

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 3038

STATE OF NEW JERSEY
220th LEGISLATURE

ADOPTED JUNE 12, 2023

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, Stanfield and Testa

SYNOPSIS

Establishes sales and events privileges for certain alcoholic beverage manufacturers.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Law and Public Safety Committee.



(Sponsorship Updated As Of: 6/15/2023)

1 AN ACT concerning alcoholic beverage manufacturers,
2 supplementing Title 33 of the Revised Statutes, and amending
3 R.S.33:1-10.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 h. The holder of a craft manufacturer's license shall be entitled
9 to sell the holder's products at a discount for promotional purposes,
10 provide targeted discounts, and establish membership programs that
11 offer discounts provided that the licensee's products are not sold
12 below the cost of manufacturing the product. Nothing in this
13 subsection shall waive the requirement that the holder of a craft
14 manufacturer's license file a current price list with the division in
15 accordance with rules and regulations.

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

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

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

38
39 2. R.S.33:1-10 is amended to read as follows:

40 33:1-10. Class A licenses shall be subdivided and classified as
41 follows:

42 Plenary brewery license 1a. The holder of this license shall be
43 entitled, subject to rules and regulations, to brew any malt alcoholic
44 beverages and to sell and distribute his products to wholesalers and
45 retailers licensed in accordance with this chapter, and to sell and
46 distribute without this State to any persons pursuant to the laws of
47 the places of such sale and distribution, and to maintain a
48 warehouse; provided, however, that the delivery of this product by

1 the holder of this license to retailers licensed under this title shall be
2 from inventory in a warehouse located in this State which is
3 operated under a plenary brewery license. The fee for this license
4 shall be \$10,625.

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

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

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

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

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

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

47 For the purposes of this subsection, "sampling" means the selling
48 at a nominal charge or the gratuitous offering of an open container

1 not exceeding four ounces of any malt alcoholic beverage. For the
2 purposes of this subsection, "product" means any malt alcoholic
3 beverage that is produced on the premises licensed under this
4 subsection.

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

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

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

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

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

1 period of three years at the licensed premises of the winery. For the
2 purposes of this subsection, "sampling" means the selling at a
3 nominal charge or the gratuitous offering of an open container not
4 exceeding one and one-half ounces of any 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. In addition, a holder of this
9 license who produces more than 250,000 gallons per year shall not
10 own, either in whole or in part, or hold, either directly or indirectly,
11 any interest in a winery that produces not more than 250,000
12 gallons per year. For the purposes of this subsection, "product"
13 means any wine that is produced, blended, fortified, or treated by
14 the licensee on its licensed premises situated in the State of New
15 Jersey. For the purposes of this subsection, "wine" shall include
16 "hard cider" and "mead" as defined in this section.

17 Farm winery license. 2b. The holder of this license shall be
18 entitled, subject to rules and regulations, to manufacture any
19 fermented wines and fruit juices in a quantity to be expressed in
20 said license, dependent upon the following fees and not in excess of
21 50,000 gallons per year and to sell and distribute his products to
22 wholesalers and retailers licensed in accordance with this chapter
23 and to churches for religious purposes and to sell and distribute
24 without this State to any persons pursuant to the laws of the places
25 of such sale and distribution, and to maintain a warehouse and to
26 sell at retail to consumers for consumption on or off the licensed
27 premises and to offer samples for sampling purposes only. The
28 license shall be issued only when the winery at which such
29 fermented wines and fruit juices are manufactured is located and
30 constructed upon a tract of land exclusively under the control of the
31 licensee, provided that the licensee is actively engaged in growing
32 and cultivating an area of not less than three acres on or adjacent to
33 the winery premises and on which are growing grape vines or fruit
34 to be processed into wine or fruit juice; and provided, further, that
35 for the first five years of the operation of the winery such fermented
36 wines and fruit juices shall be manufactured from at least 51
37 percent grapes or fruit grown in the State and that thereafter they
38 shall be manufactured from grapes or fruit grown in this State at
39 least to the extent required for labeling as "New Jersey Wine" under
40 the applicable federal laws and regulations. The containers of all
41 wine sold to consumers by such licensee shall have affixed a label
42 stating such information as shall be required by the rules and
43 regulations of the Director of the Division of Alcoholic Beverage
44 Control. The fee for this license shall be graduated as follows: to so
45 manufacture between 30,000 and 50,000 gallons per annum, \$375;
46 to so manufacture between 2,500 and 30,000 gallons per annum,
47 \$250; to so manufacture between 1,000 and 2,500 gallons per
48 annum, \$125; to so manufacture less than 1,000 gallons per annum,

1 \$63. No farm winery license shall be held by the holder of a
2 plenary winery license or be situated on a premises licensed as a
3 plenary winery.

