

33:1-10

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2025 **CHAPTER:** 97

NJSA: 33:1-10 Establishes historic distillery license; allows consumption of licensee's products on and off licensed premises under certain circumstances.

BILL NO: A5141 (Substituted for S3813)

SPONSOR(S) Peterpaul, Luanne M. and others

DATE INTRODUCED: 12/16/2024

COMMITTEE: **ASSEMBLY:** Oversight, Reform & Federal Relations

SENATE: --

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: 03/24/2025

SENATE: 06/02/2025

DATE OF APPROVAL: 7/8/2025

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (A5141 enacted)

ADVANCE LAW Yes

PAMPHLET LAW Yes

A5141

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

REPRINT(S): No

TECHNICAL REVIEW OF BILL: No

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, ***may possibly*** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

S3813

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

REPRINT(S): No

TECHNICAL REVIEW OF BILL: No

COMMITTEE STATEMENT:	ASSEMBLY:	No
	SENATE:	Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, ***may possibly*** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No
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LEGISLATIVE FISCAL ESTIMATE:	Yes
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VETO MESSAGE:	No
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GOVERNOR'S PRESS RELEASE ON SIGNING:	Yes
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LEGISLATOR STATEMENT:	Yes
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FOLLOWING WERE PRINTED:

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REPORTS:	No
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HEARINGS:	No
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NEWSPAPER ARTICLES:	No
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CL/MMcB

P.L. 2025, CHAPTER 97, *approved July 8, 2025*
Assembly, No. 5141

CORRECTED COPY

1 **AN ACT** concerning alcoholic beverage licensing 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

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 of this section, product brewed in accordance with this subsection
2 and transferred to a bonded warehouse for bottling and storage may
3 be sold at retail and offered for sampling on the licensed premises
4 of the brewery by the holder of this license. The holder of this
5 license shall not sell food or operate a restaurant on the licensed
6 premises, but may coordinate with food vendors pursuant to section
7 1 of P.L.2023, c.290 (C.33:1-10b). The holder of this license shall
8 be entitled to engage in the privileges established pursuant to
9 section 1 of P.L.2023, c.290 (C.33:1-10b).

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

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

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

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

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

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

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

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

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

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

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

47 The fee for this license shall be graduated as follows: to
48 manufacture between 1,200 and 2,500 barrels per year, \$300; to

1 manufacture between 100 and 1,199 barrels per year, \$200; to
2 manufacture fewer than 100 barrels per year, \$100. An individual
3 or entity shall not hold more than one farm brewery license.

4 For purposes of this subsection, “sampling” means the selling at
5 a nominal charge or the gratuitous offering of an open container not
6 exceeding one and one-half ounces of a malt alcoholic beverage.

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

1 offering of an open container not exceeding one and one-half
2 ounces of any 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. In addition, a holder of this
7 license who produces more than 250,000 gallons per year shall not
8 own, either in whole or in part, or hold, either directly or indirectly,
9 any interest in a winery that produces not more than 250,000
10 gallons per year.

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

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

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

36 Farm winery license. 2b. The holder of this license shall be
37 entitled, subject to rules and regulations, to manufacture any
38 fermented wines and fruit juices in a quantity to be expressed in
39 said license, dependent upon the following fees and not in excess of
40 50,000 gallons per year and to sell and distribute his products to
41 wholesalers and retailers licensed in accordance with this chapter
42 and to churches for religious purposes and to sell and distribute
43 without this State to any persons pursuant to the laws of the places
44 of such sale and distribution, and to maintain a warehouse and to
45 sell at retail to consumers for consumption on or off the licensed
46 premises and to offer samples for sampling purposes only. The
47 license shall be issued only when the winery at which such
48 fermented wines and fruit juices are manufactured is located and

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

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

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

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

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

21 Unless otherwise indicated, for the purposes of this subsection,
22 with respect to farm winery licenses, "manufacture" means the
23 vinification, aging, storage, blending, clarification, stabilization and
24 bottling of wine or juice from New Jersey fruit to the extent
25 required by this subsection.

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

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

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

38 Instructional winemaking facility license. 2d. The holder of this
39 license shall be entitled, subject to rules and regulations, to instruct
40 persons in and provide them with the opportunity to participate
41 directly in the process of winemaking and to directly assist such
42 persons in the process of winemaking while in the process of
43 instruction on the premises of the facility. The holder of this
44 license also shall be entitled to manufacture wine on the premises
45 not in excess of an amount of 10 percent of the wine produced
46 annually on the premises of the facility, which shall be used only to
47 replace quantities lost or discarded during the winemaking process,
48 to maintain a warehouse, and to offer samples produced by persons

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

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

22 Out-of-State winery license. 2e. Provided that the applicant
23 does not produce more than 250,000 gallons of wine per year, the
24 holder of a valid winery license issued in any other state may make
25 application to the director for this license. The holder of this
26 license shall have the right to sell and distribute his products to
27 wholesalers licensed in accordance with this chapter and to sell
28 such wine at retail in original packages in 16 salesrooms apart from
29 the winery premises for consumption on or off the premises at a fee
30 of \$250 for each salesroom. Licensees shall not jointly control and
31 operate salesrooms. The annual fee for this license shall be \$938.
32 A copy of a current license issued by another state shall accompany
33 the application. The holder of this license also shall have the right
34 to sell and distribute his products to retailers licensed in accordance
35 with this chapter, except that the holder of this license shall not use
36 a common carrier for such distribution. The fee for this additional
37 privilege shall be graduated as follows: a licensee who
38 manufactures more than 150,000 gallons, but not in excess of
39 250,000 gallons per annum, \$1,000; a licensee who manufactures
40 more than 100,000 gallons, but not in excess of 150,000 gallons per
41 annum, \$500; a licensee who manufactures more than 50,000
42 gallons, but not in excess of 100,000 gallons per annum, \$250; a
43 licensee who manufactures 50,000 gallons or less per annum, \$100.
44 Additionally, the holder of this license may ship not more than 12
45 cases of wine per year, subject to regulation, to any person within or
46 without this State over 21 years of age for personal consumption
47 and not for resale. A case of wine shall not exceed a maximum of
48 nine liters. A copy of the original invoice shall be available for

1 inspection by persons authorized to enforce the alcoholic beverage
2 laws of this State for a minimum period of three years at the
3 licensed premises of the winery.

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

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

20 For the purposes of this subsection, “wine” shall include “hard
21 cider” and “mead” as defined in this section.

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

40 The holder of this license shall be entitled to manufacture hard
41 cider in a quantity not to exceed 50,000 barrels of 31 fluid gallons
42 capacity per year. With respect to the sale and distribution of hard
43 cider to a wholesaler, the licensee shall be subject to the same
44 statutory and regulatory requirements as a brewer, and hard cider
45 shall be considered a malt alcoholic beverage, for the purposes of
46 the “Malt Alcoholic Beverage Practices Act,” P.L.2005, c.243
47 (C.33:1-93.12 et seq.). The holder of this license shall not directly
48 ship hard cider either within or without this State.

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

10 As used in this subsection:

11 “Hard cider” means a fermented alcoholic beverage derived
12 primarily from apples, pears, apple juice concentrate and water, or
13 pear juice concentrate and water, which may include spices, herbs,
14 honey, or other flavoring, and which contains at least one half of
15 one percent but less than eight and one half percent alcohol by
16 volume.

17 “Mead” means an alcoholic beverage primarily made from
18 honey, water, and yeast, and which may contain fruit, fruit juices,
19 spices, or herbs added before or after fermentation has completed,
20 except that the ratio of fermentable sugars from fruit or fruit juices
21 shall not exceed 49 percent of the total fermentable sugars used to
22 produce mead.

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

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

34 Limited distillery license. 3b. The holder of this license shall be
35 entitled, subject to rules and regulations, to manufacture and bottle
36 any alcoholic beverages distilled from fruit juices and rectify,
37 blend, treat, mix, compound with wine and add necessary
38 sweetening and flavor to make cordial or liqueur, and to sell and
39 distribute to wholesalers and retailers licensed in accordance with
40 this chapter, and to sell and distribute without this State to any
41 persons pursuant to the laws of the places of such sale and
42 distribution and to warehouse these products. The fee for this
43 license shall be \$3,750.

44 Supplementary limited distillery license. 3c. The holder of this
45 license shall be entitled, subject to rules and regulations, to bottle
46 and rebottle, in a quantity to be expressed in said license, dependent
47 upon the following fees, alcoholic beverages distilled from fruit
48 juices by such holder pursuant to a prior plenary or limited distillery

1 license, and to sell and distribute his products to wholesalers and
2 retailers licensed in accordance with this chapter, and to sell and
3 distribute without this State to any persons pursuant to the laws of
4 the places of such sale and distribution, and to maintain a
5 warehouse. The fee for this license shall be graduated as follows:
6 to so bottle and rebottle not more than 5,000 wine gallons per
7 annum, \$313; to so bottle and rebottle not more than 10,000 wine
8 gallons per annum, \$625; to so bottle and rebottle without limit as
9 to amount, \$1,250.

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

37 The holder of this license shall not sell food or operate a
38 restaurant on the licensed premises, but may coordinate with food
39 vendors pursuant to section 1 of P.L.2023, c.290 (C.33:1-10b). A
40 holder of this license who certifies that not less than 51 percent of
41 the raw materials used in the production of distilled alcoholic
42 beverages under this section are grown in this State or purchased
43 from providers located in this State may, consistent with all
44 applicable federal laws and regulations, label these distilled
45 alcoholic beverages as “New Jersey Distilled.” The fee for this
46 license shall be \$938.

