

[First Reprint]

SENATE, No. 4265

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED JANUARY 2, 2024

Sponsored by:

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Senator PAUL A. SARLO

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District 17 (Middlesex and Somerset)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Co-Sponsored by:

Senators Johnson, Testa, Assemblyman Freiman and Assemblywoman McKnight

SYNOPSIS

Makes various revisions to alcoholic beverage manufacturing and retailing license laws.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on January 4, 2024, with amendments.

(Sponsorship Updated As Of: 1/8/2024)

1 AN ACT concerning alcoholic beverage licensing, supplementing
2 Title 33 of the Revised Statutes, and amending R.S.33:1-10,
3 P.L.1977, c.246, and P.L.1947, c.94.

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 manufacturers’
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.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted January 4, 2024.

1 c. The holder of a craft manufacturer's license shall be
2 permitted to offer for sale or make the gratuitous offering of de
3 minimis food items including, but not limited to, packaged crackers,
4 chips, nuts, and similar snacks to customers. The license holder
5 may sell non-alcoholic beverages, whether or not manufactured by
6 the license holder. The license holder also may coordinate with a
7 food vendor for the provision of food on the licensed premises and
8 provide menus to customers for the sale of food.

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

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

19 e. The holder of a craft manufacturer's license shall be entitled to
20 annually hold not more than 25 off-premises special events
21 authorized by a permit issued by the director for each off-premises
22 special event. An off-premises special event permit may be issued
23 for an event that is held for a maximum of three consecutive days.
24 The license holder shall be entitled to coordinate with food vendors
25 for the provision of food at off-premises events. If an off-premises
26 special event is to be held on a publicly-owned or controlled
27 property, the license holder shall be required to obtain the consent
28 of the political subdivision that owns or controls the property or the
29 chief law enforcement officer of the law enforcement agency that
30 has jurisdiction over the property.

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

45 g. The holder of a craft manufacturer's license shall be entitled
46 to hold on the licensed premises not more than 25 social affair
47 events hosted by the holder of a social affair permit issued pursuant
48 to R.S.33:1-74. Subject to the consent of the license holder, the

1 holder of the social affair permit may sell and serve any wine and
2 malt alcoholic beverages for on-premises consumption only,
3 provided the wine and malt alcoholic beverages are obtained in
4 accordance with regulations promulgated by the director governing
5 the issuance of social affair permits. A host of a social affair
6 permitted event may hire employees or agents of the licensee to
7 pour the alcoholic beverages served at the event. The holder of this
8 license shall be entitled to sell the products manufactured pursuant
9 to the license for consumption off the craft manufacturer's premises
10 during a social affair permitted event.

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

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

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

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

41 l. The holder of a craft manufacturer's license shall not operate
42 on the same licensed premises as the holder of another craft
43 manufacturer's license. The holder of a craft manufacturer's
44 license shall not jointly control or operate a salesroom with the
45 holder of another craft manufacturer's license.

46

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

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

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

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

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

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

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

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

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

9 For the purposes of this subsection, "sampling" means the selling
10 at a nominal charge or the gratuitous offering of an open container
11 not exceeding four ounces of any malt alcoholic beverage. For the
12 purposes of this subsection, "product" means any malt alcoholic
13 beverage that is produced on the premises licensed under this
14 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~~ 300,000 barrels of 31 gallons capacity per
19 year. Notwithstanding the provisions of R.S.33:1-26, the director
20 shall 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 and retailers licensed in accordance with this chapter,
32 and to sell and distribute without this State to any persons pursuant
33 to the laws of those places of such sale and distribution, and to
34 maintain a warehouse; provided, however, that the delivery of this
35 product by the holder of this license to retailers licensed under this
36 title shall be from inventory in a warehouse located in this State
37 which is operated under a restricted brewery license. The amount of
38 malt alcoholic beverages that may be sold and distributed directly to
39 retailers pursuant to this subsection on an annual basis shall be not
40 more than 50 percent of the product manufactured in that year by the
41 holder of this license. The fee for this license shall be \$1,250, which
42 fee shall entitle the holder to brew up to 1,000 barrels of 31 liquid
43 gallons per annum. The licensee also shall pay an additional \$250
44 for every additional 1,000 barrels of 31 fluid gallons produced. The
45 fee shall be paid at the time of application for the license, and
46 additional payments based on barrels produced shall be paid within
47 60 days following the expiration of the license term upon
48 certification by the licensee of the actual gallons brewed during the

