

# SENATE, No. 3038

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED SEPTEMBER 22, 2022

**Sponsored by:**

**Senator VIN GOPAL**

**District 11 (Monmouth)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Senators Johnson, Zwicker, Gill, Turner and Stanfield**

**SYNOPSIS**

Allows limited breweries to hold events and coordinate with certain food vendors.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/8/2023)**

1 AN ACT concerning the sale of alcoholic beverages and amending  
2 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 shall be from inventory in a warehouse located in this State  
32 which is operated under a limited brewery license. The holder of  
33 this license shall be entitled to sell this product at retail to  
34 consumers on the licensed premises of the brewery for consumption  
35 on the premises, but only in connection with a tour of the brewery,  
36 or for consumption off the premises in a quantity of not more than  
37 15.5 fluid gallons per person, and to offer samples for sampling  
38 purposes only pursuant to an annual permit issued by the director.  
39 If the holder of this license holds a bonded warehouse bottling  
40 license issued pursuant to subsection 5 of this section, product  
41 brewed in accordance with this subsection and transferred to a  
42 bonded warehouse for bottling and storage may be sold at retail and  
43 offered for sampling on the licensed premises of the brewery by the  
44 holder of this license. The holder of this license shall not sell food  
45 except as otherwise permitted pursuant to this section or 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.**

1 restaurant as defined in R.S.33:1-1 on the licensed premises but  
2 may offer to consumers or maintain on the licensed premises menus  
3 for the sale of food by any restaurant, food vendor, or food truck.  
4 The license holder also may allow a person to consume on the  
5 licensed premises and receive deliveries of food that was prepared  
6 by a restaurant, food vendor, or food truck as defined in this  
7 subsection. A food truck may be located on or in close proximity to  
8 the licensed premises in accordance with any ordinance concerning  
9 the operation of food trucks that is adopted by the municipality in  
10 which the licensed premises is located. The holder of this license  
11 shall be permitted to offer for sale or make the gratuitous offering  
12 of packaged crackers, chips, nuts, and similar snacks to consumers.  
13 The holder of this license shall be entitled to sell coffee brewed on  
14 the licensed premises.

15 The holder of this license shall be entitled to hold an unlimited  
16 number of on-premises special events for which the license holder  
17 may advertise and sell tickets prior to the event. The holder of this  
18 license also shall be entitled to hold an unlimited number of private  
19 parties for which the license holder may charge a fee to the party  
20 host. The holder of the license shall not be required to obtain a  
21 permit or provide electronic notification to the division prior to  
22 holding on-premises special events or private parties.

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

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

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

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

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

32 For the purposes of this subsection **["sampling"]** :

33 “Food truck” means a food establishment regularly and principally  
34 used for the purpose of selling or providing meals to the public that is  
35 located upon a vehicle, or which is pulled by a vehicle, where food is  
36 cooked, prepared, or served for individual portion service.

37 “On-premises special event” means an event that is open to the  
38 public and held on the licensed premises or the sidewalk, parking  
39 lot, or other area owned by the licensee that is adjacent to or  
40 adjoining the licensed premises. An on-premises special event shall  
41 include, but not be limited to:

42 (1) trivia and quiz games;

43 (2) paint and sip;

44 (3) craftmaking;

45 (4) pop up shops;

46 (5) DJs, live music, and open mic;

47 (6) televised or streamed sporting events;

48 (7) educational events and seminars;

- 1       (8) movies and theatrical events;  
2       (9) animal adoption, to the extent permitted by local ordinance;  
3       and  
4       (10) yoga and exercise classes.

5       “Private party” means a special event held by a host on the  
6       premises of a limited brewery and shall include, but not be limited  
7       to, birthdays, weddings, anniversaries, civic and political functions,  
8       professional and trade association events, class reunion and alumni  
9       events.

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

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

1 and privileges granted by the plenary retail consumption license  
2 held by the holder of the restricted brewery license issued pursuant  
3 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, but  
45 shall not operate a restaurant on the licensed premises. The fee for  
46 this license shall be \$938.

