

26 Plenary distillery license. 3a. The holder of this license shall be
27 entitled, subject to rules and regulations, to manufacture any
28 distilled alcoholic beverages and rectify, blend, treat and mix, and
29 to sell and distribute his products to wholesalers and retailers
30 licensed in accordance with this chapter, and to sell and distribute
31 without this State to any persons pursuant to the laws of the places
32 of such sale and distribution, and to maintain a warehouse. The fee
33 for this license shall be \$12,500.

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

44 Supplementary limited distillery license. 3c. The holder of this
45 license shall be entitled, subject to rules and regulations, to bottle
46 and rebottle, in a quantity to be expressed in said license, dependent
47 upon the following fees, alcoholic beverages distilled from fruit
48 juices by such holder pursuant to a prior plenary or limited distillery

1 license, and to sell and distribute his products to wholesalers and
2 retailers licensed in accordance with this chapter, and to sell and
3 distribute without this State to any persons pursuant to the laws of
4 the places of such sale and distribution, and to maintain a
5 warehouse. The fee for this license shall be graduated as follows:
6 to so bottle and rebottle not more than 5,000 wine gallons per
7 annum, \$313; to so bottle and rebottle not more than 10,000 wine
8 gallons per annum, \$625; to so bottle and rebottle without limit as
9 to amount, \$1,250.

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

36 The holder of this license shall not sell food or operate a
37 restaurant on the licensed premises. A holder of this license who
38 certifies that not less than 51 percent of the raw materials used in
39 the production of distilled alcoholic beverages under this section are
40 grown in this State or purchased from providers located in this State
41 may, consistent with all applicable federal laws and regulations,
42 label these distilled alcoholic beverages as "New Jersey Distilled."
43 The fee for this license shall be \$938.

44 Rectifier and blender license. 4. The holder of this license shall
45 be entitled, subject to rules and regulations, to rectify, blend, treat
46 and mix distilled alcoholic beverages, and to fortify, blend, and
47 treat fermented alcoholic beverages, and prepare mixtures of
48 alcoholic beverages, and to sell and distribute his products to

1 wholesalers and retailers licensed in accordance with this chapter,
2 and to sell and distribute without this State to any persons pursuant
3 to the laws of the places of such sale and distribution, and to
4 maintain a warehouse. The fee for this license shall be \$7,500.

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

12 The provisions of section 21 of P.L.2003, c.117 amendatory of
13 this section shall apply to licenses issued or transferred on or after
14 July 1, 2003, and to license renewals commencing on or after July
15 1, 2003.

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

17
18 2. This act shall take effect immediately.
19
20

21 STATEMENT

22
23 This bill amends current law to authorize certain activities in
24 which a holder of a limited brewery license is permitted to engage.
25 Specifically, this bill authorizes the holder of a limited brewery
26 license to engage in activities which include, but are not limited to
27 including:

28 (1) an unlimited number of on-premises special events, for which
29 the license holder may sell tickets without requiring the license
30 holder to obtain a permit or provide electronic notification to the
31 Division of Alcoholic Beverage Control (ABC), and

32 (2) up to 18 off-premises special events per year pursuant to a
33 permit issued by the director of the ABC for each event.

34 If an event is to be held on a publicly-owned or controlled
35 property, the licensee would be required to obtain consent from the
36 political subdivision that owns or controls the property or the chief
37 law enforcement officer of the law enforcement agency that has
38 jurisdiction over the property. Under the bill, a license holder also
39 is permitted to deliver its product to a consumer's home; sell soda
40 and coffee, whether or not manufactured by the license holder;
41 coordinate with a food vendor to provide food on the licensed
42 premises; and provide menus to consumers.

43 In addition, the bill eliminates the requirement that the license
44 holder provide a tour to a consumer prior to serving alcoholic
45 beverages for consumption on the licensed premises. The bill
46 further provides that pourers and servers employed by the licensed
47 brewery are not required to be certified by an industry-recognized
48 server training program.

1 The bill defines “on-premises special event” to mean an event
2 that is open to the public and held on the licensed premises or the
3 sidewalk, parking lot, or other area owned by the license holder that
4 is adjacent to or adjoining the licensed premises and includes, but is
5 not limited to: private parties such as birthdays, weddings,
6 anniversaries, civic and political functions, professional and trade
7 association events, class reunion and alumni events; trivia and quiz
8 games; paint and sip; craftmaking; pop up shops; DJs, live music,
9 and open mic; televised or streamed sporting events; educational
10 events and seminars; movies and theatrical events; animal adoption,
11 to the extent permitted by local ordinance; and yoga and other
12 exercise classes.

13 “Off-premises special events” are defined as special events that
14 take place at a location other than on the licensed premises or the
15 sidewalk, parking lot, or other area owned by the license holder that
16 is adjacent to or adjoining the licensed premises and include, but are
17 not limited to: beer, music, and arts festivals; civic events; foot
18 races, mud races, bike races and other athletic events; limited
19 brewery anniversary celebrations; and holiday celebrations.

20 The bill also establishes a winery-brewery sublicense that would
21 permit wineries to produce malt alcoholic beverages for retail sale
22 to consumers for consumption off the licensed premises and
23 establishes a farm brewery license that would permit the licensee to
24 produce malt alcoholic beverages for retail sale to consumers for
25 consumption off the licensed premises.

26 A farm brewery would operate in much the same manner as a
27 farm winery, using locally grown farm products in brewing malt
28 beverages which would be sold at the farm. A licensee would be
29 required to be actively engaged in farming on or adjacent to the
30 brewery site and to be actively cultivating hops or other products
31 used in the production of the malt alcoholic beverages.

32 A farm brewery licensee would be permitted to brew up to 2,000
33 barrels of malt alcoholic beverages per year for retail sale for
34 consumption off the premises and to offer samples. A graduated
35 license based on volume would range in cost from \$100 to \$300
36 annually. A single individual or entity would be permitted to hold
37 only one farm brewery license.

38 The winery-brewery sublicense established by the bill would be
39 available to plenary and farm winery licensees, provided they are
40 actively engaged in farming on or adjacent to the winery premises
41 and are growing and cultivating hops or another product used in the
42 production of the malt alcoholic beverages.

43 Under the provisions of the bill, the holder of a winery-brewery
44 sublicense would be permitted to brew up to 3,000 barrels of malt
45 beverages per year and to sell this product at retail for off premises
46 consumption and to offer samples. The bill does not authorize a
47 licensee to sell any malt alcoholic beverages to wholesalers and
48 retailers. The annual fee for this sublicense would be \$750.

- 1 A winery-brewery licensee would be permitted to hold only one
- 2 sublicense under the bill.