1 license term. No more than 10 restricted brewery licenses shall be
2 issued to a person or entity which holds an interest in a plenary
3 retail consumption license. If the governing body of the
4 municipality in which the licensed premises will be located should
5 file a written objection, the director shall hold a hearing and may
6 issue the license only if the director finds that the issuance of the
7 license will not be contrary to the public interest. All fees related to
8 the issuance of both licenses shall be paid in accordance with
9 statutory law. The provisions of this subsection shall not be
10 construed to limit or restrict the rights and privileges granted by the
11 plenary retail consumption license held by the holder of the
12 restricted brewery license issued pursuant to this subsection.

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

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

23 Farm brewery license. 1d. The holder of this license shall be
24 entitled, subject to rules and regulations, to brew any malt alcoholic
25 beverages in a quantity to be expressed in the license not in excess of
26 2,500 barrels of 31 fluid gallons per year and to sell products to
27 consumers for consumption off the licensed premises and to offer
28 samples for sampling purposes only. The license shall be issued only
29 when the brewery at which such malt alcoholic beverages are brewed
30 is located and constructed upon a tract of land exclusively under the
31 control of the licensee, the licensee is actively engaged in farming on
32 or adjacent to the brewery premises, and the malt alcoholic beverages
33 are substantially produced from hops or other ingredients grown or
34 cultivated on that tract of land. The holder of this license shall not
35 sell or offer food for consumption on the licensed premises.

36 The fee for this license shall be graduated as follows: to
37 manufacture between 1,200 and 2,500 barrels per year, \$300; to
38 manufacture between 100 and 1,199 barrels per year, \$200; to
39 manufacture fewer than 100 barrels per year, \$100. An individual or
40 entity shall not hold more than one farm brewery license.

41 For purposes of this subsection, "sampling" means the selling at a
42 nominal charge or the gratuitous offering of an open container not
43 exceeding one and one-half ounces of a malt alcoholic beverage.

44 Plenary winery license. 2a. Provided that the holder is engaged
45 in growing and cultivating grapes or fruit used in the production of
46 wine on at least three acres on, or adjacent to, the winery premises,
47 except as otherwise provided in this subsection for certain
48 alternating proprietorship agreements, the holder of this license

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

40 A holder of this license who produces not more than 250,000
41 gallons per year shall not own, either in whole or in part, or hold,
42 either directly or indirectly, any interest in a winery that produces
43 more than 250,000 gallons per year. In addition, a holder of this
44 license who produces more than 250,000 gallons per year shall not
45 own, either in whole or in part, or hold, either directly or indirectly,
46 any interest in a winery that produces not more than 250,000
47 gallons per year.

1 An applicant for a plenary winery license or the holder of a
2 plenary winery license may apply to the director for approval to
3 enter into an agreement with a host New Jersey winery to use the
4 host's equipment and space in an alternating proprietorship for
5 production of wine, provided that the applicant or holder has
6 obtained approval of the proposed alternating proprietorship
7 arrangement from the Alcohol and Tobacco Tax and Trade Bureau.
8 The director shall approve the agreement if the director determines
9 that the Alcohol and Tobacco Tax and Trade Bureau has approved
10 the agreement and the agreement does not violate any applicable
11 New Jersey alcohol licensing and taxation laws and related
12 regulations or special rulings of the director. The director shall
13 approve or deny the application no later than 180 days after receipt
14 of the application, unless the applicant agrees to an extension.

15 An applicant for a plenary winery license who also applies to the
16 director to enter into an alternating proprietorship agreement
17 pursuant to this subsection shall, upon approval by the director of
18 both applications, be permitted to grow and cultivate grapes or fruit
19 used in the production of wine on at least three acres within a five-
20 mile radius of the host winery premises.