47 Historic distillery license. 3e. A historic distillery license shall
48 be issued for use in connection with a premises that is included in

1 the New Jersey Register of Historic Places established pursuant to
2 P.L.1970, c.268 (C.13:1B-15.128 et seq.). The holder of this
3 license shall be entitled, subject to rules and regulations, to
4 manufacture any distilled alcoholic beverages, to rectify, blend,
5 treat and mix distilled alcoholic beverages, to sell and distribute this
6 product to wholesalers and retailers licensed in accordance with this
7 chapter, and to sell and distribute without this State to any persons
8 pursuant to the laws of the places of such sale and distribution, and
9 to maintain a warehouse. The holder of this license shall be entitled
10 to sell this product at retail to consumers on the licensed premises
11 of the distillery for consumption on the premises. The holder of
12 this license also shall be entitled to sell this product for
13 consumption off the premises in a quantity of not more than five
14 liters per person.

15 In addition, the holder of this license may offer any person not
16 more than three samples per calendar day for sampling purposes
17 only. For the purposes of this subsection, “sampling” means the
18 gratuitous offering of an open container not exceeding one-half
19 ounce serving of distilled alcoholic beverage produced on the
20 distillery premises. If the holder of this license holds a bonded
21 warehouse bottling license issued pursuant to subsection 5 of this
22 section, products manufactured in accordance with this subsection
23 and transferred to a bonded warehouse for bottling and storage may
24 be sold at retail and offered for sampling on the licensed premises
25 of the distillery by the holder of this license. Nothing in this
26 subsection shall be deemed to permit the direct shipment of distilled
27 spirits either within or without this State. The holder of this license
28 shall be entitled to engage in the privileges established pursuant to
29 section 1 of P.L.2023, c.290 (C.33:1-10b).

30 The holder of this license shall not sell food or operate a
31 restaurant on the licensed premises, but may coordinate with food
32 vendors pursuant to section 1 of P.L.2023, c.290 (C.33:1-10b). The
33 fee for this license shall be \$1,000.

34 Rectifier and blender license. 4. The holder of this license shall
35 be entitled, subject to rules and regulations, to rectify, blend, treat
36 and mix distilled alcoholic beverages, and to fortify, blend, and
37 treat fermented alcoholic beverages, and prepare mixtures of
38 alcoholic beverages, and to sell and distribute his products to
39 wholesalers and retailers licensed in accordance with this chapter,
40 and to sell and distribute without this State to any persons pursuant
41 to the laws of the places of such sale and distribution, and to
42 maintain a warehouse. The fee for this license shall be \$7,500.

43 Bonded warehouse bottling license. 5. The holder of this license
44 shall be entitled, subject to rules and regulations, to bottle alcoholic
45 beverages in bond on behalf of all persons authorized by federal and
46 State law and regulations to withdraw alcoholic beverages from
47 bond. The fee for this license shall be \$625. This license shall be

1 issued only to persons holding permits to operate Internal Revenue
2 bonded warehouses pursuant to the laws of the United States.

3 The provisions of section 21 of P.L.2003, c.117 amendatory of
4 this section shall apply to licenses issued or transferred on or after
5 July 1, 2003, and to license renewals commencing on or after July
6 1, 2003.

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

8
9 2. This act shall take effect immediately.

10
11
12 STATEMENT

13
14 This bill establishes a historic distillery license to be issued for
15 use in connection with a premises which is included in the New
16 Jersey Register of Historic Places. Under the bill, the license holder
17 would be allowed to manufacture any distilled alcoholic beverages
18 and rectify, blend, treat and mix, and fortify, blend, and treat
19 fermented alcoholic beverages. In addition, the license holder
20 would be entitled to sell distilled alcoholic beverages at retail to
21 consumers on the licensed premises of the distillery for
22 consumption on the premises. The license holder also would be
23 entitled to sell this product for consumption off the premises in a
24 quantity of not more than five liters per person.

25 The bill does not establish a limitation on the amount of distilled
26 alcoholic beverages that the holder of this license would be entitled
27 to manufacture. Under current law, the holder of a craft distillery
28 license is limited to annually producing 20,000 gallons or less of
29 distilled alcohol beverages. The license fee would be \$1,000.

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33
34 Establishes historic distillery license; allows consumption of
35 licensee's products on and off licensed premises under certain
36 circumstances.

CHAPTER 97

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

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

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

Class A licenses; subdivisions; fees.

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

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

Limited brewery license. 1b. The holder of this license shall be entitled, subject to rules and regulations, to brew any malt alcoholic beverages in a quantity to be expressed in said license, dependent upon the following fees and not in excess of 300,000 barrels of 31 fluid gallons capacity per year and to sell and distribute this product to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse, provided, however, that the delivery of this product by the holder of this license to retailers licensed under this title shall be from inventory in a warehouse located in this State which is operated under a limited brewery license. The holder of this license shall be entitled to sell this product at retail to consumers on the licensed premises of the brewery for consumption on the premises, or in a quantity of not more than 15.5 fluid gallons per person for consumption off the premises, and to offer samples for sampling purposes. The holder of this license shall not be required to pay a fee to the division for the privilege of offering samples pursuant to this section. If the holder of this license holds a bonded warehouse bottling license issued pursuant to subsection 5 of this section, product brewed in accordance with this subsection and transferred to a bonded warehouse for bottling and storage may be sold at retail and offered for sampling on the licensed premises of the brewery by the holder of this license. The holder of this license shall not sell food or operate a restaurant on the licensed premises, but may coordinate with food vendors pursuant to section 1 of P.L.2023, c.290 (C.33:1-10b). The holder of this license shall be entitled to engage in the privileges established pursuant to section 1 of P.L.2023, c.290 (C.33:1-10b).

The fee for this license shall be graduated as follows:

- to so brew not more than 50,000 barrels of 31 liquid gallons capacity per annum, \$1,250;
- to so brew not more than 100,000 barrels of 31 fluid gallons capacity per annum, \$2,500;
- to so brew not more than 200,000 barrels of 31 fluid gallons capacity per annum, \$5,000;
- to so brew not more than 300,000 barrels of 31 fluid gallons capacity per annum, \$7,500.

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

Restricted brewery license. 1c. The holder of this license shall be entitled, subject to rules and regulations, to brew any malt alcoholic beverages in a quantity to be expressed in such

license not in excess of 300,000 barrels of 31 gallons capacity per year. Notwithstanding the provisions of R.S.33:1-26, the director shall issue a restricted brewery license only to a person or an entity which has identical ownership to an entity which holds a plenary retail consumption license issued pursuant to R.S.33:1-12, provided that such plenary retail consumption license is operated in conjunction with a restaurant regularly and principally used for the purpose of providing meals to its customers and having adequate kitchen and dining room facilities and that the licensed restaurant premises is immediately adjoining the premises licensed under this subsection. The holder of this license shall be entitled to sell or deliver the product to that restaurant premises. The holder of this license also shall be entitled to sell and distribute the product to wholesalers and retailers licensed in accordance with this chapter and to sell and distribute without this State to any persons pursuant to the laws of those places of such sale and distribution and to maintain a warehouse, provided, however, that the delivery of this product by the holder of this license to retailers licensed under this title shall be from inventory in a warehouse located in this State which is operated under a restricted brewery license. The amount of malt alcoholic beverages that may be sold and distributed directly to retailers pursuant to this subsection on an annual basis shall be not more than 50 percent of the product manufactured in that year by the holder of this license. The fee for this license shall be \$1,250, which fee shall entitle the holder to brew up to 1,000 barrels of 31 liquid gallons per annum. The licensee also shall pay an additional \$250 for every additional 1,000 barrels of 31 fluid gallons produced. The fee shall be paid at the time of application for the license, and additional payments based on barrels produced shall be paid within 60 days following the expiration of the license term upon certification by the licensee of the actual gallons brewed during the license term. No more than 10 restricted brewery licenses shall be issued to a person or entity which holds an interest in a plenary retail consumption license. If the governing body of the municipality in which the licensed premises will be located should file a written objection, the director shall hold a hearing and may issue the license only if the director finds that the issuance of the license will not be contrary to the public interest. All fees related to the issuance of both licenses shall be paid in accordance with statutory law. The provisions of this subsection shall not be construed to limit or restrict the rights and privileges granted by the plenary retail consumption license held by the holder of the restricted brewery license issued pursuant to this subsection.

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

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

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

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

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

Plenary winery license. 2a. Provided that the holder is engaged in growing and cultivating grapes or fruit used in the production of wine on at least three acres on, or adjacent to, the winery premises, except as otherwise provided in this subsection for certain alternating proprietorship agreements, the holder of this license shall be entitled, subject to rules and regulations, to produce any fermented wines, and to blend, fortify, and treat wines, and to sell and distribute his products to wholesalers licensed in accordance with this chapter and to churches for religious purposes, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse, and to sell his products at retail to consumers on the licensed premises of the winery for consumption on or off the premises and to offer samples for sampling purposes only. The fee for this license shall be \$938. A holder of this license who produces not more than 250,000 gallons per year shall also have the right to sell and distribute his products to retailers licensed in accordance with this chapter, except that the holder of this license shall not use a common carrier for such distribution. The fee for this additional privilege shall be graduated as follows: a licensee who manufactures more than 150,000 gallons, but not in excess of 250,000 gallons per annum, \$1,000; a licensee who manufactures more than 100,000 gallons, but not in excess of 150,000 gallons per annum, \$500; a licensee who manufactures more than 50,000 gallons, but not in excess of 100,000 gallons per annum, \$250; a licensee who manufactures 50,000 gallons or less per annum, \$100. A holder of this license who produces not more than 250,000 gallons per year shall have the right to sell such wine at retail in original packages in 15 salesrooms apart from the winery premises for consumption on or off the premises and for sampling purposes for consumption on the premises, at a fee of \$250 for each salesroom. Licensees shall not jointly control and operate salesrooms. Additionally, the holder of this license who produces not more than 250,000 gallons per year may ship not more than 12 cases of wine per year, subject to regulation, to any person within or without this State over 21 years of age for personal consumption and not for resale. A case of wine shall not exceed a maximum of nine liters. A copy of the original invoice shall be available for inspection by persons authorized to enforce the alcoholic beverage laws of this State for a minimum period of three years at the licensed premises of the winery. For the purposes of this subsection, “sampling” means the selling at a nominal charge or the gratuitous offering of an open container not exceeding one and one-half ounces of any wine.