47 The holder of this license shall be entitled to manufacture hard  
48 cider in a quantity not to exceed 50,000 barrels of 31 fluid gallons

1 capacity per year. With respect to the sale and distribution of hard  
2 cider to a wholesaler, the licensee shall be subject to the same  
3 statutory and regulatory requirements as a brewer, and hard cider  
4 shall be considered a malt alcoholic beverage, for the purposes of  
5 the "Malt Alcoholic Beverage Practices Act," P.L.2005, c.243  
6 (C.33:1-93.12 et seq.). The holder of this license shall not directly  
7 ship hard cider either within or without this State.

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

17 As used in this subsection:

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

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

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

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

41 Limited distillery license. 3b. The holder of this license shall be  
42 entitled, subject to rules and regulations, to manufacture and bottle  
43 any alcoholic beverages distilled from fruit juices and rectify,  
44 blend, treat, mix, compound with wine and add necessary  
45 sweetening and flavor to make cordial or liqueur, and to sell and  
46 distribute to wholesalers and retailers licensed in accordance with  
47 this chapter, and to sell and distribute without this State to any  
48 persons pursuant to the laws of the places of such sale and

1 distribution and to warehouse these products. The fee for this  
2 license shall be \$3,750.

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

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

43 The holder of this license shall not sell food or operate a  
44 restaurant on the licensed premises. A holder of this license who  
45 certifies that not less than 51 percent of the raw materials used in  
46 the production of distilled alcoholic beverages under this section are  
47 grown in this State or purchased from providers located in this State  
48 may, consistent with all applicable federal laws and regulations,

1 label these distilled alcoholic beverages as "New Jersey Distilled."  
2 The fee for this license shall be \$938.

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

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

19 The provisions of section 21 of P.L.2003, c.117 amendatory of  
20 this section shall apply to licenses issued or transferred on or after  
21 July 1, 2003, and to license renewals commencing on or after July  
22 1, 2003.

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

24

25 2. This act shall take effect immediately.

26

27

28

#### STATEMENT

29

30 This bill allows the holder of a limited brewery license to hold  
31 events on the licensed premises and coordinate with food vendors.  
32 Under current law, the holder of a limited brewery license is  
33 entitled to brew and distribute beer to retailers and manufacturers,  
34 but is limited in the amount of beer that he or she may brew in one  
35 year. A person holding this license is prohibited from brewing an  
36 amount in excess of 300,000 barrels of 31 fluid gallons capacity per  
37 year.

38 This bill allows limited breweries to offer to consumers or  
39 maintain on the licensed premises menus for the sale of food by any  
40 restaurant, food vendor, or food truck. Under the bill, brewery  
41 patrons would be permitted to receive and consume deliveries of  
42 food that was prepared by a restaurant, food vendor, or food truck.  
43 A food truck may be located on or in close proximity to the licensed  
44 premises in accordance with any ordinance concerning the  
45 operation of food trucks that is adopted by the municipality in  
46 which the licensed premises is located. The bill also allows limited  
47 breweries to offer for sale or make the gratuitous offering of  
48 packaged crackers, chips, nuts, and similar snacks to consumers.

1 Under the bill, a license holder would be entitled to sell coffee  
2 brewed on the licensed premises.

3 This bill also allows limited breweries to hold an unlimited  
4 number of on-premises special events for which the license holder  
5 may advertise and sell tickets. In addition, breweries may hold an  
6 unlimited number of private parties for which the license holder  
7 may charge a fee to the party host. A license holder would not be  
8 required to obtain a permit or provide electronic notification to the  
9 Division of Alcoholic Beverage Control (ABC) prior to holding on-  
10 premises special events or private parties.

11 This bill is in response to a recent special ruling issued by the  
12 Director of ABC to limit the number of special events and private  
13 parties held by limited breweries. It is the sponsor's intent to foster  
14 and encourage New Jersey's flourishing craft beer industry and its  
15 contribution to the local economy by allowing limited breweries to  
16 hold these events and collaborate with the restaurant industry.