

SENATE, No. 3801

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED OCTOBER 21, 2024

Sponsored by:

Senator GORDON M. JOHNSON

District 37 (Bergen)

SYNOPSIS

Allows certain breweries to sell and deliver brewed beer off-premises at retail salesrooms.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT concerning alcoholic beverage licenses and amending
2 R.S.33:1-10.

3

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

6

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

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

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

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

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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1 premises, but may coordinate with food vendors pursuant to section
2 1 of P.L.2023, c.290 (C.33:1-10b). The holder of this license shall
3 be entitled to engage in the privileges established pursuant to
4 section 1 of P.L.2023, c.290 (C.33:1-10b).

5 The holder of this license who produces not more than 300,000
6 barrels of 31 fluid gallons capacity per year shall have the right to
7 sell such malt alcoholic beverage at retail in original packages and
8 draft beer by the glass in 15 salesrooms apart from the brewery
9 premises for consumption on or off the premises and for sampling
10 purposes for consumption on the premises, at a fee of \$250 for each
11 salesroom. The holder of this license shall be entitled to deliver
12 malt alcoholic beverages from the brewery premises to a salesroom
13 premises in a vehicle owned or leased by the license owner.
14 Licensees shall not jointly control and operate salesrooms.

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

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

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

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

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

24 For the purposes of this subsection, “sampling” means the selling
25 at a nominal charge or the gratuitous offering of an open container
26 not exceeding four ounces of any malt alcoholic beverage. For the
27 purposes of this subsection, “product” means any malt alcoholic
28 beverage that is produced on the premises licensed under this
29 subsection.

30 Restricted brewery license. 1c. The holder of this license shall
31 be entitled, subject to rules and regulations, to brew any malt
32 alcoholic beverages in a quantity to be expressed in such license not
33 in excess of 300,000 barrels of 31 gallons capacity per year.
34 Notwithstanding the provisions of R.S.33:1-26, the director shall
35 issue a restricted brewery license only to a person or an entity
36 which has identical ownership to an entity which holds a plenary
37 retail consumption license issued pursuant to R.S.33:1-12, provided
38 that such plenary retail consumption license is operated in
39 conjunction with a restaurant regularly and principally used for the
40 purpose of providing meals to its customers and having adequate
41 kitchen and dining room facilities, and that the licensed restaurant
42 premises is immediately adjoining the premises licensed under this
43 subsection. The holder of this license shall be entitled to sell or
44 deliver the product to that restaurant premises. The holder of this
45 license also shall be entitled to sell and distribute the product to
46 wholesalers and retailers licensed in accordance with this chapter
47 and to sell and distribute without this State to any persons pursuant
48 to the laws of those places of such sale and distribution, and to

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1 maintain a warehouse; provided, however, that the delivery of this
2 product by the holder of this license to retailers licensed under this
3 title shall be from inventory in a warehouse located in this State
4 which is operated under a restricted brewery license. The amount of
5 malt alcoholic beverages that may be sold and distributed directly to
6 retailers pursuant to this subsection on an annual basis shall be not
7 more than 50 percent of the product manufactured in that year by
8 the holder of this license. The fee for this license shall be \$1,250,
9 which fee shall entitle the holder to brew up to 1,000 barrels of 31
10 liquid gallons per annum. The licensee also shall pay an additional
11 \$250 for every additional 1,000 barrels of 31 fluid gallons
12 produced. The fee shall be paid at the time of application for the
13 license, and additional payments based on barrels produced shall be
14 paid within 60 days following the expiration of the license term
15 upon certification by the licensee of the actual gallons brewed
16 during the license term. No more than 10 restricted brewery
17 licenses shall be issued to a person or entity which holds an interest
18 in a plenary retail consumption license. If the governing body of
19 the municipality in which the licensed premises will be located
20 should file a written objection, the director shall hold a hearing and
21 may issue the license only if the director finds that the issuance of
22 the license will not be contrary to the public interest. All fees
23 related to the issuance of both licenses shall be paid in accordance
24 with statutory law. The provisions of this subsection shall not be
25 construed to limit or restrict the rights and privileges granted by the
26 plenary retail consumption license held by the holder of the
27 restricted brewery license issued pursuant to this subsection.

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

32 For the purposes of this subsection, "sampling" means the selling
33 at a nominal charge or the gratuitous offering of an open container
34 not exceeding four ounces of any malt alcoholic beverage product.
35 For the purposes of this subsection, "product" means any malt
36 alcoholic beverage that is produced on the premises licensed under
37 this subsection.

38 Farm brewery license. 1d. The holder of this license shall be
39 entitled, subject to rules and regulations, to brew any malt alcoholic
40 beverages in a quantity to be expressed in the license not in excess
41 of 2,500 barrels of 31 fluid gallons per year and to sell products to
42 consumers for consumption off the licensed premises and to offer
43 samples for sampling purposes only. The license shall be issued
44 only when the brewery at which such malt alcoholic beverages are
45 brewed is located and constructed upon a tract of land exclusively
46 under the control of the licensee, the licensee is actively engaged in
47 farming on or adjacent to the brewery premises, and the malt
48 alcoholic beverages are substantially produced from hops or other

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1 ingredients grown or cultivated on that tract of land. The holder of
2 this license shall not sell or offer food for consumption on the
3 licensed premises.