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

An applicant for a plenary winery license or the holder of a plenary winery license may apply to the director for approval to enter into an agreement with a host New Jersey winery to use the host’s equipment and space in an alternating proprietorship for production of wine, provided that the applicant or holder has obtained approval of the proposed alternating

proprietorship arrangement from the Alcohol and Tobacco Tax and Trade Bureau. The director shall approve the agreement if the director determines that the Alcohol and Tobacco Tax and Trade Bureau has approved the agreement and the agreement does not violate any applicable New Jersey alcohol licensing and taxation laws and related regulations or special rulings of the director. The director shall approve or deny the application no later than 180 days after receipt of the application, unless the applicant agrees to an extension.

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

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

Farm winery license. 2b. The holder of this license shall be entitled, subject to rules and regulations, to manufacture any fermented wines and fruit juices in a quantity to be expressed in said license, dependent upon the following fees and not in excess of 50,000 gallons per year and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter and to churches for religious purposes and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse and to sell at retail to consumers for consumption on or off the licensed premises and to offer samples for sampling purposes only. The license shall be issued only when the winery at which such fermented wines and fruit juices are manufactured is located and constructed upon a tract of land exclusively under the control of the licensee, provided that the licensee is actively engaged in growing and cultivating an area of not less than three acres on or adjacent to the winery premises and on which are growing grape vines or fruit to be processed into wine or fruit juice, except in the case of certain alternating proprietorship agreements, as provided in this subsection, and provided, further, that for the first five years of the operation of the winery, such fermented wines and fruit juices shall be manufactured from at least 51 percent grapes or fruit grown in the State and that thereafter they shall be manufactured from grapes or fruit grown in this State at least to the extent required for labeling as “New Jersey Wine” under the applicable federal laws and regulations. The containers of all wine sold to consumers by such licensee shall have affixed a label stating such information as shall be required by the rules and regulations of the Director of the Division of Alcoholic Beverage Control. The fee for this license shall be graduated as follows: to so manufacture between 30,000 and 50,000 gallons per annum, \$375; to so manufacture between 2,500 and 30,000 gallons per annum, \$250; to so manufacture between 1,000 and 2,500 gallons per annum, \$125; to so manufacture less than 1,000 gallons per annum, \$63. No farm winery license shall be held by the holder of a plenary winery license.

The holder of this license shall also have the right to sell and distribute his products to retailers licensed in accordance with this chapter, except that the holder of this license shall not use a common carrier for such distribution. The fee for this additional privilege shall be \$100. The holder of this license shall have the right to sell his products in original packages at retail to consumers in 15 salesrooms apart from the winery premises for consumption on or off the premises, and for sampling purposes for consumption on the premises, at a fee of \$250 for each salesroom. Licensees shall not jointly control and operate salesrooms. Additionally, the holder of this license may ship not more than 12 cases of wine per year, subject to regulation, to any person within or without this State over 21 years of age for personal

consumption and not for resale. A case of wine shall not exceed a maximum of nine liters. A copy of the original invoice shall be available for inspection by persons authorized to enforce the alcoholic beverage laws of this State for a minimum period of three years at the licensed premises of the winery. For the purposes of this subsection, “sampling” means the selling at a nominal charge or the gratuitous offering of an open container not exceeding one and one-half ounces of any wine.

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

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

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

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

For the purposes of this subsection, “wine” shall include “hard cider” and “mead” as defined in this section.

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

For the purposes of this subsection, “wine” shall include “hard cider” and “mead” as defined in this section.

Instructional winemaking facility license. 2d. The holder of this license shall be entitled, subject to rules and regulations, to instruct persons in and provide them with the opportunity to participate directly in the process of winemaking and to directly assist such persons in the process of winemaking while in the process of instruction on the premises of the facility. The holder of this license also shall be entitled to manufacture wine on the premises not in excess of an amount of 10 percent of the wine produced annually on the premises of the facility, which shall be used only to replace quantities lost or discarded during the winemaking process, to maintain a warehouse, and to offer samples produced by persons who have received instruction in winemaking on the premises by the licensee for sampling purposes only on the licensed premises for the purpose of promoting winemaking for personal or household use or consumption. Wine produced on the premises of an instructional winemaking facility shall be

used, consumed, or disposed of on the facility's premises or distributed from the facility's premises to a person who has participated directly in the process of winemaking for the person's personal or household use or consumption. The holder of this license may sell mercantile items traditionally associated with winemaking and novelty wearing apparel identified with the name of the establishment licensed under the provisions of this section. The holder of this license may use the licensed premises for an event or affair, including an event or affair at which a plenary retail consumption licensee serves alcoholic beverages in compliance with all applicable statutes and regulations promulgated by the director. The fee for this license shall be \$1,000. For the purposes of this subsection, "sampling" means the gratuitous offering of an open container not exceeding one and one-half ounces of any wine.

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

Out-of-State winery license. 2e. Provided that the applicant does not produce more than 250,000 gallons of wine per year, the holder of a valid winery license issued in any other state may make application to the director for this license. The holder of this license shall have the right to sell and distribute his products to wholesalers licensed in accordance with this chapter and to sell such wine at retail in original packages in 16 salesrooms apart from the winery premises for consumption on or off the premises at a fee of \$250 for each salesroom. Licensees shall not jointly control and operate salesrooms. The annual fee for this license shall be \$938. A copy of a current license issued by another state shall accompany the application. The holder of this license also shall have the right to sell and distribute his products to retailers licensed in accordance with this chapter, except that the holder of this license shall not use a common carrier for such distribution. The fee for this additional privilege shall be graduated as follows: a licensee who manufactures more than 150,000 gallons, but not in excess of 250,000 gallons per annum, \$1,000; a licensee who manufactures more than 100,000 gallons, but not in excess of 150,000 gallons per annum, \$500; a licensee who manufactures more than 50,000 gallons, but not in excess of 100,000 gallons per annum, \$250; a licensee who manufactures 50,000 gallons or less per annum, \$100. Additionally, the holder of this license may ship not more than 12 cases of wine per year, subject to regulation, to any person within or without this State over 21 years of age for personal consumption and not for resale. A case of wine shall not exceed a maximum of nine liters. A copy of the original invoice shall be available for inspection by persons authorized to enforce the alcoholic beverage laws of this State for a minimum period of three years at the licensed premises of the winery.

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

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

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

Cidery and meadery license. 2f. The holder of this license shall be entitled, subject to rules and regulations, to manufacture hard cider and mead and to sell and distribute these products

to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The holder of this license shall be entitled to sell these products at retail to consumers on the licensed premises for consumption on or off the premises and to offer samples for sampling purposes only. The holder of this license shall be permitted to offer for sale or make the gratuitous offering of packaged crackers, chips, nuts, and similar snacks to consumers. The holder of this license shall not operate a restaurant on the licensed premises, but may coordinate with food vendors pursuant to section 1 of P.L.2023, c.290 (C.33:1-10b). The holder of this license shall be entitled to engage in the privileges established pursuant to section 1 of P.L.2023, c.290 (C.33:1-10b). The fee for this license shall be \$938.

The holder of this license shall be entitled to manufacture hard cider in a quantity not to exceed 50,000 barrels of 31 fluid gallons capacity per year. With respect to the sale and distribution of hard cider to a wholesaler, the licensee shall be subject to the same statutory and regulatory requirements as a brewer, and hard cider shall be considered a malt alcoholic beverage, for the purposes of the “Malt Alcoholic Beverage Practices Act,” P.L.2005, c.243 (C.33:1-93.12 et seq.). The holder of this license shall not directly ship hard cider either within or without this State.

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

As used in this subsection:

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

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

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

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

Limited distillery license. 3b. The holder of this license shall be entitled, subject to rules and regulations, to manufacture and bottle any alcoholic beverages distilled from fruit juices and rectify, blend, treat, mix, compound with wine, and add necessary sweetening and flavor to make cordial or liqueur, and to sell and distribute to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution and to warehouse these products. The fee for this license shall be \$3,750.

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

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

The holder of this license shall not sell food or operate a restaurant on the licensed premises, but may coordinate with food vendors pursuant to section 1 of P.L.2023, c.290 (C.33:1-10b). A holder of this license who certifies that not less than 51 percent of the raw materials used in the production of distilled alcoholic beverages under this section are grown in this State or purchased from providers located in this State may, consistent with all applicable federal laws and regulations, label these distilled alcoholic beverages as “New Jersey Distilled.” The fee for this license shall be \$938.

Historic distillery license. 3e. A historic distillery license shall be issued for use in connection with a premises that is included in the New Jersey Register of Historic Places established pursuant to P.L.1970, c.268 (C.13:1B-15.128 et seq.). The holder of this license shall be entitled, subject to rules and regulations, to manufacture any distilled alcoholic beverages, to rectify, blend, treat, and mix distilled alcoholic beverages, to sell and distribute this product to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The holder of this license shall be entitled to sell this product at retail to consumers on the licensed premises of the distillery for consumption on the premises. The holder of this license also shall be entitled to sell this product for consumption off the premises in a quantity of not more than five liters per person.

In addition, the holder of this license may offer any person not more than three samples per calendar day for sampling purposes only. For the purposes of this subsection, “sampling” means the gratuitous offering of an open container not exceeding one-half ounce serving of distilled alcoholic beverage produced on the distillery premises. If the holder of this license holds a bonded warehouse bottling license issued pursuant to subsection 5 of this section, products manufactured in accordance with this subsection and transferred to a bonded warehouse for bottling and storage may be sold at retail and offered for sampling on the licensed premises of the distillery by the holder of this license. Nothing in this subsection shall be deemed to permit the direct shipment of distilled spirits either within or without this State. The holder of this license shall be entitled to engage in the privileges established pursuant to section 1 of P.L.2023, c.290 (C.33:1-10b).

