

ASSEMBLY, No. 5231

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JANUARY 27, 2025

Sponsored by:

Assemblyman DONALD A. GUARDIAN

District 2 (Atlantic)

Assemblywoman LUANNE M. PETERPAUL

District 11 (Monmouth)

Assemblywoman MARGIE DONLON, M.D.

District 11 (Monmouth)

SYNOPSIS

Allows veteran service organizations to obtain license to serve members alcoholic beverages.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/10/2025)

1 AN ACT concerning alcoholic beverage licensing and amending
2 R.S. 33:1-12.

3

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

6

7 1. R.S.33:1-12 is amended to read as follows:

8 33:1-12. Class C licenses shall be subdivided and classified as
9 follows:

10 Plenary retail consumption license. 1. The holder of this license
11 shall be entitled, subject to rules and regulations, to sell any
12 alcoholic beverages for consumption on the licensed premises by
13 the glass or other open receptacle, and also to sell any alcoholic
14 beverages in original containers for consumption off the licensed
15 premises; but this license shall not be issued to permit the sale of
16 alcoholic beverages in or upon any premises in which a grocery,
17 delicatessen, drug store or other mercantile business is carried on,
18 except as hereinafter provided. The holder of this license shall be
19 permitted to conduct consumer wine, beer and spirits tasting events
20 and samplings for a fee or on a complimentary basis pursuant to
21 conditions established by rules and regulations of the Division of
22 Alcoholic Beverage Control, provided however, that the holder of
23 this license complies with the terms and conditions set forth in
24 section 3 of P.L.2009, c.216 (C.33:1-12d). Subject to such rules
25 and regulations established from time to time by the director, the
26 holder of this license shall be permitted to sell alcoholic beverages
27 in or upon the premises in which any of the following is carried on:
28 the keeping of a hotel or restaurant including the sale of mercantile
29 items incidental thereto as an accommodation to patrons; the sale, at
30 an entertainment facility as defined in R.S.33:1-1, having a seating
31 capacity for no less than 4,000 patrons, of mercantile items
32 traditionally associated with the type of event or program held at
33 the site; the sale of distillers', brewers' and vintners' packaged
34 merchandise prepacked as a unit with other suitable objects as gift
35 items to be sold only as a unit; the sale of novelty wearing apparel
36 identified with the name of the establishment licensed under the
37 provisions of this section; the sale of cigars, cigarettes, packaged
38 crackers, chips, nuts and similar snacks and ice at retail as an
39 accommodation to patrons, or the retail sale of nonalcoholic
40 beverages as accessory beverages to alcoholic beverages; or, in
41 commercial bowling establishments, the retail sale or rental of
42 bowling accessories and the retail sale from vending machines of
43 candy, ice cream and nonalcoholic beverages. The fee for this
44 license shall be fixed by the governing board or body of the
45 municipality in which the licensed premises are situated, by

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 ordinance, at not less than \$250 and not more than \$2,500. No
2 ordinance shall be enacted which shall raise or lower the fee to be
3 charged for this license by more than 20% from that charged in the
4 preceding license year or \$500.00, whichever is the lesser. The
5 governing board or body of each municipality may, by ordinance,
6 enact that no plenary retail consumption license shall be granted
7 within its respective municipality.

8 The holder of this license shall be permitted to obtain a restricted
9 brewery license issued pursuant to subsection 1c. of R.S.33:1-10
10 and to operate a restricted brewery immediately adjoining the
11 licensed premises in accordance with the restrictions set forth in
12 that subsection. All fees related to the issuance of both licenses
13 shall be paid in accordance with statutory law.

14 Seasonal retail consumption license. 2. (1) The holder of this
15 license shall be entitled, subject to rules and regulations, to sell any
16 alcoholic beverages for consumption on the licensed premises by
17 the glass or other open receptacle, and also to sell any alcoholic
18 beverages in original containers for consumption off the licensed
19 premises, during the summer season from May 1 until November
20 14, inclusive, or during the winter season from November 15 until
21 April 30, inclusive.

22 (2) In addition, the director shall issue to the holder of this
23 license, upon request by the licensee, one-day permits that shall
24 entitle the license holder to sell alcoholic beverages for
25 consumption on the licensed premises during the season when the
26 license holder is not authorized to sell alcoholic beverages pursuant
27 to subparagraph (1) of this subsection. The number of one-day
28 permits issued to a licensee pursuant to this subsection shall not
29 exceed an aggregate of 14 permits in one calendar year. A one-day
30 permit issued pursuant to this subsection shall be valid for 24
31 consecutive hours. The fee for each one-day permit shall be \$500.