21 For the purposes of this subsection, "product" means any wine
22 that is produced, blended, fortified, or treated by the licensee on its
23 licensed premises situated in the State of New Jersey. For the
24 purposes of this subsection, "wine" shall include "hard cider" and
25 "mead" as defined in this section.

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

1 or fruit grown in this State at least to the extent required for
2 labeling as "New Jersey Wine" under the applicable federal laws
3 and regulations. The containers of all wine sold to consumers by
4 such licensee shall have affixed a label stating such information as
5 shall be required by the rules and regulations of the Director of the
6 Division of Alcoholic Beverage Control. The fee for this license
7 shall be graduated as follows: to so manufacture between 30,000
8 and 50,000 gallons per annum, \$375; to so manufacture between
9 2,500 and 30,000 gallons per annum, \$250; to so manufacture
10 between 1,000 and 2,500 gallons per annum, \$125; to so
11 manufacture less than 1,000 gallons per annum, \$63. No farm
12 winery license shall be held by the holder of a plenary winery
13 license.

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

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

39 An applicant for a farm winery license or the holder of a farm
40 winery license may apply to the director for approval to enter into
41 an agreement with a host New Jersey winery to use the host's
42 equipment and space in an alternating proprietorship for production
43 of wine, provided that the applicant or holder has obtained approval
44 of the proposed alternating proprietorship arrangement from the
45 Alcohol and Tobacco Tax and Trade Bureau. The director shall
46 approve the agreement if the director determines that the Alcohol
47 and Tobacco Tax and Trade Bureau has approved the agreement
48 and the agreement does not violate any applicable New Jersey

1 alcohol licensing and taxation laws and related regulations or
2 special rulings of the director. The director shall approve or deny
3 the application no later than 180 days after receipt of the
4 application, unless the applicant agrees to an extension.

5 An applicant for a farm winery license who also applies to the
6 director to enter into an alternating proprietorship agreement
7 pursuant to this subsection shall, upon approval by the director of
8 both applications, be permitted to grow and cultivate grapes or fruit
9 used in the production of wine on at least three acres within a five-
10 mile radius of the host winery premises.

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

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

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

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

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

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

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

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

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

1 and may provide by regulation for the co-administration of the tax
2 due on the delivery of alcoholic beverages pursuant to the
3 "Alcoholic beverage tax law," R.S.54:41-1 et seq. with the
4 administration of the tax due on the sale pursuant to the "Sales and
5 Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

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

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

12 Cidery and meadery license. 2f. The holder of this license shall
13 be entitled, subject to rules and regulations, to manufacture hard
14 cider and mead and to sell and distribute these products to
15 wholesalers and retailers licensed in accordance with this chapter,
16 and to sell and distribute without this State to any persons pursuant
17 to the laws of the places of such sale and distribution, and to
18 maintain a warehouse. The holder of this license shall be entitled to
19 sell these products at retail to consumers on the licensed premises
20 for consumption on or off the premises and to offer samples for
21 sampling purposes only. The holder of this license shall be
22 permitted to offer for sale or make the gratuitous offering of
23 packaged crackers, chips, nuts, and similar snacks to consumers [,
24 but] . The holder of this license shall not operate a restaurant on
25 the licensed premises but may coordinate with food vendors
26 pursuant to section 1 of P.L. , c. (C.) (pending before the
27 Legislature as this bill). The holder of this license shall be entitled to
28 engage in the privileges established pursuant to section 1 of P.L. , c.
29 (C.) (pending before the Legislature as this bill). The fee for this
30 license shall be \$938.

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

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

1 As used in this subsection:

2 "Hard cider" means a fermented alcoholic beverage derived
3 primarily from apples, pears, apple juice concentrate and water, or
4 pear juice concentrate and water, which may include spices, herbs,
5 honey, or other flavoring, and which contains at least one half of
6 one percent but less than eight and one half percent alcohol by
7 volume.

8 "Mead" means an alcoholic beverage primarily made from
9 honey, water, and yeast, and which may contain fruit, fruit juices,
10 spices, or herbs added before or after fermentation has completed,
11 except that the ratio of fermentable sugars from fruit or fruit juices
12 shall not exceed 49 percent of the total fermentable sugars used to
13 produce mead.