The holder of this license shall not sell food or operate a restaurant on the licensed premises, but may coordinate with food vendors pursuant to section 1 of P.L.2023, c.290 (C.33:1-10b). The fee for this license shall be \$1,000.

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

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

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

2. This act shall take effect immediately.

Approved July 8, 2025.

ASSEMBLY, No. 5141

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED DECEMBER 16, 2024

Sponsored by:

Assemblywoman LUANNE M. PETERPAUL

District 11 (Monmouth)

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

Assemblywoman MARGIE DONLON, M.D.

District 11 (Monmouth)

Senator VIN GOPAL

District 11 (Monmouth)

Senator DECLAN J. O'SCANLON, JR.

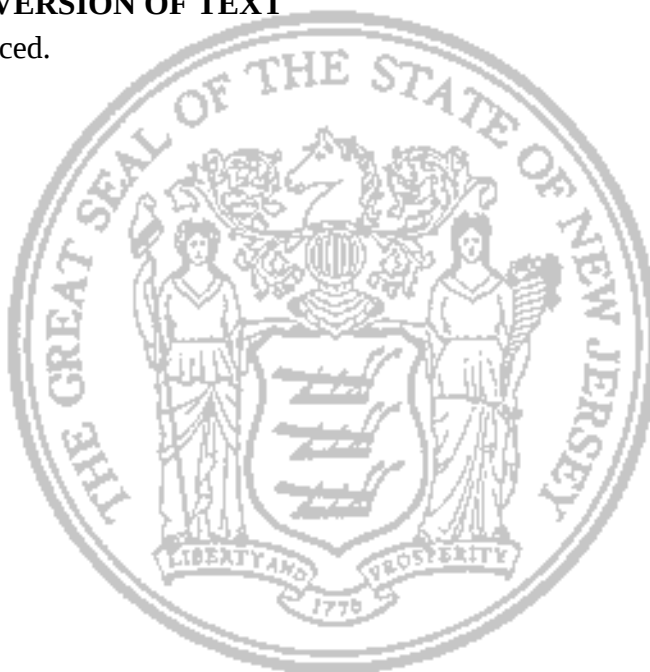
District 13 (Monmouth)

SYNOPSIS

Establishes historic distillery license; allows consumption of licensee's products on and off licensed premises under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/2/2025)

1 AN ACT concerning alcoholic beverage licensing 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.

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 fee for this license shall be graduated as follows:

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

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

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

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

14 For the purposes of this subsection, “sampling” means the selling
15 at a nominal charge or the gratuitous offering of an open container
16 not exceeding four ounces of any malt alcoholic beverage. For the
17 purposes of this subsection, “product” means any malt alcoholic
18 beverage that is produced on the premises licensed under this
19 subsection.

20 Restricted brewery license. 1c. The holder of this license shall
21 be entitled, subject to rules and regulations, to brew any malt
22 alcoholic beverages in a quantity to be expressed in such license not
23 in excess of 300,000 barrels of 31 gallons capacity per year.
24 Notwithstanding the provisions of R.S.33:1-26, the director shall
25 issue a restricted brewery license only to a person or an entity
26 which has identical ownership to an entity which holds a plenary
27 retail consumption license issued pursuant to R.S.33:1-12, provided
28 that such plenary retail consumption license is operated in
29 conjunction with a restaurant regularly and principally used for the
30 purpose of providing meals to its customers and having adequate
31 kitchen and dining room facilities, and that the licensed restaurant
32 premises is immediately adjoining the premises licensed under this
33 subsection. The holder of this license shall be entitled to sell or
34 deliver the product to that restaurant premises. The holder of this
35 license also shall be entitled to sell and distribute the product to
36 wholesalers and retailers licensed in accordance with this chapter
37 and to sell and distribute without this State to any persons pursuant
38 to the laws of those places of such sale and distribution, and to
39 maintain a warehouse; provided, however, that the delivery of this
40 product by the holder of this license to retailers licensed under this
41 title shall be from inventory in a warehouse located in this State
42 which is operated under a restricted brewery license. The amount
43 of malt alcoholic beverages that may be sold and distributed
44 directly to retailers pursuant to this subsection on an annual basis
45 shall be not more than 50 percent of the product manufactured in
46 that year by the holder of this license. The fee for this license shall
47 be \$1,250, which fee shall entitle the holder to brew up to 1,000
48 barrels of 31 liquid gallons per annum. The licensee also shall pay

1 an additional \$250 for every additional 1,000 barrels of 31 fluid
2 gallons produced. The fee shall be paid at the time of application
3 for the license, and additional payments based on barrels produced
4 shall be paid within 60 days following the expiration of the license
5 term upon certification by the licensee of the actual gallons brewed
6 during the license term. No more than 10 restricted brewery
7 licenses shall be issued to a person or entity which holds an interest
8 in a plenary retail consumption license. If the governing body of
9 the municipality in which the licensed premises will be located
10 should file a written objection, the director shall hold a hearing and
11 may issue the license only if the director finds that the issuance of
12 the license will not be contrary to the public interest. All fees
13 related to the issuance of both licenses shall be paid in accordance
14 with statutory law. The provisions of this subsection shall not be
15 construed to limit or restrict the rights and privileges granted by the
16 plenary retail consumption license held by the holder of the
17 restricted brewery license issued pursuant to this subsection.

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

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

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

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

1 For purposes of this subsection, “sampling” means the selling at
2 a nominal charge or the gratuitous offering of an open container not
3 exceeding one and one-half ounces of a malt alcoholic beverage.

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

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

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

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

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

34 Farm winery license. 2b. The holder of this license shall be
35 entitled, subject to rules and regulations, to manufacture any
36 fermented wines and fruit juices in a quantity to be expressed in
37 said license, dependent upon the following fees and not in excess of
38 50,000 gallons per year and to sell and distribute his products to
39 wholesalers and retailers licensed in accordance with this chapter
40 and to churches for religious purposes and to sell and distribute
41 without this State to any persons pursuant to the laws of the places
42 of such sale and distribution, and to maintain a warehouse and to
43 sell at retail to consumers for consumption on or off the licensed
44 premises and to offer samples for sampling purposes only. The
45 license shall be issued only when the winery at which such
46 fermented wines and fruit juices are manufactured is located and
47 constructed upon a tract of land exclusively under the control of the
48 licensee, provided that the licensee is actively engaged in growing

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

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

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

47 An applicant for a farm winery license or the holder of a farm
48 winery license may apply to the director for approval to enter into

1 an agreement with a host New Jersey winery to use the host's
2 equipment and space in an alternating proprietorship for production
3 of wine, provided that the applicant or holder has obtained approval
4 of the proposed alternating proprietorship arrangement from the
5 Alcohol and Tobacco Tax and Trade Bureau. The director shall
6 approve the agreement if the director determines that the Alcohol
7 and Tobacco Tax and Trade Bureau has approved the agreement
8 and the agreement does not violate any applicable New Jersey
9 alcohol licensing and taxation laws and related regulations or
10 special rulings of the director. The director shall approve or deny
11 the application no later than 180 days after receipt of the
12 application, unless the applicant agrees to an extension.

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

19 Unless otherwise indicated, for the purposes of this subsection,
20 with respect to farm winery licenses, "manufacture" means the
21 vinification, aging, storage, blending, clarification, stabilization and
22 bottling of wine or juice from New Jersey fruit to the extent
23 required by this subsection.

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

26 Wine blending license. 2c. The holder of this license shall be
27 entitled, subject to rules and regulations, to blend, treat, mix, and
28 bottle fermented wines and fruit juices with non-alcoholic
29 beverages, and to sell and distribute his products to wholesalers and
30 retailers licensed in accordance with this chapter, and to sell and
31 distribute without this State to any persons pursuant to the laws of
32 the places of such sale and distribution, and to maintain a
33 warehouse. The fee for this license shall be \$625.

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

36 Instructional winemaking facility license. 2d. The holder of this
37 license shall be entitled, subject to rules and regulations, to instruct
38 persons in and provide them with the opportunity to participate
39 directly in the process of winemaking and to directly assist such
40 persons in the process of winemaking while in the process of
41 instruction on the premises of the facility. The holder of this
42 license also shall be entitled to manufacture wine on the premises
43 not in excess of an amount of 10 percent of the wine produced
44 annually on the premises of the facility, which shall be used only to
45 replace quantities lost or discarded during the winemaking process,
46 to maintain a warehouse, and to offer samples produced by persons
47 who have received instruction in winemaking on the premises by
48 the licensee for sampling purposes only on the licensed premises for

1 the purpose of promoting winemaking for personal or household use
2 or consumption. Wine produced on the premises of an instructional
3 winemaking facility shall be used, consumed or disposed of on the
4 facility's premises or distributed from the facility's premises to a
5 person who has participated directly in the process of winemaking
6 for the person's personal or household use or consumption. The
7 holder of this license may sell mercantile items traditionally
8 associated with winemaking and novelty wearing apparel identified
9 with the name of the establishment licensed under the provisions of
10 this section. The holder of this license may use the licensed
11 premises for an event or affair, including an event or affair at which
12 a plenary retail consumption licensee serves alcoholic beverages in
13 compliance with all applicable statutes and regulations promulgated
14 by the director. The fee for this license shall be \$1,000. For the
15 purposes of this subsection, "sampling" means the gratuitous
16 offering of an open container not exceeding one and one-half
17 ounces of any wine.