32 The governing body of the municipality in which the licensed
33 premises is situated may place reasonable conditions upon a one-
34 day permit for the purpose of maintaining public safety on the
35 licensed premises and immediately surrounding area. The costs
36 associated with the reasonable conditions placed on the one-day
37 permit shall be assumed by the holder of this license.

38 (3) This license shall not be issued to permit the sale of
39 alcoholic beverages in or upon any premises in which a grocery,
40 delicatessen, drug store or other mercantile business is carried on,
41 except as hereinafter provided. Subject to such rules and
42 regulations established from time to time by the director, the holder
43 of this license shall be permitted to sell alcoholic beverages in or
44 upon the premises in which any of the following is carried on: the
45 keeping of a hotel or restaurant including the sale of mercantile
46 items incidental thereto as an accommodation to patrons; the sale of
47 distillers', brewers' and vintners' packaged merchandise prepacked
48 as a unit with other suitable objects as gift items to be sold only as a

1 unit; the sale of novelty wearing apparel identified with the name of
2 the establishment licensed under the provisions of this section; the
3 sale of cigars, cigarettes, packaged crackers, chips, nuts and similar
4 snacks and ice at retail as an accommodation to patrons; or the retail
5 sale of nonalcoholic beverages as accessory beverages to alcoholic
6 beverages. The fee for this license shall be fixed by the governing
7 board or body of the municipality in which the licensed premises
8 are situated, by ordinance, at 75% of the fee fixed by said board or
9 body for plenary retail consumption licenses. The governing board
10 or body of each municipality may, by ordinance, enact that no
11 seasonal retail consumption license shall be granted within its
12 respective municipality.

13 Plenary retail distribution license. 3. a. The holder of this license
14 shall be entitled, subject to rules and regulations, to sell any
15 alcoholic beverages or intoxicating hemp beverages pursuant to
16 section 5 of P.L.2024, c.73 (C.24:6I-48.2), for consumption off the
17 licensed premises, but only in original containers except that
18 licensees shall be permitted to conduct consumer wine, beer, and
19 spirits tasting events and samplings on a complimentary basis
20 pursuant to conditions established by rules and regulations of the
21 Division of Alcoholic Beverage Control, provided however, that the
22 holder of this license complies with the terms and conditions set
23 forth in section 3 of P.L.2009, c.216 (C.33:1-12d).

24 The governing board or body of each municipality may, by
25 ordinance, enact that this license shall not be issued to permit the
26 sale of alcoholic beverages in or upon any premises in which any
27 other mercantile business is carried on, except that any such
28 ordinance, heretofore or hereafter adopted, shall not prohibit the
29 retail sale of distillers', brewers' and vintners' packaged
30 merchandise prepacked as a unit with other suitable objects as gift
31 items to be sold only as a unit; the sale of novelty wearing apparel
32 identified with the name of the establishment licensed under the
33 provisions of this act; cigars, cigarettes, packaged crackers, chips,
34 nuts and similar snacks, ice, and nonalcoholic beverages as
35 accessory beverages to alcoholic beverages. The fee for this license
36 shall be fixed by the governing board or body of the municipality in
37 which the licensed premises are situated, by ordinance, at not less
38 than \$125 and not more than \$2,500. No ordinance shall be enacted
39 which shall raise or lower the fee to be charged for this license by
40 more than 20% from that charged in the preceding license year or
41 \$500.00, whichever is the lesser. The governing board or body of
42 each municipality may, by ordinance, enact that no plenary retail
43 distribution license shall be granted within its respective
44 municipality.

45 Limited retail distribution license. 3. b. The holder of this license
46 shall be entitled, subject to rules and regulations, to sell any
47 unchilled, brewed, malt alcoholic beverages in quantities of not less
48 than 72 fluid ounces for consumption off the licensed premises, but

1 only in original containers; provided, however, that this license
2 shall be issued only for premises operated and conducted by the
3 licensee as a bona fide grocery store, meat market, meat and
4 grocery store, delicatessen, or other type of bona fide food store at
5 which groceries or other foodstuffs are sold at retail; and provided
6 further that this license shall not be issued except for premises at
7 which the sale of groceries or other foodstuffs is the primary and
8 principal business and at which the sale of alcoholic beverages is
9 merely incidental and subordinate thereto. The fee for this license
10 shall be fixed by the governing body or board of the municipality in
11 which the licensed premises are situated, by ordinance, at not less
12 than \$31 and not more than \$63. The governing board or body of
13 each municipality may, by ordinance, enact that no limited retail
14 distribution license shall be granted within its respective
15 municipality.