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

17 Plenary distillery license. 3a. The holder of this license shall be
18 entitled, subject to rules and regulations, to manufacture any
19 distilled alcoholic beverages and rectify, blend, treat and mix, and
20 to sell and distribute his products to wholesalers and retailers
21 licensed in accordance with this chapter, and to sell and distribute
22 without this State to any persons pursuant to the laws of the places
23 of such sale and distribution, and to maintain a warehouse. The fee
24 for this license shall be \$12,500.

25 Limited distillery license. 3b. The holder of this license shall be
26 entitled, subject to rules and regulations, to manufacture and bottle
27 any alcoholic beverages distilled from fruit juices and rectify,
28 blend, treat, mix, compound with wine and add necessary
29 sweetening and flavor to make cordial or liqueur, and to sell and
30 distribute to wholesalers and retailers licensed in accordance with
31 this chapter, and to sell and distribute without this State to any
32 persons pursuant to the laws of the places of such sale and
33 distribution and to warehouse these products. The fee for this
34 license shall be \$3,750.

35 Supplementary limited distillery license. 3c. The holder of this
36 license shall be entitled, subject to rules and regulations, to bottle
37 and rebottle, in a quantity to be expressed in said license, dependent
38 upon the following fees, alcoholic beverages distilled from fruit
39 juices by such holder pursuant to a prior plenary or limited distillery
40 license, and to sell and distribute his products to wholesalers and
41 retailers licensed in accordance with this chapter, and to sell and
42 distribute without this State to any persons pursuant to the laws of
43 the places of such sale and distribution, and to maintain a
44 warehouse. The fee for this license shall be graduated as follows:
45 to so bottle and rebottle not more than 5,000 wine gallons per
46 annum, \$313; to so bottle and rebottle not more than 10,000 wine
47 gallons per annum, \$625; to so bottle and rebottle without limit as
48 to amount, \$1,250.

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

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

39 Rectifier and blender license. 4. The holder of this license shall
40 be entitled, subject to rules and regulations, to rectify, blend, treat
41 and mix distilled alcoholic beverages, and to fortify, blend, and
42 treat fermented alcoholic beverages, and prepare mixtures of
43 alcoholic beverages, and to sell and distribute his products to
44 wholesalers and retailers licensed in accordance with this chapter,
45 and to sell and distribute without this State to any persons pursuant
46 to the laws of the places of such sale and distribution, and to
47 maintain a warehouse. The fee for this license shall be \$7,500.

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

8 The provisions of section 21 of P.L.2003, c.117 amendatory of
9 this section shall apply to licenses issued or transferred on or after
10 July 1, 2003, and to license renewals commencing on or after July
11 1, 2003.

12 (cf: P.L.2023, c.141, s.1)

13

14 3. (New section) a. As used in this act:

15 “Contiguous” means when municipalities in this State are
16 adjoined by land and share a common boundary line but does not
17 include municipalities that are separated solely by a river, lake, bay,
18 or other body of water.

19 “Inactive license” means a plenary retail consumption license
20 that has been placed on inactive status and renewed as authorized
21 by the provisions of section 1 of P.L.1977, c.246 (C.33:1-12.39) for
22 two consecutive license terms.

23 “Receiving municipality” means a municipality that enters into
24 an agreement to acquire an inactive plenary retail consumption
25 license from a contiguous sending municipality as part of an
26 economic redevelopment plan or in connection with a premises
27 located within a redevelopment, improvement, or revitalization area
28 pursuant to P.L. , c. (C.) (pending before the Legislature
29 as this bill).