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

20 Out-of-State winery license. 2e. Provided that the applicant
21 does not produce more than 250,000 gallons of wine per year, the
22 holder of a valid winery license issued in any other state may make
23 application to the director for this license. The holder of this
24 license shall have the right to sell and distribute his products to
25 wholesalers licensed in accordance with this chapter and to sell
26 such wine at retail in original packages in 16 salesrooms apart from
27 the winery premises for consumption on or off the premises at a fee
28 of \$250 for each salesroom. Licensees shall not jointly control and
29 operate salesrooms. The annual fee for this license shall be \$938.
30 A copy of a current license issued by another state shall accompany
31 the application. The holder of this license also shall have the right
32 to sell and distribute his products to retailers licensed in accordance
33 with this chapter, except that the holder of this license shall not use
34 a common carrier for such distribution. The fee for this additional
35 privilege shall be graduated as follows: a licensee who
36 manufactures more than 150,000 gallons, but not in excess of
37 250,000 gallons per annum, \$1,000; a licensee who manufactures
38 more than 100,000 gallons, but not in excess of 150,000 gallons per
39 annum, \$500; a licensee who manufactures more than 50,000
40 gallons, but not in excess of 100,000 gallons per annum, \$250; a
41 licensee who manufactures 50,000 gallons or less per annum, \$100.
42 Additionally, the holder of this license may ship not more than 12
43 cases of wine per year, subject to regulation, to any person within or
44 without this State over 21 years of age for personal consumption
45 and not for resale. A case of wine shall not exceed a maximum of
46 nine liters. A copy of the original invoice shall be available for
47 inspection by persons authorized to enforce the alcoholic beverage

1 laws of this State for a minimum period of three years at the
2 licensed premises of the winery.

3 The licensee shall collect from the customer the tax due on the
4 sale pursuant to the “Sales and Use Tax Act,” P.L.1966, c.30
5 (C.54:32B-1 et seq.) and shall pay the tax due on the delivery of
6 alcoholic beverages pursuant to the “Alcoholic beverage tax law,”
7 R.S.54:41-1 et seq. The Director of the Division of Taxation in the
8 Department of the Treasury shall promulgate such rules and
9 regulations necessary to effectuate the provisions of this paragraph,
10 and may provide by regulation for the co-administration of the tax
11 due on the delivery of alcoholic beverages pursuant to the
12 “Alcoholic beverage tax law,” R.S.54:41-1 et seq. with the
13 administration of the tax due on the sale pursuant to the “Sales and
14 Use Tax Act,” P.L.1966, c.30 (C.54:32B-1 et seq.).

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

19 For the purposes of this subsection, “wine” shall include “hard
20 cider” and “mead” as defined in this section.

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

39 The holder of this license shall be entitled to manufacture hard
40 cider in a quantity not to exceed 50,000 barrels of 31 fluid gallons
41 capacity per year. With respect to the sale and distribution of hard
42 cider to a wholesaler, the licensee shall be subject to the same
43 statutory and regulatory requirements as a brewer, and hard cider
44 shall be considered a malt alcoholic beverage, for the purposes of
45 the “Malt Alcoholic Beverage Practices Act,” P.L.2005, c.243
46 (C.33:1-93.12 et seq.). The holder of this license shall not directly
47 ship hard cider either within or without this State.

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

10 As used in this subsection:

11 “Hard cider” means a fermented alcoholic beverage derived
12 primarily from apples, pears, apple juice concentrate and water, or
13 pear juice concentrate and water, which may include spices, herbs,
14 honey, or other flavoring, and which contains at least one half of
15 one percent but less than eight and one half percent alcohol by
16 volume.

17 “Mead” means an alcoholic beverage primarily made from
18 honey, water, and yeast, and which may contain fruit, fruit juices,
19 spices, or herbs added before or after fermentation has completed,
20 except that the ratio of fermentable sugars from fruit or fruit juices
21 shall not exceed 49 percent of the total fermentable sugars used to
22 produce mead.

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

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

34 Limited distillery license. 3b. The holder of this license shall be
35 entitled, subject to rules and regulations, to manufacture and bottle
36 any alcoholic beverages distilled from fruit juices and rectify,
37 blend, treat, mix, compound with wine and add necessary
38 sweetening and flavor to make cordial or liqueur, and to sell and
39 distribute to wholesalers and retailers licensed in accordance with
40 this chapter, and to sell and distribute without this State to any
41 persons pursuant to the laws of the places of such sale and
42 distribution and to warehouse these products. The fee for this
43 license shall be \$3,750.

44 Supplementary limited distillery license. 3c. The holder of this
45 license shall be entitled, subject to rules and regulations, to bottle
46 and rebottle, in a quantity to be expressed in said license, dependent
47 upon the following fees, alcoholic beverages distilled from fruit
48 juices by such holder pursuant to a prior plenary or limited distillery

1 license, and to sell and distribute his products to wholesalers and
2 retailers licensed in accordance with this chapter, and to sell and
3 distribute without this State to any persons pursuant to the laws of
4 the places of such sale and distribution, and to maintain a
5 warehouse. The fee for this license shall be graduated as follows:
6 to so bottle and rebottle not more than 5,000 wine gallons per
7 annum, \$313; to so bottle and rebottle not more than 10,000 wine
8 gallons per annum, \$625; to so bottle and rebottle without limit as
9 to amount, \$1,250.

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

37 The holder of this license shall not sell food or operate a
38 restaurant on the licensed premises, but may coordinate with food
39 vendors pursuant to section 1 of P.L.2023, c.290 (C.33:1-10b). A
40 holder of this license who certifies that not less than 51 percent of
41 the raw materials used in the production of distilled alcoholic
42 beverages under this section are grown in this State or purchased
43 from providers located in this State may, consistent with all
44 applicable federal laws and regulations, label these distilled
45 alcoholic beverages as “New Jersey Distilled.” The fee for this
46 license shall be \$938.

47 Historic distillery license. 3e. A historic distillery license shall
48 be issued for use in connection with a premises that is included in

1 the New Jersey Register of Historic Places established pursuant to
2 P.L.1970, c.268 (C.13:1B-15.128 et seq.). The holder of this
3 license shall be entitled, subject to rules and regulations, to
4 manufacture any distilled alcoholic beverages, to rectify, blend,
5 treat and mix distilled alcoholic beverages, to sell and distribute this
6 product to wholesalers and retailers licensed in accordance with this
7 chapter, and to sell and distribute without this State to any persons
8 pursuant to the laws of the places of such sale and distribution, and
9 to maintain a warehouse. The holder of this license shall be entitled
10 to sell this product at retail to consumers on the licensed premises
11 of the distillery for consumption on the premises. The holder of
12 this license also shall be entitled to sell this product for
13 consumption off the premises in a quantity of not more than five
14 liters per person.

15 In addition, the holder of this license may offer any person not
16 more than three samples per calendar day for sampling purposes
17 only. For the purposes of this subsection, “sampling” means the
18 gratuitous offering of an open container not exceeding one-half
19 ounce serving of distilled alcoholic beverage produced on the
20 distillery premises. If the holder of this license holds a bonded
21 warehouse bottling license issued pursuant to subsection 5 of this
22 section, products manufactured in accordance with this subsection
23 and transferred to a bonded warehouse for bottling and storage may
24 be sold at retail and offered for sampling on the licensed premises
25 of the distillery by the holder of this license. Nothing in this
26 subsection shall be deemed to permit the direct shipment of distilled
27 spirits either within or without this State. The holder of this license
28 shall be entitled to engage in the privileges established pursuant to
29 section 1 of P.L.2023, c.290 (C.33:1-10b).

30 The holder of this license shall not sell food or operate a
31 restaurant on the licensed premises, but may coordinate with food
32 vendors pursuant to section 1 of P.L.2023, c.290 (C.33:1-10b). The
33 fee for this license shall be \$1,000.

34 Rectifier and blender license. 4. The holder of this license shall
35 be entitled, subject to rules and regulations, to rectify, blend, treat
36 and mix distilled alcoholic beverages, and to fortify, blend, and
37 treat fermented alcoholic beverages, and prepare mixtures of
38 alcoholic beverages, and to sell and distribute his products to
39 wholesalers and retailers licensed in accordance with this chapter,
40 and to sell and distribute without this State to any persons pursuant
41 to the laws of the places of such sale and distribution, and to
42 maintain a warehouse. The fee for this license shall be \$7,500.

43 Bonded warehouse bottling license. 5. The holder of this license
44 shall be entitled, subject to rules and regulations, to bottle alcoholic
45 beverages in bond on behalf of all persons authorized by federal and
46 State law and regulations to withdraw alcoholic beverages from
47 bond. The fee for this license shall be \$625. This license shall be

1 issued only to persons holding permits to operate Internal Revenue
2 bonded warehouses pursuant to the laws of the United States.

3 The provisions of section 21 of P.L.2003, c.117 amendatory of
4 this section shall apply to licenses issued or transferred on or after
5 July 1, 2003, and to license renewals commencing on or after July
6 1, 2003.

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

8

9 2. This act shall take effect immediately.

10

11

12

STATEMENT

13

14 This bill establishes a historic distillery license to be issued for
15 use in connection with a premises which is included in the New
16 Jersey Register of Historic Places. Under the bill, the license holder
17 would be allowed to manufacture any distilled alcoholic beverages
18 and rectify, blend, treat and mix, and fortify, blend, and treat
19 fermented alcoholic beverages. In addition, the license holder
20 would be entitled to sell distilled alcoholic beverages at retail to
21 consumers on the licensed premises of the distillery for
22 consumption on the premises. The license holder also would be
23 entitled to sell this product for consumption off the premises in a
24 quantity of not more than five liters per person.

25 The bill does not establish a limitation on the amount of distilled
26 alcoholic beverages that the holder of this license would be entitled
27 to manufacture. Under current law, the holder of a craft distillery
28 license is limited to annually producing 20,000 gallons or less of
29 distilled alcohol beverages. The license fee would be \$1,000.

ASSEMBLY OVERSIGHT, REFORM AND FEDERAL
RELATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5141

STATE OF NEW JERSEY

DATED: MARCH 20, 2025

The Assembly Oversight, Reform and Federal Relations Committee reports favorably Assembly Bill No. 5141.

