

SENATE, No. 1907

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED MAY 13, 2010

Sponsored by:
Senator JAMES BEACH
District 6 (Camden)

SYNOPSIS

Establishes limited retail religious distribution license.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT concerning the sale of certain alcoholic beverages and
2 amending 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.

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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. 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; but this license shall not be issued to permit the
22 sale of alcoholic beverages in or upon any premises in which a
23 grocery, delicatessen, drug store or other mercantile business is
24 carried on, except as hereinafter provided. 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 of
30 distillers', brewers' and vintners' packaged merchandise prepacked
31 as a unit with other suitable objects as gift items to be sold only as a
32 unit; the sale of novelty wearing apparel identified with the name of
33 the establishment licensed under the provisions of this section; the
34 sale of cigars, cigarettes, packaged crackers, chips, nuts and similar
35 snacks and ice at retail as an accommodation to patrons; or the retail
36 sale of nonalcoholic beverages as accessory beverages to alcoholic
37 beverages. The fee for this license shall be fixed by the governing
38 board or body of the municipality in which the licensed premises
39 are situated, by ordinance, at 75% of the fee fixed by said board or
40 body for plenary retail consumption licenses. The governing board
41 or body of each municipality may, by ordinance, enact that no
42 seasonal retail consumption license shall be granted within its
43 respective municipality.

44 Plenary retail distribution license. 3. a. The holder of this license
45 shall be entitled, subject to rules and regulations, to sell any
46 alcoholic beverages for consumption off the licensed premises, but
47 only in original containers; except that licensees shall be permitted
48 to conduct consumer wine, beer, and spirits tasting events and

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1 samplings on a complimentary basis pursuant to conditions
2 established by rules and regulations of the Division of Alcoholic
3 Beverage Control, provided however, that the holder of this license
4 complies with the terms and conditions set forth in section 3 of
5 P.L.2009, c.216 (C.33:1-12d).

6 The governing board or body of each municipality may, by
7 ordinance, enact that this license shall not be issued to permit the
8 sale of alcoholic beverages in or upon any premises in which any
9 other mercantile business is carried on, except that any such
10 ordinance, heretofore or hereafter adopted, shall not prohibit the
11 retail sale of distillers', brewers' and vintners' packaged
12 merchandise prepacked as a unit with other suitable objects as gift
13 items to be sold only as a unit; the sale of novelty wearing apparel
14 identified with the name of the establishment licensed under the
15 provisions of this act; cigars, cigarettes, packaged crackers, chips,
16 nuts and similar snacks, ice, and nonalcoholic beverages as
17 accessory beverages to alcoholic beverages. The fee for this license
18 shall be fixed by the governing board or body of the municipality in
19 which the licensed premises are situated, by ordinance, at not less
20 than \$125 and not more than \$2,500. No ordinance shall be enacted
21 which shall raise or lower the fee to be charged for this license by
22 more than 20% from that charged in the preceding license year or
23 \$500.00, whichever is the lesser. The governing board or body of
24 each municipality may, by ordinance, enact that no plenary retail
25 distribution license shall be granted within its respective
26 municipality.

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

46 Limited religious retail distribution license. 3. c. The holder of
47 this license shall be entitled, subject to rules and regulations, to sell
48 any unchilled alcoholic beverage that has been certified or

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1 represented to be kosher, kosher for Passover, or as having been
2 prepared under or sanctioned by Orthodox Jewish or any other
3 religious requirements for consumption off the licensed premises,
4 but only in original containers; provided, however, that this license
5 shall be issued only for premises operated by the licensee as a bona
6 fide food store at which groceries or other foodstuffs are sold at
7 retail and which has on file with the Director of the Division of
8 Consumer Affairs a disclosure that the premises are under
9 rabbinical or other recognized religious supervision; and provided
10 further that this license shall not be issued except for premises at
11 which the sale of groceries or other foodstuffs is the primary and
12 principal business and at which the sale of alcoholic beverages is
13 merely incidental and subordinate thereto. The fee for this license
14 shall be fixed by the governing body or board of the municipality in
15 which the licensed premises are situated, by ordinance, at not less
16 than \$31 and not more than \$63. The governing board or body of
17 each municipality may, by ordinance, enact that no limited religious
18 retail distribution license shall be granted within its respective
19 municipality.

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

45 Club license. 5. The holder of this license shall be entitled,
46 subject to rules and regulations, to sell any alcoholic beverages but
47 only for immediate consumption on the licensed premises and only
48 to bona fide club members and their guests. The fee for this license

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1 shall be fixed by the governing board or body of the municipality in
2 which the licensed premises are situated, by ordinance, at not less
3 than \$63 and not more than \$188. The governing board or body of
4 each municipality may, by ordinance, enact that no club licenses
5 shall be granted within its respective municipality. Club licenses
6 may be issued only to such corporations, associations and
7 organizations as are operated for benevolent, charitable, fraternal,
8 social, religious, recreational, athletic, or similar purposes, and not
9 for private gain, and which comply with all conditions which may
10 be imposed by the Director of the Division of Alcoholic Beverage
11 Control by rules and regulations.

12 The provisions of section 23 of P.L.2003, c.117 amendatory of
13 this section shall apply to licenses issued or transferred on or after
14 July 1, 2003, and to license renewals commencing on or after July
15 1, 2003.

16 (cf: P.L.2009, c.216, s.1)

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18 2. This act shall take effect on the first day of the third month
19 following enactment.

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STATEMENT

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24 This bill creates a limited religious retail distribution license.
25 This license entitles the holder to sell any unchilled alcoholic
26 beverage that has been certified or represented to be kosher, kosher
27 for Passover, or as having been prepared under or sanctioned by
28 Orthodox Jewish or any other religious requirements. The alcohol
29 must be sold in its original container and must be intended for
30 consumption off the licensed premises.

31 To be eligible for a limited religious retail distribution license,
32 the applicant must operate a bona fide food store at which groceries
33 or other foodstuffs are sold at retail, and must have on file with the
34 Division of Consumer Affairs a disclosure that the premises are
35 under rabbinical or other recognized religious supervision.

36 The fee for this license is to be set by the municipality in which
37 the premises are located at an amount between \$31 and \$63.