30 “Redevelopment, improvement, or revitalization area” means an
31 urban enterprise zone designated pursuant to P.L.1983, c.303
32 (C.52:27H-60 et seq.) or P.L.2001, c.347 (C.52:27H-66.2 et al.); a
33 downtown business improvement zone designated pursuant to
34 P.L.1998, c.115 (C.40:56-71.1 et seq.); a pedestrian mall or
35 pedestrian mall improvement or special improvement district as
36 defined in section 2 of P.L.1972, c.134 (C.40:56-66); a transit
37 oriented development as defined by section 2 of P.L.2011, c.149
38 (C.34:1B-243); an area determined to be in need of redevelopment
39 pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and
40 40A:12A-6); or an area determined to be in need of rehabilitation
41 pursuant to section 14 of P.L.1992, c.79 (C.40A:12A-14), or any
42 improvement which is 100 percent new construction, which is an
43 entirely new improvement not previously occupied or used for any
44 purpose.

45 “Sending municipality” means a municipality from which an
46 inactive license is issued pursuant to P.L. , c. (C.) (pending
47 before the Legislature as this bill) to the governing body of a
48 contiguous receiving municipality as part of an economic

1 redevelopment plan or in connection with a premises located within
2 a redevelopment, improvement, or revitalization area.

3 b. A receiving municipality in which the number of plenary
4 retail consumption licenses has reached the population limitation
5 established in section 2 of P.L.1947, c.94 (C.33:1-12.14) may issue
6 a request for proposal to acquire from a license holder an additional
7 inactive plenary retail consumption license that was initially issued
8 by a contiguous sending municipality. The inactive license
9 acquired pursuant to this section shall be used in connection with a
10 premises as part of an economic redevelopment plan or a
11 redevelopment, improvement, or revitalization area. A sending
12 municipality shall not be entitled to transfer a license pursuant to
13 this section unless the sending municipality and receiving
14 municipality are contiguously located.

15 c. The request for proposal issued pursuant to subsection b. of
16 this section shall specify a time and date after which no further
17 applications from license holders will be accepted. The request
18 shall be published in a newspaper circulating generally throughout
19 the State by not less than two insertions, one week apart, the second
20 of which shall be made not less than 30 days prior to the time and
21 date specified in the notice as the time and date after which no
22 further applications will be accepted. In addition, the request for
23 proposal shall be published by the governing body on the official
24 Internet website of the receiving municipality. The request for
25 proposal shall require that all bids be sealed and remain confidential
26 to other bidders. Notwithstanding the provisions of section 1 of
27 P.L.1981, c. 416 (C.33:1-19.3) the license shall be awarded to the
28 highest qualified bidder.

29 The request for proposal shall establish a minimum bid amount,
30 which shall be based on the average sale price of the three most
31 recent plenary retail consumption license sales in the receiving
32 municipality or an appraisal completed pursuant to this subsection at
33 the receiving municipality's expense, whichever amount is greater.

34 The appraisal process shall include an examination of previous
35 transactions in the receiving municipality or surrounding
36 municipalities, as the case may be, and shall reflect what a willing
37 buyer, under no pressure to buy, would pay a willing seller, under no
38 pressure to sell, for a plenary retail consumption license in that
39 municipality or municipalities, as the case may be.

40 d. The holder of an inactive plenary retail consumption license
41 shall apply to the governing body of the sending municipality for
42 permission to transfer the inactive plenary retail consumption
43 license from the sending municipality prior to the submission of
44 bids in response to the request for proposal. The governing body of
45 the sending municipality may approve the application only by a
46 resolution adopted by a majority vote. The sending municipality
47 shall not require the applicant to disclose the location of the
48 proposed licensed premises.

1 After the receiving municipality accepts a successful bid, the
2 sending municipality shall submit to the director notice of the intent
3 to transfer a license at least 90 days prior to the transfer. The
4 sending and receiving municipalities shall adopt by majority vote
5 identical resolutions authorizing the transfer of the license. The
6 identical resolutions shall establish the license transfer fee of
7 \$25,000 or more, which shall be paid by the license holder and
8 deposited in the general fund of the sending municipality. Prior to
9 adopting the resolution pursuant to this section, the governing body
10 of both municipalities shall give special consideration as to whether
11 sufficient attempts were made by the license holder to use or
12 transfer the license for use in connection with a premises located in
13 the sending municipality.