This bill establishes a historic distillery license to be issued for use in connection with a premises which is included in the New Jersey Register of Historic Places. Under the bill, the license holder would be allowed to manufacture any distilled alcoholic beverages and rectify, blend, treat and mix, and fortify, blend, and treat fermented alcoholic beverages. In addition, the license holder would be entitled to sell distilled alcoholic beverages at retail to consumers on the licensed premises of the distillery for consumption on the premises. The license holder also would be entitled to sell this product for consumption off the premises in a quantity of not more than five liters per person.

The bill does not establish a limitation on the amount of distilled alcoholic beverages that the holder of this license would be entitled to manufacture. Under current law, the holder of a craft distillery license is limited to annually producing 20,000 gallons or less of distilled alcohol beverages. The license fee would be \$1,000.

LEGISLATIVE FISCAL ESTIMATE

ASSEMBLY, No. 5141

STATE OF NEW JERSEY

221st LEGISLATURE

DATED: JUNE 5, 2025

SUMMARY

- Synopsis:** Establishes historic distillery license; allows consumption of licensee's products on and off licensed premises under certain circumstances.
- Type of Impact:** Annual State cost and revenue increases.
- Agencies Affected:** Department of Law and Public Safety.

Office of Legislative Services Estimate

Fiscal Impact	
Annual State Cost Increase	Indeterminate
Annual State Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) finds that the bill will result in indeterminate increases in annual State revenues from the establishment of the historic distillery license. Revenues will accrue from the \$1,000 license fee charged by the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, from taxes paid on products sold, and potentially from penalties collected. The OLS lacks the informational basis to determine the number of historic distillery licenses that will be issued in a given year or the amount of tax and penalty revenue that will be collected to arrive at a revenue estimate for the bill.
- The OLS also anticipates an indeterminate increase in the division’s workload to issue the new licenses and to oversee the activities of the new license holders. The workload could likely be absorbed by current staff utilizing existing resources.

BILL DESCRIPTION

This bill establishes a historic distillery license to be issued for use in connection with a premises which is included in the New Jersey Register of Historic Places.

Under the bill, the license holder would be allowed to manufacture any distilled alcoholic beverages and rectify, blend, treat and mix, and fortify, blend, and treat fermented alcoholic beverages. In addition, the license holder would be entitled to sell distilled alcoholic beverages at retail to consumers on the licensed premises of the distillery for consumption on the premises and

to provide samples. The license holder also would be entitled to sell this product for consumption off the premises in a quantity of not more than five liters per person. The license fee established would be \$1,000.

The bill does not establish a limitation on the amount of distilled alcoholic beverages that the holder of this license would be entitled to manufacture. Under current law, the holder of a craft distillery license is limited to annually producing 20,000 gallons or less of distilled alcohol beverages.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the bill will result in indeterminate increases in annual State revenues from the establishment of the historic distillery license. Revenues will accrue from the \$1,000 license fee charged by the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, from taxes paid on products sold, and potentially from penalties collected. The OLS lacks the informational basis to determine the number of historic distillery licenses that will be issued in a given year or the amount of tax and penalty revenue that will be collected to arrive at a revenue estimate for the bill. The also anticipates an indeterminate increase in the division’s workload to issue the new licenses and to oversee the activities of the new license holders. The workload could likely be absorbed by current staff utilizing existing resources.

Section: Law and Public Safety
Analyst: Kristin Brunner Santos
Lead Fiscal Analyst
Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 3813

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED OCTOBER 24, 2024

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator DECLAN J. O'SCANLON, JR.

District 13 (Monmouth)

SYNOPSIS

Establishes historic distillery license; allows consumption of licensee's products on and off licensed premises under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/20/2025)

1 AN ACT concerning alcoholic beverage licensing 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.

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 fee for this license shall be graduated as follows:

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

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

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

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

14 For the purposes of this subsection, "sampling" means the selling
15 at a nominal charge or the gratuitous offering of an open container
16 not exceeding four ounces of any malt alcoholic beverage. For the
17 purposes of this subsection, "product" means any malt alcoholic
18 beverage that is produced on the premises licensed under this
19 subsection.

20 Restricted brewery license. 1c. The holder of this license shall
21 be entitled, subject to rules and regulations, to brew any malt
22 alcoholic beverages in a quantity to be expressed in such license not
23 in excess of 300,000 barrels of 31 gallons capacity per year.
24 Notwithstanding the provisions of R.S.33:1-26, the director shall
25 issue a restricted brewery license only to a person or an entity
26 which has identical ownership to an entity which holds a plenary
27 retail consumption license issued pursuant to R.S.33:1-12, provided
28 that such plenary retail consumption license is operated in
29 conjunction with a restaurant regularly and principally used for the
30 purpose of providing meals to its customers and having adequate
31 kitchen and dining room facilities, and that the licensed restaurant
32 premises is immediately adjoining the premises licensed under this
33 subsection. The holder of this license shall be entitled to sell or
34 deliver the product to that restaurant premises. The holder of this
35 license also shall be entitled to sell and distribute the product to
36 wholesalers and retailers licensed in accordance with this chapter
37 and to sell and distribute without this State to any persons pursuant
38 to the laws of those places of such sale and distribution, and to
39 maintain a warehouse; provided, however, that the delivery of this
40 product by the holder of this license to retailers licensed under this
41 title shall be from inventory in a warehouse located in this State
42 which is operated under a restricted brewery license. The amount
43 of malt alcoholic beverages that may be sold and distributed
44 directly to retailers pursuant to this subsection on an annual basis
45 shall be not more than 50 percent of the product manufactured in
46 that year by the holder of this license. The fee for this license shall
47 be \$1,250, which fee shall entitle the holder to brew up to 1,000
48 barrels of 31 liquid gallons per annum. The licensee also shall pay

1 an additional \$250 for every additional 1,000 barrels of 31 fluid
2 gallons produced. The fee shall be paid at the time of application
3 for the license, and additional payments based on barrels produced
4 shall be paid within 60 days following the expiration of the license
5 term upon certification by the licensee of the actual gallons brewed
6 during the license term. No more than 10 restricted brewery
7 licenses shall be issued to a person or entity which holds an interest
8 in a plenary retail consumption license. If the governing body of
9 the municipality in which the licensed premises will be located
10 should file a written objection, the director shall hold a hearing and
11 may issue the license only if the director finds that the issuance of
12 the license will not be contrary to the public interest. All fees
13 related to the issuance of both licenses shall be paid in accordance
14 with statutory law. The provisions of this subsection shall not be
15 construed to limit or restrict the rights and privileges granted by the
16 plenary retail consumption license held by the holder of the
17 restricted brewery license issued pursuant to this subsection.

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

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

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

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

1 For purposes of this subsection, “sampling” means the selling at
2 a nominal charge or the gratuitous offering of an open container not
3 exceeding one and one-half ounces of a malt alcoholic beverage.

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

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

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

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

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

34 Farm winery license. 2b. The holder of this license shall be
35 entitled, subject to rules and regulations, to manufacture any
36 fermented wines and fruit juices in a quantity to be expressed in
37 said license, dependent upon the following fees and not in excess of
38 50,000 gallons per year and to sell and distribute his products to
39 wholesalers and retailers licensed in accordance with this chapter
40 and to churches for religious purposes and to sell and distribute
41 without this State to any persons pursuant to the laws of the places
42 of such sale and distribution, and to maintain a warehouse and to
43 sell at retail to consumers for consumption on or off the licensed
44 premises and to offer samples for sampling purposes only. The
45 license shall be issued only when the winery at which such
46 fermented wines and fruit juices are manufactured is located and
47 constructed upon a tract of land exclusively under the control of the
48 licensee, provided that the licensee is actively engaged in growing

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

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

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

47 An applicant for a farm winery license or the holder of a farm
48 winery license may apply to the director for approval to enter into

1 an agreement with a host New Jersey winery to use the host's
2 equipment and space in an alternating proprietorship for production
3 of wine, provided that the applicant or holder has obtained approval
4 of the proposed alternating proprietorship arrangement from the
5 Alcohol and Tobacco Tax and Trade Bureau. The director shall
6 approve the agreement if the director determines that the Alcohol
7 and Tobacco Tax and Trade Bureau has approved the agreement
8 and the agreement does not violate any applicable New Jersey
9 alcohol licensing and taxation laws and related regulations or
10 special rulings of the director. The director shall approve or deny
11 the application no later than 180 days after receipt of the
12 application, unless the applicant agrees to an extension.

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

19 Unless otherwise indicated, for the purposes of this subsection,
20 with respect to farm winery licenses, "manufacture" means the
21 vinification, aging, storage, blending, clarification, stabilization and
22 bottling of wine or juice from New Jersey fruit to the extent
23 required by this subsection.

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

26 Wine blending license. 2c. The holder of this license shall be
27 entitled, subject to rules and regulations, to blend, treat, mix, and
28 bottle fermented wines and fruit juices with non-alcoholic
29 beverages, and to sell and distribute his products to wholesalers and
30 retailers licensed in accordance with this chapter, and to sell and
31 distribute without this State to any persons pursuant to the laws of
32 the places of such sale and distribution, and to maintain a
33 warehouse. The fee for this license shall be \$625.

