

SENATE, No. 4551

STATE OF NEW JERSEY
222nd LEGISLATURE

INTRODUCED SEPTEMBER 28, 2026

Sponsored by:
Senator NILSA I. CRUZ-PEREZ
District 5 (Camden and Gloucester)

SYNOPSIS

Removes plenary retail distribution license limit for certain stores.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain alcoholic beverage licenses, amending
2 R.S.33:1-12, and supplementing Title 33 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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

8 “Retail food store” means any retail establishment where
9 groceries and other foodstuffs are regularly and customarily sold in
10 a bona fide manner for off premises consumption.

11 “Groceries and other foodstuffs” means dairy products; meat and
12 delicatessen products; produce products; seafood products;
13 carbonated beverages; coffee and other beverages; snack foods;
14 candy products; baked products; paper products; household
15 cleaning items; health and beauty products; frozen foods; pet foods
16 and supplies; and any other edible product not previously listed.

17 b. The provisions of section 1 of P.L.1962, c.152 (C.33:1-
18 12.31) shall not apply to the acquisition of an additional plenary
19 retail distribution license or licenses or an interest therein pursuant
20 to subsection e. and f. of this section when that license is issued to a
21 person :

22 (1) for use in connection with the operation of a retail food store
23 at which the retail sale of groceries and other food stuffs is the
24 primary and principal business and constitutes at least 65 percent of
25 the store’s total annual sales in dollars in the last full calendar year
26 preceding that person’s initial acquisition of the additional plenary
27 retail distribution license or licenses or 65 percent of the total
28 annual sales of the New Jersey food stores if the additional plenary
29 distribution license or licenses is for a newly constructed or
30 acquired store; or

31 (2) who certifies to the licensing authority that the additional
32 plenary retail distribution license or licenses is to be used in
33 connection with the operation of a retail premises at which the sale
34 of alcoholic beverages is the primary and principal business and
35 will constitute at least 90 percent of the store’s annual sales.

36 c. Upon application for renewal of a plenary retail distribution
37 license acquired pursuant to paragraph (1) of subsection b. of this
38 section, a licensee that has used the plenary retail distribution
39 license in connection with a retail food store for at least 18 months
40 prior to the renewal date shall furnish adequate proof to the
41 licensing authority that the combination of groceries or other food
42 stuffs and alcoholic beverages constitutes at least 65 percent of the
43 retail food store’s total annual sales in dollars in the last full
44 calendar year.

45 d. Upon application for renewal of a plenary retail distribution
46 license acquired for use in connection with a retail premises

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 pursuant to paragraph (2) of subsection b. of this section, the
2 licensee shall furnish adequate proof to the licensing authority that
3 the sale of alcoholic beverages constitutes at least 90 percent of the
4 store's annual sales.

5 e. On the first day of the 25th month following the effective
6 date of this act until the first day of the 73rd month following the
7 effective date of this act, a person may hold all or part of an interest
8 in not more than four plenary retail distribution licenses issued in
9 this State, two of which shall be used in connection with a retail
10 food store or retail premises pursuant to paragraphs (1) and (2) of
11 subsection b. of this section.

12 f. On the first day of the 73rd month following the effective
13 date of this act a person may hold all or part of an interest in not
14 more than six plenary retail distribution licenses issued in this State,
15 four of which shall be used in connection with a retail food store or
16 retail premises pursuant to paragraphs (1) and (2) of subsection b.
17 of this section.

18 g. The provisions of subsections e. and f. of this section shall
19 not apply to the holder of a plenary retail distribution license who
20 acquires additional plenary retail distribution licenses for use in
21 connection with a retail food store located within an urban food
22 desert pursuant to subsection b. of section 1 of P.L.1962, c.152
23 (C.33:1-12.31).

24 h. Nothing in this section shall be construed to authorize the
25 issuance of any new plenary retail distribution license in addition to
26 those currently permitted in a municipality pursuant to sections 2
27 and 3 of P.L.1947, c.94 (C.33:1-12.14 and 33:1-12.15).