14 e. A receiving municipality that acquires a license pursuant to
15 subsection b. of this section shall be entitled to offer the license at
16 public sale pursuant to P.L.1975, c.275 (C.33:1-19.1 et seq.). A
17 license issued by the receiving municipality to a qualified bidder
18 that is not actively used in connection with the operation of a
19 premises within two years of the issuance date shall expire and shall
20 not be reissued by the receiving municipality. The license holder
21 shall not be entitled to appeal the expiration of the license to the
22 director or a court of law unless the license holder has been
23 deprived of the use of the licensed premises as a result of eminent
24 domain, fire, or other casualty, and establishes by affidavit filed
25 with the director that the license holder is making a good faith
26 effort to resume active use of the license in connection with the
27 operation of a licensed premises.

28 f. A receiving municipality shall be entitled to acquire one
29 inactive license pursuant to this section in each calendar year but
30 not more than two inactive licenses in five calendar years.

31 g. A plenary retail consumption license transferred pursuant to
32 this section shall entitle the license holder to sell alcoholic
33 beverages for consumption on the licensed premises but not for
34 consumption off the licensed premises. Licenses transferred
35 pursuant to this section shall otherwise be subject to all the
36 provisions of Title 33 of the Revised Statutes, rules and regulations
37 promulgated by the director, and municipal ordinances.

38 h. A license issued pursuant to this section shall not be
39 included in the total combined population necessary to issue a new
40 plenary retail consumption or seasonal retail consumption license
41 pursuant to section 2 of P.L.1947, c.94 (C.33:1-12.14).

42
43 4. Section 1 of P.L.1977, c.246 (C.33:1-12.39) is amended to
44 read as follows:

45 1. **[No]** a. On and after the effective date of
46 P.L. , c. (C.) (pending before the Legislature as this bill), a
47 Class C license [,] as [the same is] defined in R.S.33:1-12 [,]
48 shall not be renewed if the [same] license has not been actively

1 used in connection with the operation of a licensed premises within
2 【a period of two years prior to the commencement date of the
3 license period for which the renewal application is filed unless the
4 director, for good cause and after a hearing, authorizes a further
5 application for one or more renewals within a stated period of
6 years; provided, however that, if】 two consecutive license terms. A
7 license that remains inactive at the end of the two-year period shall
8 expire, provided, however, the governing body of a municipality
9 may in its discretion extend the period during which the license may
10 remain inactive for an additional year.

11 b. Notwithstanding subsection a. of this section, if the licensee
12 has been deprived of the use of the licensed premises as a result of
13 eminent domain, fire or other casualty, and establishes by affidavit
14 filed with the director that 【he】 the licensee is making a good faith
15 effort to resume active use of the license in connection with the
16 operation of a licensed premise 【then】 the time period 【of two
17 years】 provided for in this section shall be automatically extended
18 for an additional period of two 【years】 license terms.

19 c. Following the effective date of P.L. , c. (C.) (pending
20 before the Legislature as this bill), prior to the expiration of an
21 inactive license pursuant to subsection a. of this section, an inactive
22 license shall be:

23 (1) actively used by the license holder;

24 (2) transferred in a private transaction for fair market value to
25 another person who intends to use the license. The transferee shall
26 actively use the license in connection with a premises upon receipt
27 of the license; or

28 (3) transferred from a sending municipality to a receiving
29 municipality in accordance with section 3 of P.L. , c. (C.)
30 (pending before the Legislature as this bill).

31 d. The director shall divide the inactive plenary retail
32 consumption licenses that were placed on inactive status prior to the
33 effective date of P.L. , c. (C.) (pending before the Legislature
34 as this bill) into quartiles based on the total length of time that the
35 licenses have been inactive. The licenses shall be transferred
36 pursuant to subsection c. of this section in accordance with the
37 following time schedule:

38 (1) the quartile that has been inactive for the longest period of
39 time shall be transferred pursuant to subsection c. of this section
40 within one year of the effective date of P.L. , c. (C.) (pending
41 before the Legislature as this bill);

42 (2) the quartile that has been inactive for the second longest
43 period of time shall be transferred pursuant to subsection c. of this
44 section within two years following the effective date of
45 P.L. , c. (C.) (pending before the Legislature as this bill);

46 (3) the quartile that has been inactive for the third longest period
47 of time shall be transferred pursuant to subsection c. of this section

1 within three years following the effective date of P.L. , c. (C.)
2 (pending before the Legislature as this bill); and

3 (4) the quartile that has been inactive for the shortest period of
4 time shall be transferred pursuant to subsection c. of this section
5 within four years following the effective date of P.L. , c. (C.)
6 (pending before the Legislature as this bill).