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

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

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

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1 nine liters. A copy of the original invoice shall be available for
2 inspection by persons authorized to enforce the alcoholic beverage
3 laws of this State for a minimum period of three years at the
4 licensed premises of the winery. For the purposes of this
5 subsection, "sampling" means the selling at a nominal charge or the
6 gratuitous offering of an open container not exceeding one and one-
7 half ounces of any wine.

8 A holder of this license who produces not more than 250,000
9 gallons per year shall not own, either in whole or in part, or hold,
10 either directly or indirectly, any interest in a winery that produces
11 more than 250,000 gallons per year. In addition, a holder of this
12 license who produces more than 250,000 gallons per year shall not
13 own, either in whole or in part, or hold, either directly or indirectly,
14 any interest in a winery that produces not more than 250,000
15 gallons per year.

16 An applicant for a plenary winery license or the holder of a
17 plenary winery license may apply to the director for approval to
18 enter into an agreement with a host New Jersey winery to use the
19 host's equipment and space in an alternating proprietorship for
20 production of wine, provided that the applicant or holder has
21 obtained approval of the proposed alternating proprietorship
22 arrangement from the Alcohol and Tobacco Tax and Trade Bureau.
23 The director shall approve the agreement if the director determines
24 that the Alcohol and Tobacco Tax and Trade Bureau has approved
25 the agreement and the agreement does not violate any applicable
26 New Jersey alcohol licensing and taxation laws and related
27 regulations or special rulings of the director. The director shall
28 approve or deny the application no later than 180 days after receipt
29 of the application, unless the applicant agrees to an extension.

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

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

41 Farm winery license. 2b. The holder of this license shall be
42 entitled, subject to rules and regulations, to manufacture any
43 fermented wines and fruit juices in a quantity to be expressed in
44 said license, dependent upon the following fees and not in excess of
45 50,000 gallons per year and to sell and distribute his products to
46 wholesalers and retailers licensed in accordance with this chapter
47 and to churches for religious purposes and to sell and distribute
48 without this State to any persons pursuant to the laws of the places

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1 of such sale and distribution, and to maintain a warehouse and to
2 sell at retail to consumers for consumption on or off the licensed
3 premises and to offer samples for sampling purposes only. The
4 license shall be issued only when the winery at which such
5 fermented wines and fruit juices are manufactured is located and
6 constructed upon a tract of land exclusively under the control of the
7 licensee, provided that the licensee is actively engaged in growing
8 and cultivating an area of not less than three acres on or adjacent to
9 the winery premises and on which are growing grape vines or fruit
10 to be processed into wine or fruit juice, except in the case of certain
11 alternating proprietorship agreements, as provided in this
12 subsection; and provided, further, that for the first five years of the
13 operation of the winery such fermented wines and fruit juices shall
14 be manufactured from at least 51 percent grapes or fruit grown in
15 the State and that thereafter they shall be manufactured from grapes
16 or fruit grown in this State at least to the extent required for
17 labeling as "New Jersey Wine" under the applicable federal laws
18 and regulations. The containers of all wine sold to consumers by
19 such licensee shall have affixed a label stating such information as
20 shall be required by the rules and regulations of the Director of the
21 Division of Alcoholic Beverage Control. The fee for this license
22 shall be graduated as follows: to so manufacture between 30,000
23 and 50,000 gallons per annum, \$375; to so manufacture between
24 2,500 and 30,000 gallons per annum, \$250; to so manufacture
25 between 1,000 and 2,500 gallons per annum, \$125; to so
26 manufacture less than 1,000 gallons per annum, \$63. No farm
27 winery license shall be held by the holder of a plenary winery
28 license.

29 The holder of this license shall also have the right to sell and
30 distribute his products to retailers licensed in accordance with this
31 chapter, except that the holder of this license shall not use a
32 common carrier for such distribution. The fee for this additional
33 privilege shall be \$100. The holder of this license shall have the
34 right to sell his products in original packages at retail to consumers
35 in 15 salesrooms apart from the winery premises for consumption
36 on or off the premises, and for sampling purposes for consumption
37 on the premises, at a fee of \$250 for each salesroom. Licensees
38 shall not jointly control and operate salesrooms. Additionally, the
39 holder of this license may ship not more than 12 cases of wine per
40 year, subject to regulation, to any person within or without this
41 State over 21 years of age for personal consumption and not for
42 resale. A case of wine shall not exceed a maximum of nine liters.
43 A copy of the original invoice shall be available for inspection by
44 persons authorized to enforce the alcoholic beverage laws of this
45 State for a minimum period of three years at the licensed premises
46 of the winery. For the purposes of this subsection, "sampling"
47 means the selling at a nominal charge or the gratuitous offering of

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1 an open container not exceeding one and one-half ounces of any
2 wine.