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

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

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

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

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

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

46 Instructional winemaking facility license. 2d. The holder of this
47 license shall be entitled, subject to rules and regulations, to instruct
48 persons in and provide them with the opportunity to participate

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

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

30 Out-of-State winery license. 2e. Provided that the applicant
31 does not produce more than 250,000 gallons of wine per year, the
32 holder of a valid winery license issued in any other state may make
33 application to the director for this license. The holder of this
34 license shall have the right to sell and distribute his products to
35 wholesalers licensed in accordance with this chapter and to sell
36 such wine at retail in original packages in 16 salesrooms apart from
37 the winery premises for consumption on or off the premises at a fee
38 of \$250 for each salesroom. Licensees shall not jointly control and
39 operate salesrooms. The annual fee for this license shall be \$938.
40 A copy of a current license issued by another state shall accompany
41 the application. The holder of this license also shall have the right
42 to sell and distribute his products to retailers licensed in accordance
43 with this chapter, except that the holder of this license shall not use
44 a common carrier for such distribution. The fee for this additional
45 privilege shall be graduated as follows: a licensee who
46 manufactures more than 150,000 gallons, but not in excess of
47 250,000 gallons per annum, \$1,000; a licensee who manufactures
48 more than 100,000 gallons, but not in excess of 150,000 gallons per

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

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

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

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

30 Cidery and meadery license. 2f. The holder of this license shall
31 be entitled, subject to rules and regulations, to manufacture hard
32 cider and mead and to sell and distribute these products to
33 wholesalers and retailers licensed in accordance with this chapter,
34 and to sell and distribute without this State to any persons pursuant
35 to the laws of the places of such sale and distribution, and to
36 maintain a warehouse. The holder of this license shall be entitled to
37 sell these products at retail to consumers on the licensed premises
38 for consumption on or off the premises and to offer samples for
39 sampling purposes only. The holder of this license shall be
40 permitted to offer for sale or make the gratuitous offering of
41 packaged crackers, chips, nuts, and similar snacks to consumers **],**
42 **but** **].** The holder of this license shall not operate a restaurant on
43 the licensed premises but may coordinate with food vendors
44 pursuant to section 1 of P.L. , c. (C.) (pending before the
45 Legislature as this bill). The holder of this license shall be entitled to
46 engage in the privileges established pursuant to section 1 of P.L. , c.
47 (C.) (pending before the Legislature as this bill). The fee for this
48 license shall be \$938.

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

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

19 As used in this subsection:

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

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

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

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

43 Limited distillery license. 3b. The holder of this license shall be
44 entitled, subject to rules and regulations, to manufacture and bottle
45 any alcoholic beverages distilled from fruit juices and rectify,
46 blend, treat, mix, compound with wine and add necessary
47 sweetening and flavor to make cordial or liqueur, and to sell and
48 distribute to wholesalers and retailers licensed in accordance with

1 this chapter, and to sell and distribute without this State to any
2 persons pursuant to the laws of the places of such sale and
3 distribution and to warehouse these products. The fee for this
4 license shall be \$3,750.

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

19 Craft distillery license. 3d. The holder of this license shall be
20 entitled, subject to rules and regulations, to manufacture not more
21 than 20,000 gallons of distilled alcoholic beverages, to rectify,
22 blend, treat and mix distilled alcoholic beverages, to sell and
23 distribute this product to wholesalers and retailers licensed in
24 accordance with this chapter, and to sell and distribute without this
25 State to any persons pursuant to the laws of the places of such sale
26 and distribution, and to maintain a warehouse. The holder of this
27 license shall be entitled to sell this product at retail to consumers on
28 the licensed premises of the distillery for consumption on the
29 premises, [but only in connection with a tour of the distillery,] and
30 for consumption off the premises in a quantity of not more than five
31 liters per person. In addition, the holder of this license may offer
32 any person not more than three samples per calendar day for
33 sampling purposes only. For the purposes of this subsection,
34 "sampling" means the gratuitous offering of an open container not
35 exceeding one-half ounce serving of distilled alcoholic beverage
36 produced on the distillery premises. If the holder of this license
37 holds a bonded warehouse bottling license issued pursuant to
38 subsection 5 of this section, product manufactured in accordance
39 with this subsection and transferred to a bonded warehouse for
40 bottling and storage may be sold at retail and offered for sampling
41 on the licensed premises of the distillery by the holder of this
42 license. Nothing in this subsection shall be deemed to permit the
43 direct shipment of distilled spirits either within or without this
44 State. The holder of this license shall be entitled to engage in the
45 privileges established pursuant to section 1 of P.L. , c. (C.)
46 (pending before the Legislature as this bill).

47 The holder of this license shall not sell food or operate a
48 restaurant on the licensed premises but may coordinate with food

1 vendors pursuant to section 1 of P.L. , c. (C.) (pending before
2 the Legislature as this bill). A holder of this license who certifies that
3 not less than 51 percent of the raw materials used in the production
4 of distilled alcoholic beverages under this section are grown in this
5 State or purchased from providers located in this State may,
6 consistent with all applicable federal laws and regulations, label
7 these distilled alcoholic beverages as "New Jersey Distilled." The
8 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 3. This act shall take effect immediately.