16 Plenary retail transit license. 4. The holder of this license shall be
17 entitled, subject to rules and regulations, to sell any alcoholic
18 beverages, for consumption only, on railroad trains, airplanes,
19 limousines and boats, while in transit. The fee for this license for
20 use by a railroad or air transport company shall be \$375, for use by
21 the owners of limousines shall be \$31 per vehicle, and for use on a
22 boat shall be \$63 on a boat 65 feet or less in length, \$125 on a boat
23 more than 65 feet in length but not more than 110 feet in length,
24 and \$375 on a boat more than 110 feet in length; such boat lengths
25 shall be determined in the manner prescribed by the Bureau of
26 Customs of the United States Government or any federal agency
27 successor thereto for boat measurement in connection with issuance
28 of marine documents. A license issued under this provision to a
29 railroad or air transport company shall cover all railroad cars and
30 planes operated by any such company within the State of New
31 Jersey. A license for a boat or limousine issued under this
32 provision shall apply only to the particular boat or limousine for
33 which issued, and shall permit the purchase of alcoholic beverages
34 for sale or service in a boat or limousine to be made from any Class
35 A and B licensee or from any Class C licensee whose license
36 privilege permits the sale of alcoholic beverages in original
37 containers for off-premises consumption. An interest in a plenary
38 retail transit license issued in accordance with this section shall be
39 excluded in determining the maximum number of retail licenses
40 permitted under P.L.1962, c.152 (C.33:1-12.31 et seq.).

41 Club license. 5. The holder of this license shall be entitled,
42 subject to rules and regulations, to sell any alcoholic beverages but
43 only for immediate consumption on the licensed premises and only
44 to bona fide club members and their guests. The fee for this license
45 shall be fixed by the governing board or body of the municipality in
46 which the licensed premises are situated, by ordinance, at not less
47 than \$63 and not more than \$188. The governing board or body of
48 each municipality may, by ordinance, enact that no club licenses

1 shall be granted within its respective municipality. Club licenses
2 may be issued only to such corporations, associations and
3 organizations as are operated for benevolent, charitable, fraternal,
4 social, religious, recreational, athletic, or similar purposes, and not
5 for private gain, and which comply with all conditions which may
6 be imposed by the Director of the Division of Alcoholic Beverage
7 Control by rules and regulations.

8 The provisions of section 23 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 Sporting facility license. 6. The holder of this license shall be
13 entitled, subject to rules and regulations, to sell at retail or to serve
14 any alcoholic beverages as the owner, operator, lessee, or
15 concessionaire of a sporting facility by the glass or other receptacle
16 or in original containers only on the premises of the sporting
17 facility.

18 Notwithstanding any other provision of Title 33 of the Revised
19 Statutes and subject to conditions established by the director, the
20 holder of this license may share direction and control of the
21 premises to be licensed and share proceeds and profits from the sale
22 of alcoholic beverages with the owner, operator, concessionaire, or
23 lessee of the facility. The holder of this license shall be permitted
24 to conduct consumer wine, beer, and spirits tasting events and
25 samplings for a fee or on a complimentary basis provided, however,
26 the license holder complies with the provisions of section 3 of
27 P.L.2009, c.216 (C.33:1-12d) and rules and regulations promulgated
28 thereto. Notwithstanding any law, rule or regulation to the
29 contrary, the holder of this license shall be entitled to establish an
30 all-inclusive area within the licensed sporting facility, provided the
31 all-inclusive area is limited to one area within the sporting facility
32 for each game or event and the capacity of the all-inclusive area
33 does not exceed 500 persons.

34 The fee for this license shall be \$2,500 for venues with a
35 capacity of less than 7,500 persons; \$5,000 for venues with a
36 capacity of not less than 7,500 persons but not more than 14,999
37 persons; \$7,500 for venues with a capacity of not less than 15,000
38 persons but not more than 22,499 persons; and \$10,000 for venues
39 with a capacity of 22,500 persons or more.

40 For the purposes of this subsection:

41 "Sporting facility" means a stadium, arena, team training facility,
42 or similar venue located on public property where alcoholic
43 beverages are served or sold at retail for consumption on the
44 premises by the glass or other open receptacle or in original
45 containers.