28

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

30 33:1-12. Class C licenses shall be subdivided and classified as
31 follows:

32 Plenary retail consumption license. 1. The holder of this license
33 shall be entitled, subject to rules and regulations, to sell any
34 alcoholic beverages for consumption on the licensed premises by
35 the glass or other open receptacle, and also to sell any alcoholic
36 beverages in original containers for consumption off the licensed
37 premises, but this license shall not be issued to permit the sale of
38 alcoholic beverages in or upon any premises in which a grocery,
39 delicatessen, drug store, or other mercantile business is carried on,
40 except as hereinafter provided. The holder of this license shall be
41 permitted to conduct consumer wine, beer, and spirits tasting events
42 and samplings for a fee or on a complimentary basis pursuant to
43 conditions established by rules and regulations of the Division of
44 Alcoholic Beverage Control, provided, however, that the holder of
45 this license complies with the terms and conditions set forth in
46 section 3 of P.L.2009, c.216 (C.33:1-12d). Subject to such rules
47 and regulations established from time to time by the director, the
48 holder of this license shall be permitted to sell alcoholic beverages

1 in or upon the premises in which any of the following is carried on:
2 the keeping of a hotel or restaurant including the sale of mercantile
3 items incidental thereto as an accommodation to patrons; the sale, at
4 an entertainment facility as defined in R.S.33:1-1, having a seating
5 capacity for no less than 4,000 patrons, of mercantile items
6 traditionally associated with the type of event or program held at
7 the site; the sale of distillers', brewers', and vintners' packaged
8 merchandise prepacked as a unit with other suitable objects as gift
9 items to be sold only as a unit; the sale of novelty wearing apparel
10 identified with the name of the establishment licensed under the
11 provisions of this section; the sale of cigars, cigarettes, packaged
12 crackers, chips, nuts, and similar snacks and ice at retail as an
13 accommodation to patrons or the retail sale of nonalcoholic
14 beverages as accessory beverages to alcoholic beverages; or, in
15 commercial bowling establishments, the retail sale or rental of
16 bowling accessories and the retail sale from vending machines of
17 candy, ice cream, and nonalcoholic beverages. The fee for this
18 license shall be fixed by the governing board or body of the
19 municipality in which the licensed premises are situated, by
20 ordinance, at not less than \$250 and not more than \$2,500. No
21 ordinance shall be enacted which shall raise or lower the fee to be
22 charged for this license by more than ~~20%~~ 20 percent from that
23 charged in the preceding license year or ~~\$500.00~~ \$500, whichever
24 is the lesser. The governing board or body of each municipality
25 may, by ordinance, enact that no plenary retail consumption license
26 shall be granted within its respective municipality.

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

33 Seasonal retail consumption license. 2. (1) The holder of this
34 license shall be entitled, subject to rules and regulations, to sell any
35 alcoholic beverages for consumption on the licensed premises by
36 the glass or other open receptacle and also to sell any alcoholic
37 beverages in original containers for consumption off the licensed
38 premises, during the summer season from May 1 until November
39 14, inclusive, or during the winter season from November 15 until
40 April 30, inclusive.

41 (2) In addition, the director shall issue to the holder of this
42 license, upon request by the licensee, one-day permits that shall
43 entitle the license holder to sell alcoholic beverages for
44 consumption on the licensed premises during the season when the
45 license holder is not authorized to sell alcoholic beverages pursuant
46 to subparagraph (1) of this subsection. The number of one-day
47 permits issued to a licensee pursuant to this subsection shall not
48 exceed an aggregate of 14 permits in one calendar year. A one-day

1 permit issued pursuant to this subsection shall be valid for 24
2 consecutive hours. The fee for each one-day permit shall be \$500.

3 The governing body of the municipality in which the licensed
4 premises is situated may place reasonable conditions upon a one-
5 day permit for the purpose of maintaining public safety on the
6 licensed premises and immediately surrounding area. The costs
7 associated with the reasonable conditions placed on the one-day
8 permit shall be assumed by the holder of this license.

9 (3) This license shall not be issued to permit the sale of
10 alcoholic beverages in or upon any premises in which a grocery,
11 delicatessen, drug store, or other mercantile business is carried on,
12 except as hereinafter provided. Subject to such rules and
13 regulations established from time to time by the director, the holder
14 of this license shall be permitted to sell alcoholic beverages in or
15 upon the premises in which any of the following is carried on: the
16 keeping of a hotel or restaurant including the sale of mercantile
17 items incidental thereto as an accommodation to patrons; the sale of
18 distillers', brewers', and vintners' packaged merchandise prepacked
19 as a unit with other suitable objects as gift items to be sold only as a
20 unit; the sale of novelty wearing apparel identified with the name of
21 the establishment licensed under the provisions of this section; the
22 sale of cigars, cigarettes, packaged crackers, chips, nuts, and similar
23 snacks and ice at retail as an accommodation to patrons; or the retail
24 sale of nonalcoholic beverages as accessory beverages to alcoholic
25 beverages. The fee for this license shall be fixed by the governing
26 board or body of the municipality in which the licensed premises
27 are situated, by ordinance, at **[75%]** 75 percent of the fee fixed by
28 said board or body for plenary retail consumption licenses. The
29 governing board or body of each municipality may, by ordinance,
30 enact that no seasonal retail consumption license shall be granted
31 within its respective municipality.