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

36 Instructional winemaking facility license. 2d. The holder of this
37 license shall be entitled, subject to rules and regulations, to instruct
38 persons in and provide them with the opportunity to participate
39 directly in the process of winemaking and to directly assist such
40 persons in the process of winemaking while in the process of
41 instruction on the premises of the facility. The holder of this
42 license also shall be entitled to manufacture wine on the premises
43 not in excess of an amount of 10 percent of the wine produced
44 annually on the premises of the facility, which shall be used only to
45 replace quantities lost or discarded during the winemaking process,
46 to maintain a warehouse, and to offer samples produced by persons
47 who have received instruction in winemaking on the premises by
48 the licensee for sampling purposes only on the licensed premises for

1 the purpose of promoting winemaking for personal or household use
2 or consumption. Wine produced on the premises of an instructional
3 winemaking facility shall be used, consumed or disposed of on the
4 facility's premises or distributed from the facility's premises to a
5 person who has participated directly in the process of winemaking
6 for the person's personal or household use or consumption. The
7 holder of this license may sell mercantile items traditionally
8 associated with winemaking and novelty wearing apparel identified
9 with the name of the establishment licensed under the provisions of
10 this section. The holder of this license may use the licensed
11 premises for an event or affair, including an event or affair at which
12 a plenary retail consumption licensee serves alcoholic beverages in
13 compliance with all applicable statutes and regulations promulgated
14 by the director. The fee for this license shall be \$1,000. For the
15 purposes of this subsection, "sampling" means the gratuitous
16 offering of an open container not exceeding one and one-half
17 ounces of any wine.

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

20 Out-of-State winery license. 2e. Provided that the applicant
21 does not produce more than 250,000 gallons of wine per year, the
22 holder of a valid winery license issued in any other state may make
23 application to the director for this license. The holder of this
24 license shall have the right to sell and distribute his products to
25 wholesalers licensed in accordance with this chapter and to sell
26 such wine at retail in original packages in 16 salesrooms apart from
27 the winery premises for consumption on or off the premises at a fee
28 of \$250 for each salesroom. Licensees shall not jointly control and
29 operate salesrooms. The annual fee for this license shall be \$938.
30 A copy of a current license issued by another state shall accompany
31 the application. The holder of this license also shall have the right
32 to sell and distribute his products to retailers licensed in accordance
33 with this chapter, except that the holder of this license shall not use
34 a common carrier for such distribution. The fee for this additional
35 privilege shall be graduated as follows: a licensee who
36 manufactures more than 150,000 gallons, but not in excess of
37 250,000 gallons per annum, \$1,000; a licensee who manufactures
38 more than 100,000 gallons, but not in excess of 150,000 gallons per
39 annum, \$500; a licensee who manufactures more than 50,000
40 gallons, but not in excess of 100,000 gallons per annum, \$250; a
41 licensee who manufactures 50,000 gallons or less per annum, \$100.
42 Additionally, the holder of this license may ship not more than 12
43 cases of wine per year, subject to regulation, to any person within or
44 without this State over 21 years of age for personal consumption
45 and not for resale. A case of wine shall not exceed a maximum of
46 nine liters. A copy of the original invoice shall be available for
47 inspection by persons authorized to enforce the alcoholic beverage

1 laws of this State for a minimum period of three years at the
2 licensed premises of the winery.

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

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

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

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

39 The holder of this license shall be entitled to manufacture hard
40 cider in a quantity not to exceed 50,000 barrels of 31 fluid gallons
41 capacity per year. With respect to the sale and distribution of hard
42 cider to a wholesaler, the licensee shall be subject to the same
43 statutory and regulatory requirements as a brewer, and hard cider
44 shall be considered a malt alcoholic beverage, for the purposes of
45 the "Malt Alcoholic Beverage Practices Act," P.L.2005, c.243
46 (C.33:1-93.12 et seq.). The holder of this license shall not directly
47 ship hard cider either within or without this State.

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

10 As used in this subsection:

11 “Hard cider” means a fermented alcoholic beverage derived
12 primarily from apples, pears, apple juice concentrate and water, or
13 pear juice concentrate and water, which may include spices, herbs,
14 honey, or other flavoring, and which contains at least one half of
15 one percent but less than eight and one half percent alcohol by
16 volume.

17 “Mead” means an alcoholic beverage primarily made from
18 honey, water, and yeast, and which may contain fruit, fruit juices,
19 spices, or herbs added before or after fermentation has completed,
20 except that the ratio of fermentable sugars from fruit or fruit juices
21 shall not exceed 49 percent of the total fermentable sugars used to
22 produce mead.

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

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

34 Limited distillery license. 3b. The holder of this license shall be
35 entitled, subject to rules and regulations, to manufacture and bottle
36 any alcoholic beverages distilled from fruit juices and rectify,
37 blend, treat, mix, compound with wine and add necessary
38 sweetening and flavor to make cordial or liqueur, and to sell and
39 distribute to wholesalers and retailers licensed in accordance with
40 this chapter, and to sell and distribute without this State to any
41 persons pursuant to the laws of the places of such sale and
42 distribution and to warehouse these products. The fee for this
43 license shall be \$3,750.

44 Supplementary limited distillery license. 3c. The holder of this
45 license shall be entitled, subject to rules and regulations, to bottle
46 and rebottle, in a quantity to be expressed in said license, dependent
47 upon the following fees, alcoholic beverages distilled from fruit
48 juices by such holder pursuant to a prior plenary or limited distillery

1 license, and to sell and distribute his products to wholesalers and
2 retailers licensed in accordance with this chapter, and to sell and
3 distribute without this State to any persons pursuant to the laws of
4 the places of such sale and distribution, and to maintain a
5 warehouse. The fee for this license shall be graduated as follows:
6 to so bottle and rebottle not more than 5,000 wine gallons per
7 annum, \$313; to so bottle and rebottle not more than 10,000 wine
8 gallons per annum, \$625; to so bottle and rebottle without limit as
9 to amount, \$1,250.

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

37 The holder of this license shall not sell food or operate a
38 restaurant on the licensed premises, but may coordinate with food
39 vendors pursuant to section 1 of P.L.2023, c.290 (C.33:1-10b). A
40 holder of this license who certifies that not less than 51 percent of
41 the raw materials used in the production of distilled alcoholic
42 beverages under this section are grown in this State or purchased
43 from providers located in this State may, consistent with all
44 applicable federal laws and regulations, label these distilled
45 alcoholic beverages as "New Jersey Distilled." The fee for this
46 license shall be \$938.

47 Historic distillery license. 3e. A historic distillery license shall
48 be issued for use in connection with a premises that is included in

1 the New Jersey Register of Historic Places established pursuant to
2 P.L.1970, c.268 (C.13:1B-15.128 et seq.). The holder of this
3 license shall be entitled, subject to rules and regulations, to
4 manufacture any distilled alcoholic beverages, to rectify, blend,
5 treat and mix distilled alcoholic beverages, to sell and distribute this
6 product to wholesalers and retailers licensed in accordance with this
7 chapter, and to sell and distribute without this State to any persons
8 pursuant to the laws of the places of such sale and distribution, and
9 to maintain a warehouse. The holder of this license shall be entitled
10 to sell this product at retail to consumers on the licensed premises
11 of the distillery for consumption on the premises. The holder of
12 this license also shall be entitled to sell this product for
13 consumption off the premises in a quantity of not more than five
14 liters per person.

15 In addition, the holder of this license may offer any person not
16 more than three samples per calendar day for sampling purposes
17 only. For the purposes of this subsection, "sampling" means the
18 gratuitous offering of an open container not exceeding one-half
19 ounce serving of distilled alcoholic beverage produced on the
20 distillery premises. If the holder of this license holds a bonded
21 warehouse bottling license issued pursuant to subsection 5 of this
22 section, products manufactured in accordance with this subsection
23 and transferred to a bonded warehouse for bottling and storage may
24 be sold at retail and offered for sampling on the licensed premises
25 of the distillery by the holder of this license. Nothing in this
26 subsection shall be deemed to permit the direct shipment of distilled
27 spirits either within or without this State. The holder of this license
28 shall be entitled to engage in the privileges established pursuant to
29 section 1 of P.L.2023, c.290 (C.33:1-10b).

30 The holder of this license shall not sell food or operate a
31 restaurant on the licensed premises, but may coordinate with food
32 vendors pursuant to section 1 of P.L.2023, c.290 (C.33:1-10b). The
33 fee for this license shall be \$1,000.

34 Rectifier and blender license. 4. The holder of this license shall
35 be entitled, subject to rules and regulations, to rectify, blend, treat
36 and mix distilled alcoholic beverages, and to fortify, blend, and
37 treat fermented alcoholic beverages, and prepare mixtures of
38 alcoholic beverages, and to sell and distribute his products to
39 wholesalers and retailers licensed in accordance with this chapter,
40 and to sell and distribute without this State to any persons pursuant
41 to the laws of the places of such sale and distribution, and to
42 maintain a warehouse. The fee for this license shall be \$7,500.

43 Bonded warehouse bottling license. 5. The holder of this license
44 shall be entitled, subject to rules and regulations, to bottle alcoholic
45 beverages in bond on behalf of all persons authorized by federal and
46 State law and regulations to withdraw alcoholic beverages from
47 bond. The fee for this license shall be \$625. This license shall be

1 issued only to persons holding permits to operate Internal Revenue
2 bonded warehouses pursuant to the laws of the United States.

3 The provisions of section 21 of P.L.2003, c.117 amendatory of
4 this section shall apply to licenses issued or transferred on or after
5 July 1, 2003, and to license renewals commencing on or after July
6 1, 2003.

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

8

9 2. This act shall take effect immediately.

10

11

12 STATEMENT

13

14 This bill establishes a historic distillery license to be issued for
15 use in connection with a premises which is included in the New
16 Jersey Register of Historic Places. Under the bill, the license holder
17 would be allowed to manufacture any distilled alcoholic beverages
18 and rectify, blend, treat and mix, and fortify, blend, and treat
19 fermented alcoholic beverages. In addition, the license holder
20 would be entitled to sell distilled alcoholic beverages at retail to
21 consumers on the licensed premises of the distillery for
22 consumption on the premises. The license holder also would be
23 entitled to sell this product for consumption off the premises in a
24 quantity of not more than five liters per person.

25 The bill does not establish a limitation on the amount of distilled
26 alcoholic beverages that the holder of this license would be entitled
27 to manufacture. Under current law, the holder of a craft distillery
28 license is limited to annually producing 20,000 gallons or less of
29 distilled alcohol beverages. The license fee would be \$1,000.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 3813

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 2025

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 3813.