7 e. Any request for relief under this section shall be
8 accompanied by a nonreturnable filing fee of **[\$100.00]** \$100
9 payable to the director.

10 (cf: P.L.1996, c.127, s.1)

11

12 5. Section 6 of P.L.1947, c.94 (C.33:1-12.18) is amended to read
13 as follows:

14 6. a. Except as provided in subsection d. of this section, in any
15 case in which a timely renewal was not filed, nothing in this act
16 shall be deemed to prevent the issuance of a new license to a person
17 who files an application therefor within one year following the
18 expiration of the license renewal period, but who pays the
19 municipal and State renewal fees for the year for which a timely
20 renewal application was not filed, if the director shall determine in
21 writing that the applicant's failure to apply for a renewal of his
22 license was due to circumstances beyond his control or other
23 extraordinary circumstances.

24 b. Any request for relief under this section shall be filed not
25 later than one year following the expiration of the license renewal
26 period for the license which was not renewed in a timely manner
27 and shall be accompanied by a nonreturnable filing fee of \$100
28 payable to the director for each license term.

29 c. A new license issued pursuant to this section shall be
30 assigned the same license number as the license which was not
31 renewed in a timely manner.

32 d. Notwithstanding subsection a. of this section, a person with
33 an expired license which was not renewed within the five years
34 immediately preceding the enactment of P.L.2010, c.14, but who
35 pays the municipal and State renewal fees for each year for which a
36 timely renewal application was not filed, may file for issuance of a
37 new license in accordance with subsection a. of this section within
38 six months of the effective date of P.L.2010, c.14.

39 e. Notwithstanding the limitation set forth in section 2 of
40 P.L.1947, c.94 (C.33:1-12.14) concerning the number of licenses
41 that may be issued within a municipality, the governing body of a
42 municipality in which an inactive Class C license has been
43 permitted to lapse and has not been renewed within eight years
44 immediately preceding the enactment of P.L. , c. (C.)
45 (pending before the Legislature as this bill) may issue a new Class
46 C license at public sale for use at a licensed premises located within
47 the municipality in a manner consistent with the provisions of
48 P.L.1975, c.275 (C.33:1-19.1 et seq.).

1 Any Class C license issued pursuant to this subsection shall be of
2 the same license type as the expired license and shall be used in a
3 manner consistent with the provisions of Title 33 of the Revised
4 Statutes and any regulation promulgated by the director.

5 (cf: P.L.2010, c.14, s.1)

6
7 6. (New section) a. As used in this section:

8 “Eligible municipality” means a municipality in which at least one
9 shopping mall is located and the number of plenary retail consumption
10 licenses has reached the population limitation established in section 2
11 of P.L.1947, c.94 (C.33:1-12.14).

12 “Enforcing agency” means the enforcing agency in any
13 municipality designated to administer and enforce the "State Uniform
14 Construction Code Act" pursuant to section 8 of
15 P.L.1975, c.217 (C. 52:27D-126), and regulations promulgated
16 thereunder.

17 “Shopping mall” means a standalone, publicly accessible enclosed
18 walkway or hall area that serves to connect retail, entertainment, and
19 food and beverage establishments, and office space and:

20 (1) that is under common ownership or control and connects with
21 or provides access to separate retail establishments, including at least
22 one restaurant or other establishment that serves alcoholic beverages
23 pursuant to a plenary retail consumption license; and

24 (2) was constructed prior to the effective date of P.L. , c. (C.)
25 (pending before the Legislature as this bill) or for which an application
26 for a construction permit has been declared complete by an enforcing
27 agency prior to the effective date of P.L. , c. (C.) (pending
28 before the Legislature as this bill).