32 Plenary retail distribution license. 3. a. The holder of this license
33 shall be entitled, subject to rules and regulations, to sell any
34 alcoholic beverages, or intoxicating hemp beverages until the
35 expiration of section 11 of P.L.2025, c.215 (C.24:6I-48.5), for
36 consumption off the licensed premises, but only in original
37 containers except that licensees shall be permitted to conduct
38 consumer wine, beer, and spirits tasting events and samplings on a
39 complimentary basis pursuant to conditions established by rules and
40 regulations of the Division of Alcoholic Beverage Control,
41 provided, however, that the holder of this license complies with the
42 terms and conditions set forth in section 3 of P.L.2009, c.216
43 (C.33:1-12d).

44 The governing board or body of each municipality may, by
45 ordinance, enact that this license shall not be issued to permit the
46 sale of alcoholic beverages in or upon any premises in which any
47 other mercantile business is carried on, except that any such
48 ordinance, heretofore or hereafter adopted, shall not prohibit the

1 retail sale of distillers', brewers', and vintners' packaged
2 merchandise prepacked as a unit with other suitable objects as gift
3 items to be sold only as a unit; the sale of novelty wearing apparel
4 identified with the name of the establishment licensed under the
5 provisions of this act; cigars, cigarettes, packaged crackers, chips,
6 nuts, and similar snacks, ice, and nonalcoholic beverages as
7 accessory beverages to alcoholic beverages. The fee for this license
8 shall be fixed by the governing board or body of the municipality in
9 which the licensed premises are situated, by ordinance, at not less
10 than \$125 and not more than \$2,500. No ordinance shall be enacted
11 which shall raise or lower the fee to be charged for this license by
12 more than ~~20%~~ 20 percent from that charged in the preceding
13 license year or ~~\$500.00~~ \$500, whichever is the lesser. The
14 governing board or body of each municipality may, by ordinance,
15 enact that no plenary retail distribution license shall be granted
16 within its respective municipality.

17 A license transfer fee shall be imposed on the initial transfer of
18 each plenary retail distribution license, which pursuant to section 1
19 of P.L. , c. (C.) (pending before the Legislature as this bill),
20 is transferred to a licensee holding two or more licenses. This
21 license transfer fee, which shall be equal to 10 percent of the price
22 paid for the plenary retail distribution license, shall be paid by the
23 acquiring licensee, at the time that the plenary retail distribution
24 license is transferred, to the municipality in which the licensed
25 premises is situated.

26 Limited retail distribution license. 3. b. The holder of this license
27 shall be entitled, subject to rules and regulations, to sell any
28 unchilled, brewed, malt alcoholic beverages in quantities of not less
29 than 72 fluid ounces for consumption off the licensed premises, but
30 only in original containers, provided, however, that this license
31 shall be issued only for premises operated and conducted by the
32 licensee as a bona fide grocery store, meat market, meat and
33 grocery store, delicatessen, or other type of bona fide food store at
34 which groceries or other foodstuffs are sold at retail and provided
35 further that this license shall not be issued except for premises at
36 which the sale of groceries or other foodstuffs is the primary and
37 principal business and at which the sale of alcoholic beverages is
38 merely incidental and subordinate thereto. The fee for this license
39 shall be fixed by the governing body or board of the municipality in
40 which the licensed premises are situated, by ordinance, at not less
41 than \$31 and not more than \$63. The governing board or body of
42 each municipality may, by ordinance, enact that no limited retail
43 distribution license shall be granted within its respective
44 municipality.

