

24:5-9, 24:5-9.1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 24: 5-9, 24: 5-9.1

(candy-alcohol content-increase allowable amount)

LAWS OF: 1984

CHAPTER: 134

Bill No: S1473

Sponsor(s): Hirkala

Date Introduced: March 1, 1984

Committee: Assembly: /////

Senate: Law, Public Safety and Defense

Amended during passage: Yes A amendments during passage denoted by asterisks

Date of Passage: Assembly: June 28, 1984

Senate: June 28, 1984

Date of Approval: August 28, 1984

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: No

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8-28-84

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SENATE, No. 1473

STATE OF NEW JERSEY

INTRODUCED MARCH 1, 1984

By Senator HIRKALA

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning the alcoholic content of certain confectionery
[and] **, amending R. S. 24:5-9 *and supplementing chapter
5 of Title 24 of the Revised Statutes*.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. R. S. 24:5-9 is amended to read as follows:

2 24:5-9. For the purposes of this subtitle, confectionery shall be
3 deemed adulterated if it bears or contains any alcohol, or nonnutri-
4 tive article or substance except harmless coloring, or if a coal-tar
5 color one from a batch which has been certified under the Federal
6 Act, harmless flavoring, harmless resinous glaze not in excess of
7 $\frac{1}{10}$ of 1%, natural gum and pectin; provided, that this paragraph
8 shall not apply to any confectionery by reason of its containing less
9 than **[\mathbf{\frac{1}{2} of 1%}]** ***[8%]*** *5%* by volume of alcohol ***[derived**
10 **solely from the use of flavoring extracts,]*** or to any chewing gum
11 by reason of its containing harmless nonnutritive masticatory
12 substances.

1-2 *2. (New section) a. *Anyone who sells confectionery that con-*
3 *tains more than $\frac{1}{2}$ of 1% alcohol rendered unfit for beverage*
4 *purposes to a person who is under the legal age for purchasing*
5 *alcoholic beverages is guilty of a disorderly persons offense.*

6 b. *Any confectionery manufactured in this State that contains*
7 *more than $\frac{1}{2}$ of 1% alcohol rendered unfit for beverage purposes*
8 *shall bear a label containing the statement: "Sale of this product*
9 *to persons under the legal age for purchasing alcoholic beverages*
10 *is unlawful". A person who violates the provisions of this sub-*
11 *section is guilty of a disorderly persons offense.*

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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted June 25, 1984.

12 *c. No confectionery containing more than ½ of 1% alcohol*
13 *rendered unfit for beverage purposes shall be sold in this State*
14 *unless the product bears a label that meets the requirements of*
15 *subsection b. of this section or a sign containing the statement:*
16 *“Sale of confectionery containing more than ½ of 1% alcohol to*
17 *persons under the legal age for purchasing alcoholic beverages is*
18 *unlawful” is displayed at the place where the product is sold or*
19 *offered for sale. A person who violates the provisions of this sub-*
20 *section is guilty of a disorderly persons offense.**

1 ***[2.]* *3.*** This act shall take effect immediately.

SENATE, No. 1473

STATE OF NEW JERSEY

INTRODUCED MARCH 1, 1984

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and amending R. S. 24:5-9.

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5 color one from a batch which has been certified under the Federal
6 Act, harmless flavoring, harmless resinous glaze not in excess of
7 $\frac{1}{10}$ of 1%, natural gum and pectin; provided, that this paragraph
8 shall not apply to any confectionery by reason of its containing less
9 than **[\mathit{\frac{1}{2}} of 1%]** 8% by volume of alcohol derived solely from the
10 use of flavoring extracts, or to any chewing gum by reason of its
11 containing harmless nonnutritive masticatory substances.

1 2. This act shall take effect immediately.

STATEMENT

In 1978 the Division of Alcoholic Beverage Control repealed its regulations limiting the amount of alcohol which could be contained within candy products. The statutory limit, however, still remains at $\frac{1}{2}$ of 1% of volume. The ABC's deregulation is ineffective without a similar change in the law. This bill increases the permissible alcoholic content of candy manufactured or sold in New Jersey to 8% of volume. This level is similar to that imposed in other jurisdictions.

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 printed in italics thus is new matter.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO

SENATE, No. 1473

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 25, 1984

As amended by the Senate Law, Public Safety and Defense Committee, Senate Bill No. 1473 would increase the maximum percentage of alcohol that can be contained in candy manufactured or sold in this State from $\frac{1}{2}$ of 1% to 5%. Prior to being amended, the bill would have raised the maximum percentage to 8%.

The committee also amended the bill to create a new section of law making it a disorderly persons offense to: a. sell any confectionery containing more than $\frac{1}{2}$ of 1% alcohol to persons who are under the legal age for purchasing alcoholic beverages; b. fail to affix on a confectionery containing more than $\frac{1}{2}$ of 1% alcohol that is manufactured in this State a label stating that it is unlawful to sell such products to persons under the legal age for purchasing alcoholic beverages; and c. sell a confectionery containing more than $\frac{1}{2}$ of 1% alcohol that does not bear the label described in b. above unless a sign is displayed where the product is sold or offered for sale stating that it is unlawful to sell such products to persons under the legal age for purchasing alcoholic beverages.

A disorderly persons offense is punishable by a fine of up to \$1,000.00, imprisonment for up to six months, or both.

Federal law prohibits interstate sales of confectionery containing more than $\frac{1}{2}$ of 1% alcohol by volume.



OFFICE OF THE GOVERNOR

NEWS RELEASE

CN-001

Contact: CARL GOLDEN
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TRENTON, N.J. 08625

Release: THURSDAY, AUGUST 30,

Governor Thomas H. Kean yesterday signed legislation to permit candy and confections manufactured or sold in New Jersey to contain a volume of alcohol of up to 5 percent of total volume.

The bill, S-1473, was sponsored by Senator Joseph Hirkala, D-Passaic.

Previously, the law set the permissible alcohol content at one-half of one percent of total volume.

The legislation provides, further, that it is illegal to sell candy with an alcohol content in excess of one-half of one percent to persons under the legal age for purchasing alcoholic beverages. It provides, also, that candy boxes or packages carry a label that it is illegal to sell the product to anyone under the legal age for alcoholic beverage purchases.

The legislation is effective immediately.

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