

# SENATE, No. 2715

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MAY 26, 2022

**Sponsored by:**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Senator JAMES BEACH**

**District 6 (Burlington and Camden)**

**SYNOPSIS**

Permits limited breweries to offer certain food to consumers and coordinate food service with certain third party vendors.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/16/2022)**

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2

1 AN ACT concerning limited breweries and amending R.S.33:1-10.

2

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

5

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

7 33:1-10. Class A licenses shall be subdivided and classified as  
8 follows:

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

20 Limited brewery license 1b. The holder of this license shall be  
21 entitled, subject to rules and regulations, to brew any malt alcoholic  
22 beverages in a quantity to be expressed in said license, dependent  
23 upon the following fees and not in excess of 300,000 barrels of 31  
24 fluid gallons capacity per year and to sell and distribute this product  
25 to wholesalers and retailers licensed in accordance with this  
26 chapter, and to sell and distribute without this State to any persons  
27 pursuant to the laws of the places of such sale and distribution, and  
28 to maintain a warehouse; provided, however, that the delivery of  
29 this product by the holder of this license to retailers licensed under  
30 this title shall be from inventory in a warehouse located in this State  
31 which is operated under a limited brewery license. The holder of  
32 this license shall be entitled to sell this product at retail to  
33 consumers on the licensed premises of the brewery for consumption  
34 on the premises, but only in connection with a tour of the brewery,  
35 or for consumption off the premises in a quantity of not more than  
36 15.5 fluid gallons per person, and to offer samples for sampling  
37 purposes only pursuant to an annual permit issued by the director.  
38 If the holder of this license holds a bonded warehouse bottling  
39 license issued pursuant to subsection 5 of this section, product  
40 brewed in accordance with this subsection and transferred to a  
41 bonded warehouse for bottling and storage may be sold at retail and  
42 offered for sampling on the licensed premises of the brewery by the  
43 holder of this license. The holder of this license **[shall not sell food**  
44 **or]** may offer for sale or make the gratuitous offering of de minimis  
45 types of food including water and single-serve, pre-packaged  
46 crackers, chips, nuts and similar snacks, but shall not operate a

**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.

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1 restaurant on the licensed premises. The holder of this license may  
2 enter into an exclusive business arrangement or otherwise  
3 coordinate with a third party food truck, restaurant, or similar retail  
4 food vendor to provide food directly to consumers on the licensed  
5 premises. The fee for this license shall be graduated as follows:

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

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

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

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

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

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

1 jointly control and operate salesrooms. Additionally, the holder of  
2 this license who produces not more than 250,000 gallons per year  
3 may ship not more than 12 cases of wine per year, subject to  
4 regulation, to any person within or without this State over 21 years  
5 of age for personal consumption and not for resale. A case of wine  
6 shall not exceed a maximum of nine liters. A copy of the original  
7 invoice shall be available for inspection by persons authorized to  
8 enforce the alcoholic beverage laws of this State for a minimum  
9 period of three years at the licensed premises of the winery. For the  
10 purposes of this subsection, "sampling" means the selling at a  
11 nominal charge or the gratuitous offering of an open container not  
12 exceeding one and one-half ounces of any wine.

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

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

1 wine sold to consumers by such licensee shall have affixed a label  
2 stating such information as shall be required by the rules and  
3 regulations of the Director of the Division of Alcoholic Beverage  
4 Control. The fee for this license shall be graduated as follows: to so  
5 manufacture between 30,000 and 50,000 gallons per annum, \$375;  
6 to so manufacture between 2,500 and 30,000 gallons per annum,  
7 \$250; to so manufacture between 1,000 and 2,500 gallons per  
8 annum, \$125; to so manufacture less than 1,000 gallons per annum,  
9 \$63. No farm winery license shall be held by the holder of a  
10 plenary winery license or be situated on a premises licensed as a  
11 plenary winery.

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

37 Unless otherwise indicated, for the purposes of this subsection,  
38 with respect to farm winery licenses, "manufacture" means the  
39 vinification, aging, storage, blending, clarification, stabilization and  
40 bottling of wine or juice from New Jersey fruit to the extent  
41 required by this subsection.

