

33:1-40.3

LEGISLATIVE HISTORY CHECKLIST

NJSA 33:1-40.3 (Beer - hours of sale)

Laws of 1973 Chapter 287

Bill No. A678

Sponsor(s) Manner

Date Introduced February 10, 1972

Committee: Assembly Municipal Gov't.

Senate County & Municipal Gov't.

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks.

Date of passage: Assembly Nov. 13, 1972

Senate March 26, 1973

Date of approval December 4, 1973

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

10/4/76

KB 5/77

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 678

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 10, 1972

By Assemblyman MANNER

Referred to Committee on Municipal Government

AN ACT to amend "An act concerning alcoholic beverage control and supplementing chapter 1 of Title 33 of the Revised Statutes," approved June 2, 1971 (P. L. 1971, c. 184).

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

1 1. Section 1 of P. L. 1971, c. 184 (C. 33:1-40.3) is amended to read
2 as follows:

3 1. Whenever the sale of alcoholic beverages for consumption on
4 the premises and off the premises or either thereof is authorized in
5 any municipality by ordinance or rule or regulation of the Division
6 of Alcoholic Beverage Control, by the holder of a retail consumption
7 or retail distribution license, such ordinance or rule shall authorize
8 the sale of malt alcoholic beverage in original bottle or can con-
9 tainers for consumption off the premises on the same days and
10 during the same hours as the sale of alcoholic beverages for con-
11 sumption on the premises is permitted and authorized in said
12 municipality. ***[However, if]** *If* a municipality has no ordinance
13 or local law that authorizes the sale of alcoholic beverages for
14 consumption on the premises, then *such municipality may by
15 ordinance authorize* the sale of malt alcoholic beverages in
16 original bottle or can containers by retail distribution licensees
17 ***[is authorized]** *any time* between the hours of 12:30 p.m. and
18 6:30 p.m. ***[on Sunday in addition to such week day hours as may**
18A **be authorized by ordinance]** *on Sunday, in addition to such
18B week day hours as may be authorized by ordinance**.

19 All parts of ordinances and regulations of the Director of the
20 Division of Alcoholic Beverage Control inconsistent with the pro-
21 visions of this act are superseded to the extent of such inconsistency.

1 2. This act shall take effect 30 days after enactment.

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

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 678

[OFFICIAL COPY REPRINT]

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MARCH 22, 1973

Assembly Bill No. 678 concerns the sale of malt alcoholic beverages for consumption in retail establishments in municipalities having no ordinance or local law authorizing the sale of alcoholic beverages for on-premise consumption.

Under existing law (C. 33:1-40.3), malt alcoholic beverages (beer) may be sold by a holder of a retail consumption or retail distribution license in any municipality which authorizes the sale of alcoholic beverages for consumption on or off the premises, or both. The sale of malt alcoholic beverages for off-premise consumption, is, however, limited to such days and hours as said municipality has authorized for the sale of alcoholic beverages for on-premise consumption. The effect of this statute, in conjunction with the Division of Alcoholic Beverage Control's regulations on Sunday sales, has been to preclude Sunday sales of malt alcoholic beverages in any municipality which has not authorized on-premise consumption of alcoholic beverages, even though the municipality has authorized sales for off-premise consumption.

The purpose of this statute is to rectify the latter problem by allowing any municipality, having authorized the sale of alcoholic beverages, but only for off-premise consumption, to also authorize, by ordinance, the Sunday sale of malt alcoholic beverages by retail distribution licensees—that is, for off-premise consumption. Such Sunday sales shall, however, be limited to between the hours of 12:30 p.m. and 6:30 p.m.

The Senate committee amendment is inserted so as to assure that Assembly Bill No. 678 (Official Copy Reprint) will not be interpreted in a manner more restrictive than the present law and ABC regulations on this matter. That is to say, the amendment specifies that the limited hours shall apply only to Sunday sales, and that the sale of malt alcoholic beverages on other days shall be governed by the stipulations of existing ordinances.