45 Plenary retail transit license. 4. The holder of this license shall be
46 entitled, subject to rules and regulations, to sell any alcoholic
47 beverages, for consumption only, on railroad trains, airplanes,
48 limousines, and boats, while in transit. The fee for this license for

1 use by a railroad or air transport company shall be \$375, for use by
2 the owners of limousines shall be \$31 per vehicle, and for use on a
3 boat shall be \$63 on a boat 65 feet or less in length, \$125 on a boat
4 more than 65 feet in length but not more than 110 feet in length,
5 and \$375 on a boat more than 110 feet in length; such boat lengths
6 shall be determined in the manner prescribed by the Bureau of
7 Customs of the United States Government or any federal agency
8 successor thereto for boat measurement in connection with issuance
9 of marine documents. A license issued under this provision to a
10 railroad or air transport company shall cover all railroad cars and
11 planes operated by any such company within the State of New
12 Jersey. A license for a boat or limousine issued under this
13 provision shall apply only to the particular boat or limousine for
14 which issued and shall permit the purchase of alcoholic beverages
15 for sale or service in a boat or limousine to be made from any Class
16 A and B licensee or from any Class C licensee whose license
17 privilege permits the sale of alcoholic beverages in original
18 containers for off-premises consumption. An interest in a plenary
19 retail transit license issued in accordance with this section shall be
20 excluded in determining the maximum number of retail licenses
21 permitted under P.L.1962, c.152 (C.33:1-12.31 et seq.).

22 Club license. 5. The holder of this license shall be entitled,
23 subject to rules and regulations, to sell any alcoholic beverages but
24 only for immediate consumption on the licensed premises and only
25 to bona fide club members and their guests. The fee for this license
26 shall be fixed by the governing board or body of the municipality in
27 which the licensed premises are situated, by ordinance, at not less
28 than \$63 and not more than \$188. The governing board or body of
29 each municipality may, by ordinance, enact that no club licenses
30 shall be granted within its respective municipality. Club licenses
31 may be issued only to such corporations, associations and
32 organizations as are operated for benevolent, charitable, fraternal,
33 social, religious, recreational, athletic, or similar purposes, and not
34 for private gain, and which comply with all conditions which may
35 be imposed by the Director of the Division of Alcoholic Beverage
36 Control by rules and regulations.

37 The provisions of section 23 of P.L.2003, c.117 amendatory of
38 this section shall apply to licenses issued or transferred on or after
39 July 1, 2003, and to license renewals commencing on or after July
40 1, 2003.

41 Sporting facility license. 6. The holder of this license shall be
42 entitled, subject to rules and regulations, to sell at retail or to serve
43 any alcoholic beverages as the owner, operator, lessee, or
44 concessionaire of a sporting facility by the glass or other receptacle
45 or in original containers only on the premises of the sporting
46 facility.

47 Notwithstanding any other provision of Title 33 of the Revised
48 Statutes and subject to conditions established by the director, the

1 holder of this license may share direction and control of the
2 premises to be licensed and share proceeds and profits from the sale
3 of alcoholic beverages with the owner, operator, concessionaire, or
4 lessee of the facility. The holder of this license shall be permitted
5 to conduct consumer wine, beer, and spirits tasting events and
6 samplings for a fee or on a complimentary basis provided, however,
7 the license holder complies with the provisions of section 3 of
8 P.L.2009, c.216 (C.33:1-12d) and rules and regulations promulgated
9 thereto. Notwithstanding any law, rule or regulation to the
10 contrary, the holder of this license shall be entitled to establish up
11 to five all-inclusive areas within the licensed sporting facility,
12 provided the total capacity of the all-inclusive area or areas within
13 the sporting facility for each game or event does not exceed more
14 than 500 persons or five percent of the total capacity of the sporting
15 facility, whichever is greater.

16 The fee for this license shall be \$2,500 for venues with a
17 capacity of less than 7,500 persons; \$5,000 for venues with a
18 capacity of not less than 7,500 persons but not more than 14,999
19 persons; \$7,500 for venues with a capacity of not less than 15,000
20 persons but not more than 22,499 persons; and \$10,000 for venues
21 with a capacity of 22,500 persons or more.

22 The director may, in accordance with regulations or a special
23 ruling, issue special all-inclusive area event permits to the holder of
24 this license authorizing the establishment of an all-inclusive area or
25 areas in excess of these limitations for a national or international
26 sporting event at a sporting facility with a seating capacity of
27 50,000 or more persons, provided the issuance of the special all-
28 inclusive area event permits is consistent with the provisions of
29 Title 33 of the Revised Statutes and any regulations promulgated
30 thereunder. The director may impose special conditions on the
31 special all-inclusive area event permits deemed necessary and
32 proper to protect the health, safety, and welfare of the public. A
33 special all-inclusive area event permit issued pursuant to this
34 subsection shall be valid for the specified duration of the event and
35 the fee shall be \$2,000 per day for each all-inclusive area
36 established, but the total fee shall not exceed \$6,000 per day. Prior
37 to the issuance of a special all-inclusive area event permit, the
38 director may require the holder of this license to provide a bond or
39 equivalent to the Division of Alcoholic Beverage Control in an
40 amount to be determined by the director based on the size, scope,
41 and conditions of the national or international sporting event and
42 the compliance history of the sporting facility license holder.