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

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

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

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

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

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

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

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

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

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

29 Out-of-State winery license. 2e. Provided that the applicant
30 does not produce more than 250,000 gallons of wine per year, the
31 holder of a valid winery license issued in any other state may make
32 application to the director for this license. The holder of this
33 license shall have the right to sell and distribute his products to
34 wholesalers licensed in accordance with this chapter and to sell
35 such wine at retail in original packages in 16 salesrooms apart from
36 the winery premises for consumption on or off the premises at a fee
37 of \$250 for each salesroom. Licensees shall not jointly control and
38 operate salesrooms. The annual fee for this license shall be \$938.
39 A copy of a current license issued by another state shall accompany
40 the application. The holder of this license also shall have the right
41 to sell and distribute his products to retailers licensed in accordance
42 with this chapter, except that the holder of this license shall not use
43 a common carrier for such distribution. The fee for this additional
44 privilege shall be graduated as follows: a licensee who
45 manufactures more than 150,000 gallons, but not in excess of
46 250,000 gallons per annum, \$1,000; a licensee who manufactures
47 more than 100,000 gallons, but not in excess of 150,000 gallons per
48 annum, \$500; a licensee who manufactures more than 50,000

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

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

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

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

29 Cidery and meadery license. 2f. The holder of this license shall
30 be entitled, subject to rules and regulations, to manufacture hard
31 cider and mead and to sell and distribute these products to
32 wholesalers and retailers licensed in accordance with this chapter,
33 and to sell and distribute without this State to any persons pursuant
34 to the laws of the places of such sale and distribution, and to
35 maintain a warehouse. The holder of this license shall be entitled to
36 sell these products at retail to consumers on the licensed premises
37 for consumption on or off the premises and to offer samples for
38 sampling purposes only. The holder of this license shall be
39 permitted to offer for sale or make the gratuitous offering of
40 packaged crackers, chips, nuts, and similar snacks to consumers.
41 The holder of this license shall not operate a restaurant on the
42 licensed premises, but may coordinate with food vendors pursuant
43 to section 1 of P.L.2023, c.290 (C.33:1-10b). The holder of this
44 license shall be entitled to engage in the privileges established
45 pursuant to section 1 of P.L.2023, c.290 (C.33:1-10b). The fee for
46 this license shall be \$938.

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

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

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

17 As used in this subsection:

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

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

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

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

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

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

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

17 Craft distillery license. 3d. The holder of this license shall be
18 entitled, subject to rules and regulations, to manufacture not more
19 than 20,000 gallons of distilled alcoholic beverages, to rectify,
20 blend, treat and mix distilled alcoholic beverages, to sell and
21 distribute this product to wholesalers and retailers licensed in
22 accordance with this chapter, and to sell and distribute without this
23 State to any persons pursuant to the laws of the places of such sale
24 and distribution, and to maintain a warehouse. The holder of this
25 license shall be entitled to sell this product at retail to consumers on
26 the licensed premises of the distillery for consumption on the
27 premises and for consumption off the premises in a quantity of not
28 more than five liters per person. In addition, the holder of this
29 license may offer any person not more than three samples per
30 calendar day for sampling purposes only. For the purposes of this
31 subsection, "sampling" means the gratuitous offering of an open
32 container not exceeding one-half ounce serving of distilled
33 alcoholic beverage produced on the distillery premises. If the holder
34 of this license holds a bonded warehouse bottling license issued
35 pursuant to subsection 5 of this section, product manufactured in
36 accordance with this subsection and transferred to a bonded
37 warehouse for bottling and storage may be sold at retail and offered
38 for sampling on the licensed premises of the distillery by the holder
39 of this license. Nothing in this subsection shall be deemed to
40 permit the direct shipment of distilled spirits either within or
41 without this State. The holder of this license shall be entitled to
42 engage in the privileges established pursuant to section 1 of
43 P.L.2023, c.290 (C.33:1-10b).

44 The holder of this license shall not sell food or operate a
45 restaurant on the licensed premises, but may coordinate with food
46 vendors pursuant to section 1 of P.L.2023, c.290 (C.33:1-10b). A
47 holder of this license who certifies that not less than 51 percent of
48 the raw materials used in the production of distilled alcoholic

1 beverages under this section are grown in this State or purchased
2 from providers located in this State may, consistent with all
3 applicable federal laws and regulations, label these distilled
4 alcoholic beverages as “New Jersey Distilled.” The fee for this
5 license shall be \$938.

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

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

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

26 (cf: P.L.2023, c.290, s.2)

27

28 2. This act shall take effect immediately.

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30

31

STATEMENT

32

33 This bill allows certain breweries to sell brewed beer off
34 premises at retail salesrooms.

35 Specifically, this bill allows the holder of a limited brewery
36 license to operate up to 15 salesrooms apart from the brewery
37 premises. Under current law, only wineries that produce 250,000
38 gallons or less per year have this privilege.

39 Under the bill, limited breweries would be allowed to sell and
40 deliver their draft beer and products in original containers for
41 consumption on the salesroom premises. However, the bill
42 prohibits licensees from jointly controlling and operating
43 salesrooms.