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

44 Wine blending license. 2c. The holder of this license shall be  
45 entitled, subject to rules and regulations, to blend, treat, mix, and  
46 bottle fermented wines and fruit juices with non-alcoholic  
47 beverages, and to sell and distribute his products to wholesalers and  
48 retailers licensed in accordance with this chapter, and to sell and

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1 distribute without this State to any persons pursuant to the laws of  
2 the places of such sale and distribution, and to maintain a  
3 warehouse. The fee for this license shall be \$625.

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

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

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

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

1 the application. The holder of this license also shall have the right  
2 to sell and distribute his products to retailers licensed in accordance  
3 with this chapter, except that the holder of this license shall not use  
4 a common carrier for such distribution. The fee for this additional  
5 privilege shall be graduated as follows: a licensee who  
6 manufactures more than 150,000 gallons, but not in excess of  
7 250,000 gallons per annum, \$1,000; a licensee who manufactures  
8 more than 100,000 gallons, but not in excess of 150,000 gallons per  
9 annum, \$500; a licensee who manufactures more than 50,000  
10 gallons, but not in excess of 100,000 gallons per annum, \$250; a  
11 licensee who manufactures 50,000 gallons or less per annum, \$100.  
12 Additionally, the holder of this license may ship not more than 12  
13 cases of wine per year, subject to regulation, to any person within or  
14 without this State over 21 years of age for personal consumption  
15 and not for resale. A case of wine shall not exceed a maximum of  
16 nine liters. A copy of the original invoice shall be available for  
17 inspection by persons authorized to enforce the alcoholic beverage  
18 laws of this State for a minimum period of three years at the  
19 licensed premises of the winery.

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

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

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

38 Cidery and meadery license. 2f. The holder of this license shall  
39 be entitled, subject to rules and regulations, to manufacture hard  
40 cider and mead and to sell and distribute these products to  
41 wholesalers and retailers licensed in accordance with this chapter,  
42 and to sell and distribute without this State to any persons pursuant  
43 to the laws of the places of such sale and distribution, and to  
44 maintain a warehouse. The holder of this license shall be entitled to  
45 sell these products at retail to consumers on the licensed premises  
46 for consumption on or off the premises and to offer samples for  
47 sampling purposes only. The holder of this license shall be  
48 permitted to offer for sale or make the gratuitous offering of



1 packaged crackers, chips, nuts, and similar snacks to consumers, but  
2 shall not operate a restaurant on the licensed premises. The fee for  
3 this 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.

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

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

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

25 The provisions of section 21 of P.L.2003, c.117 amendatory of  
26 this section shall apply to licenses issued or transferred on or after  
27 July 1, 2003, and to license renewals commencing on or after July  
28 1, 2003.

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

30

31 2. This act shall take effect immediately.

32

33

34

#### STATEMENT

35

36 This bill permits the holder of a limited brewery license to sell or  
37 gratuitously offer snacks to consumers on the licensed premises and  
38 to coordinate the direct service of food on the licensed premises by  
39 third party businesses including food trucks, restaurants, or similar  
40 retail food vendors.

41 Current law prohibits a limited brewery licensee from providing  
42 food on the licensed premises or operating a restaurant. Under a  
43 2019 Special Ruling, the Division of Alcoholic Beverage Control  
44 has interpreted this to mean that a licensee also is not permitted to  
45 coordinate with food vendors, including food trucks, to provide  
46 food to consumers at a limited brewery or to allow food vendors to  
47 locate on the licensed premises. The Special Ruling does permit a  
48 licensee to offer gratuitously or sell de minimis food items.

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1       This bill codifies the provision of the Special Ruling permitting  
2 the offer of de minimis food items, including water and single-  
3 serve, pre-packaged crackers, chips, nuts and similar snacks.  
4 Additionally, the bill provides that a licensee may enter into an  
5 exclusive business arrangement or otherwise coordinate with a third  
6 party food truck, restaurant, or similar retail food vendor to provide  
7 food directly to consumers on the licensed premises. Under the bill,  
8 the prohibition against operating a restaurant on the licensed  
9 premises remains intact.