43 For the purposes of this subsection:

44 “National or international sporting event” means a tournament-
45 level professional event governed by a national or international
46 sports federation or governing body, including, but not limited to,
47 sporting events governed by the National Football League,

1 International Olympic Committee, and the International Federation
2 of Association Football.

3 “Sporting facility” means a stadium, arena, team training facility,
4 or similar venue located on public property where alcoholic
5 beverages are served or sold at retail for consumption on the
6 premises by the glass or other open receptacle or in original
7 containers.

8 “Team training facility” shall include team offices and team
9 headquarters.

10 (cf: P.L.2025, c.215, s.7)

11
12 3. Section 1 of P.L.1962, c.152 (C.33:1-12.31) is amended to
13 read as follows:

14 1. a. On and after the effective date of this act **[no]** a person, as
15 **[the same is]** defined in R.S. 33:1-1, shall not, except as hereinafter
16 provided, acquire a beneficial interest in more than a total of two
17 alcoholic beverage retail licenses, but nothing herein shall require
18 any such person who has, on August 3, 1962, such an interest in
19 more than two such licenses to surrender, dispose of, or release
20 **[his]** the person’s interest in any such license or licenses.

21 b. The provisions of subsection a. of this section shall not apply
22 to the holder of a plenary retail distribution license who acquires a
23 beneficial interest in more than two plenary retail distribution
24 licenses provided those licenses only are used in connection with a
25 retail food store as defined in section 1 of P.L. , c. (C.)
26 (pending before the Legislature as this bill) that is located in an
27 urban food desert as defined in section 3 of P.L.2011, c.223
28 (C.4:10-25.5). The license transfer fee established pursuant to
29 R.S.33:1-12 for plenary retail distribution license holders who
30 obtain more than two licenses shall not apply to a license acquired
31 pursuant to this subsection.

32 (cf: P.L.1971, c.217, s.1)

33
34 4. This act shall take effect immediately.

35 36 37 STATEMENT

38
39 This bill increases the number of plenary retail distribution licenses
40 that a person may obtain for use in connection with certain retail food
41 stores and liquor stores. Under current law, a person or corporate
42 entity is prohibited from holding more than two retail licenses to sell
43 alcoholic beverages.

44 The bill provides that immediately following the bill’s effective
45 date the holder of a plenary retail distribution license would not be
46 subject to the two-license limitation when those retail licenses are used
47 in connection with a retail food store located within an urban food
48 desert. An urban food desert is defined in current law as a

1 municipality, or physically contiguous urban area in the State, in
2 which residents have limited access to nutritious foods, such as fresh
3 fruits and vegetables, through supermarkets, grocery stores, and
4 farmers' markets.

5 In addition, the bill provides that two years following the bill's
6 effective date, a person may own or have an interest in a maximum of
7 four retail licenses provided that two of those licenses are used in a
8 qualifying retail food store or liquor store located throughout the State.
9 Six years following the effective date of the bill, a person may hold not
10 more than a total of six retail licenses provided that four of those
11 licenses are used in a qualifying retail food store or liquor store located
12 throughout the State. Under the bill, a qualifying retail food store is a
13 retail store at which the sale of groceries and other food stuffs is the
14 primary and principal business and constitutes at least 65 percent of
15 the store's total annual sales. A qualifying liquor store is a store at
16 which at least 90 percent of the store's annual sales are alcoholic
17 beverages.

18 Individuals who acquire more than two licenses under the
19 provisions of the bill are required to pay a license transfer fee on each
20 additional license that they acquire. The transfer fee is set at 10
21 percent of the amount the entity paid for the license and is payable to
22 the municipality in which the licensed premises is situated. This
23 transfer fee would not apply to the holder of a plenary retail
24 distribution license used in connection with a retail food store located
25 in an urban food desert.

26 This bill would not increase the number of licenses that a
27 municipality may issue based on population but, rather, increases the
28 number of retail license that one person may hold.