As reported by the committee, this bill establishes a historic distillery license to be issued for use in connection with a premises which is included in the New Jersey Register of Historic Places. Under the bill, the license holder would be allowed to manufacture any distilled alcoholic beverages and rectify, blend, treat and mix, and fortify, blend, and treat fermented alcoholic beverages. In addition, the license holder would be entitled to sell distilled alcoholic beverages at retail to consumers on the licensed premises of the distillery for consumption on the premises and to provide samples. The license holder also would be entitled to sell this product for consumption off the premises in a quantity of not more than five liters per person. The license fee would be \$1,000.

The bill does not establish a limitation on the amount of distilled alcoholic beverages that the holder of this license would be entitled to manufacture. Under current law, the holder of a craft distillery license is limited to annually producing 20,000 gallons or less of distilled alcohol beverages.

LEGISLATIVE FISCAL ESTIMATE

SENATE, No. 3813

STATE OF NEW JERSEY

221st LEGISLATURE

DATED: MARCH 5, 2025

SUMMARY

Synopsis: Establishes historic distillery license; allows consumption of licensee's products on and off licensed premises under certain circumstances.

Type of Impact: Annual State costs and revenue increase.

Agencies Affected: Department of Law and Public Safety.

Office of Legislative Services Estimate

Fiscal Impact	
Annual State Cost Increase	Indeterminate
Annual State Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) finds that the bill will result in indeterminate increases in annual State revenues from the establishment of the historic distillery license. Revenues will accrue from the \$1,000 license fee charged by the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, from taxes paid on products sold, and potentially from penalties collected. The OLS lacks the informational basis to determine the number of historic distillery licenses that will be issued in a given year or the amount of tax and penalty revenue that will be collected to arrive at a revenue estimate for the bill.
- The OLS also anticipates an indeterminate increase in the division’s workload to issue the new licenses and to oversee the activities of the new license holders. The workload could likely be absorbed by current staff utilizing existing resources.

BILL DESCRIPTION

This bill establishes a historic distillery license to be issued for use in connection with a premises which is included in the New Jersey Register of Historic Places.

Under the bill, the license holder would be allowed to manufacture any distilled alcoholic beverages and rectify, blend, treat and mix, and fortify, blend, and treat fermented alcoholic beverages. In addition, the license holder would be entitled to sell distilled alcoholic beverages at

retail to consumers on the licensed premises of the distillery for consumption on the premises and to provide samples. The license holder also would be entitled to sell this product for consumption off the premises in a quantity of not more than five liters per person. The license fee established would be \$1,000.

The bill does not establish a limitation on the amount of distilled alcoholic beverages that the holder of this license would be entitled to manufacture. Under current law, the holder of a craft distillery license is limited to annually producing 20,000 gallons or less of distilled alcohol beverages.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the bill will result in indeterminate increases in annual State revenues from the establishment of the historic distillery license. Revenues will accrue from the \$1,000 license fee charged by the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, from taxes paid on products sold, and potentially from penalties collected. The OLS lacks the informational basis to determine the number of historic distillery licenses that will be issued in a given year or the amount of tax and penalty revenue that will be collected to arrive at a revenue estimate for the bill. The also anticipates an indeterminate increase in the division's workload to issue the new licenses and to oversee the activities of the new license holders. The workload could likely be absorbed by current staff utilizing existing resources.

Section: Law and Public Safety
Analyst: Kristin Brunner Santos
Lead Fiscal Analyst
Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Takes Action on Legislation

Posted on - 07/8/2025

TRENTON – Today, Governor Murphy signed the following bills into law:

S-1400/A-5448 (Singleton, Zwicker/Park, Freiman) - “Uniform Partition of Heirs Property Act”; provides alternative process for handling partition actions filed in court concerning real property with multiple owners, at least one of whom had acquired title from relative

S-1439/A-3856 (Singleton, A.M. Bucco/Sampson, McClellan, Miller) - Requires health benefits coverage for additional orthotic and prosthetic appliances under certain circumstances; requires coverage for orthotic and prosthetic appliances obtained through podiatrists

S-2886/A-4015 (Greenstein, Turner/McCoy) - Requires pharmacies to provide certain information regarding insulin manufacturer assistance programs

S-3787/A-5613 (Scutari, Ruiz/Pintor Marin, Morales) - Requires municipal tax collectors who obtain payments in lieu of taxes under “Long Term Tax Exemption Law” to transmit county portion directly to county

S-3850/A-5356 (Smith, Scutari/Karabinchak, Reynolds-Jackson) - Permits county boards of elections to extend distance within which electioneering is prohibited

S-3928/A-5322 (Ruiz, Scutari/Greenwald, Sampson) - Limits general application of certain consumer contracts

S-3961/A-5263 (Ruiz, Scutari/Haider, Morales, Karabinchak) - Requires public and certain nonpublic schools to offer no-fee option to parents for making school lunch and other payments; requires payment processing platforms used by certain schools to provide users with information on user fees

S-4162/A-5469 (Turner, Ruiz/Reynolds-Jackson, Carter, Morales) - Limits use or disclosure of certain education records

A-4113/S-2155 (Carter, Atkins/Cryan, McKeon) - Prohibits sports wagering partnerships at public institutions of higher education

A-5141/S-3813 (Peterpaul, Calabrese, Donlon/Gopal, O’Scanlon) - Establishes historic distillery license; allows consumption of licensee’s products on and off licensed premises under certain circumstances

A-5466/S-4318 (Bailey, Freiman, Reynolds-Jackson/Burzichelli, Greenstein) - Requires BPU to study effects of data centers on electricity costs

A-5736/S-4532 (Bailey, Simmons, Miller/Burzichelli, McKnight) - Updates certain notification requirements in "Energy Bill Watch" program

Assemblywomen Donlon and Peterpaul Announce 13 Bills Signed Into Law This Summer

TINTON FALLS - The Governor signed 13 of Assemblywoman Margie Donlon and Assemblywoman Luanne Peterpaul's bills into law this summer.

Either Assemblywoman Donlon or Assemblywoman Peterpaul, or both, and Senator Vin Gopal, (D-Monmouth) were the prime sponsors of four of the bills and cosponsors of the remaining nine.

"Many of these bills support small businesses and protect consumers. They reflect the concerns that Legislative District 11 residents tell us are important to them, such as utility costs, as we travel around the district talking to businesses and residents," said Assemblywoman Peterpaul.



The bills on which the Assemblywomen were primary sponsors include A5768, which requires the BPU to revise community solar program targets and directs the agency to open registration by October 1, 2025 for an additional 3,000 megawatts of community solar projects. Senator Gopal was a primary sponsor of the Senate version. Another of their bills, A5141, establishes an historic distillery license to allow the manufacturing and consumption of distilled alcoholic beverages on-and-off premises under certain circumstances by a licensee on the NJ Register of Historic Places. Senator Gopal also was a primary sponsor.

"Our sponsored bills also address healthcare concerns, which are a top priority for the LD11 office, and ensure healthcare insurance is more accessible and affordable," said Donlon, who is a physician and primary sponsor of A5810, which promotes equity in the health insurance appeal process. "This bill eliminates fees for appeals against health insurance carriers that deny, reduce, or terminate benefits."

Assemblywoman Donlon and Senator Gopal also were primary sponsors of A5199, a new law that requires eligible resident and fellow physicians employed by Rutgers University, including University Hospital, and their dependents, receive coverage in the State Health Benefits Plan (SHBP) on the first day of employment.

"This legislation corrects a situation that resulted in these healthcare professionals working in hospital environments, where they are exposed to diseases, infections and other dangers, but didn't have health coverage for a period of time," Gopal said.

The LD11 legislators also cosponsored nine other bills that became the law since June 30 of this year. These bills include:

[A5792](#) - Provides for workers' compensation coverage of certain counseling services for first responders and ensures that mental health-related communications are confidential.

[A5687](#) - Establishes the "Next New Jersey Manufacturing Program" to incentivize in-state manufacturing investments and job creation.

[A5466](#) - Requires the BPU to study the effects of data centers on electricity costs.

[A5463](#) - Requires electric public utilities to submit an annual report on voting to the BPU.

[A5447](#) - Prohibits the sweepstakes model of wagering; establishes new penalties for unlawful gambling operations and practices; directs Division of Consumer Affairs and Division of Gaming Enforcement to enforce penalties.

[S4567](#) - Appropriates \$107,999,000 from constitutionally dedicated Corporate Business Tax revenues and various Green Acres funds to the DEP to make grants to local governments for open space acquisition, park development, and planning projects.

[S4476](#) - Permits awarding of contracts for certain preschool education services by resolution of the board of education; extends the maximum length of preschool education services contracts to three years. Senator Gopal was a primary sponsor in the Senate.

[S3910](#) - Makes various changes to the provision of preschool aid and facilities requirements; establishes Universal Preschool Implementation Steering Committee; requires full-day kindergarten in all school districts.

[S3711](#) - Makes annual allocations of \$500,000 from the Clean Communities Program Fund for public outreach concerning single-use plastics reduction programs permanent.

Posted on: July 10, 2025

O'Scanlon Bill Creating New Historic Distillery License Signed into Law

Legislation sponsored by Senator Declan O'Scanlon (R-13) that would establish a new Historic Distillery License, permitting license holders in connection with a premises that is included in the New Jersey Register of Historic Places to distill and sell alcoholic beverages was signed into law.



“New Jersey’s rich history is something to be celebrated,” said Sen. O’Scanlon. “Now that it’s signed into law, this new license will give historic sites the flexibility to grow alongside our craft distillery industry while both honoring our past and creating new experiences and revenue streams that support local economies.”

The newly signed law:

- Permits license holders to sell distilled alcoholic beverages to customers on the premises as well as off premises in a quantity of not more than 5 liters per person.
- Allows license holders to offer up to three samples per day per customer on premises.
- Establishes a \$1,000 fee for the license.

You can [read the full text of the law online.](#)