29 “Strip mall” means a retail shopping complex that consists of
30 stores, restaurants, or other businesses in adjacent spaces or storefronts
31 in one or more buildings that are connected by a doorway or open onto
32 a common parking lot or outdoor pedestrian walkway.

33 b. The governing body of an eligible municipality may, by
34 ordinance or resolution, issue within the municipality not more than:

35 (1) two special licenses to a person or other legal entity for use in
36 connection with a food and beverage establishment located within a
37 shopping mall with a minimum gross square footage of not less than
38 750,000; and

39 (2) four special licenses to a person or other legal entity for use in
40 connection with a food and beverage establishment located within a
41 shopping mall with a gross square footage of 1,500,000 or more.

42 c. A special license issued pursuant to subsection b. of this
43 section shall authorize the sale of alcoholic beverages for immediate
44 consumption on the operator's premises.

45 d. A person who would fail to qualify as a licensee under Title 33
46 of the Revised Statutes shall not be permitted to hold an interest in a
47 special license under the provisions of this section.

1 e. Licenses shall be subject to all the provisions of Title 33 of the
2 Revised Statutes, rules and regulations promulgated by the director,
3 and municipal ordinances.

4 f. A special license issued pursuant to this section shall not be
5 transferred for use in connection with any premises other than a
6 premises that is operated as a food and beverage establishment located
7 within the same shopping mall.

8 g. Application for the initial issuance and renewal of each license
9 shall be made to the municipal governing body on an annual basis.
10 The fee for the initial issuance of the license shall be ¹based on the
11 average sale price of the three most recent plenary retail consumption
12 license sales in the eligible municipality in which the license is being
13 issued or an appraisal completed pursuant to this subsection at the
14 applicant's expense, whichever amount is greater.

15 The appraisal process shall include an examination of previous
16 transactions in the eligible municipality or surrounding municipalities,
17 as the case may be, and shall reflect what a willing buyer, under no
18 pressure to buy, would pay a willing seller, under no pressure to sell,
19 for a plenary retail consumption license in that municipality or
20 municipalities, as the case may be] at least \$250,000¹.

21 One half of the ¹amount of the application fee for the] ¹ initial
22 issuance ¹of] fee for¹ the license shall be paid upon the issuance of
23 the license and the other half of that amount shall be paid one year
24 later. The governing body of the municipality shall establish an annual
25 fee for the license which shall not exceed the fee which may be
26 imposed by a municipality for a plenary retail consumption license
27 pursuant to R.S.33:1-12. The fee for the initial issuance of the license
28 shall be paid to the eligible municipality in which the license is issued.

29 h. If the individual corporation or entity holding the license
30 determines to transfer a special license issued pursuant to this section,
31 the license shall be sold for the sum paid pursuant to subsection g. of
32 this section. A special license issued pursuant to this section shall not
33 be transferred to the governing body of another municipality or for use
34 in connection with any premises other than a premises that is operated
35 as a food and beverage establishment located within a shopping mall.

36 i. The director shall not issue a special concessionaire permit for
37 any location or premises which is eligible to obtain a license to serve
38 alcoholic beverages under the provisions of this section.

39 j. A special license issued pursuant to this section shall not be
40 subject to the population limitation established pursuant to section 2 of
41 P.L.1947, c.94 (C.33:1-12.14). An interest in a special license issued
42 pursuant to this section shall be excluded in determining the maximum
43 number of plenary retail consumption licenses issued to a person
44 pursuant to P.L.1962, c.152 (C.33:1-12.31 et seq.).

45 k. The provisions of this section shall not apply to a strip mall as
46 defined in subsection a. of this section.

1 1. Pursuant to the "Administrative Procedure Act," P.L.1968,
2 c.410 (C.52:14B-1 et seq.), the director may adopt rules and
3 regulations to effectuate the purposes of this act..

4
5 7. Sections 1 and 2 of this act shall take effect immediately and
6 sections 3 through 6 shall take effect on the first day of the seventh
7 month next following the date of enactment, except the Director of
8 the Division of Alcoholic Beverage Control may take anticipatory
9 administrative action in advance thereof as shall be necessary for
10 the implementation of this act.