46 "Team training facility" shall include team offices and team
47 headquarters.

1 Veteran's Service Organization License. 7. The holder of this
2 license shall be entitled, subject to rules and regulations, to sell any
3 alcoholic beverages but only for immediate consumption on the
4 licensed premises and only to bona fide members of a veteran's
5 service organization, guests of a bona fide member in accordance
6 with this subsection, affiliated bona fide members of other veteran's
7 service organizations, and members of auxiliary organizations that
8 are allied with other veteran's service organizations. The holder of
9 this license shall not be entitled to sell alcoholic beverages for
10 consumption off the licensed premises.

11 A guest of a bona fide member shall include an individual who is
12 expressly invited to the licensed veteran's service organization
13 premises and who is sponsored by and personally attended by the
14 member at such premises. An individual bona fide member of a
15 veteran's service organization shall be permitted to have not more
16 than nine individuals as guests on any one occasion unless such
17 individuals are attending a private event as defined by this
18 subsection. Affiliated bona fide members of other veteran service
19 organizations, and members of auxiliary organizations that are
20 allied with other veteran's service organizations shall not be entitled
21 to have guests or host a private event on the premises of a veteran's
22 service organization of which they are not a bona fide member.

23 The holder of this license may obtain a social affair permit to
24 hold an event, including but not limited to a fundraiser, which may
25 be open to members of the public who are not bona fide members.

26 A bona fide member of a veteran's service organization may host
27 a private event as defined by this subsection on the licensed
28 premises. A bona fide member who hosts a private event shall
29 provide all of the alcoholic beverages which shall be purchased off
30 the licensed premises to be served at the private event. The holder
31 of this license shall not be entitled to sell alcoholic beverages or
32 charge a fee for the consumption of alcoholic beverages at a private
33 event but may sell food and non-alcoholic beverages for
34 consumption on the licensed premises at the event.

35 The fee for this license shall be fixed by the governing board or
36 body of the municipality in which the licensed premises are
37 situated, by ordinance, at not less than \$63 and not more than \$188.

38 The restriction in section 2 of P.L.1947, c.94 (C.33:1-12.14)
39 concerning the number of retail consumption licenses that may be
40 issued in a municipality shall not be applicable to the license issued
41 under this subsection.

42 As used in this subsection,

43 "Private event" means an event that is hosted by a bona fide
44 member of a veteran's service organization and is held on the
45 licensed premises for an unlimited number of guests of the bona
46 fide member in exchange for a fee and may including, but not
47 limited to, a wedding, anniversary, bar mitzvah, or other social
48 function; and

1 “Veteran’s service organization” means the American Legion,
2 Veterans of Foreign Wars, or other veterans' organizations chartered
3 under federal law, or any service foundation of such an organization
4 recognized in its bylaws.

5 (cf: P.L.2024, c.73, s.6)

6
7 2. This act shall take effect on the first day of the third month
8 next following the date of enactment, but the Director of the
9 Division of Alcoholic Beverage Control may take any anticipatory
10 action in advance thereof as shall be necessary for the
11 implementation of this act.

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STATEMENT

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16 This bill establishes a veteran’s service organization license that
17 would allow certain veteran organizations to sell alcoholic
18 beverages on the licensed premises and only to bona fide members
19 of a veteran’s service organization, guests of a bona fide member,
20 affiliated bona fide members of other veteran service organizations,
21 and members of auxiliary organizations that are allied with other
22 veteran’s service organizations. The bill defines veteran’s service
23 organization as the American Legion, Veterans of Foreign Wars, or
24 other veterans' organizations chartered under federal law, or any
25 service foundation of such an organization recognized in its bylaws.

26 Under current law, these veteran organizations may obtain a club
27 license to serve alcoholic beverages to members and guests but are
28 prohibited from serving alcoholic beverages to auxiliary and
29 affiliated members.

30 Under the bill, a bona fide member of a veteran’s service
31 organization would be permitted to have not more than nine
32 individuals as guests on any one occasion and host private events.
33 The bill prohibits affiliated and auxiliary members from having
34 guests and hosting private events on the premises of a veteran’s
35 service organization at which they are not a member. A bona fide
36 member who hosts a private event would be required to provide all
37 of the alcoholic beverages which are to be purchased off the
38 licensed premises. The license holder would be prohibited from
39 selling alcoholic beverages or charging a fee for the consumption of
40 alcoholic beverages at a private event but would be allowed sell
41 food and non-alcoholic beverages for consumption on the licensed
42 premises.