

**33:1-1 et al**  
**LEGISLATIVE HISTORY CHECKLIST**

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**LAWS OF:** 2015                    **CHAPTER:** 137

**NJSA:** 33:1-1 et al (Prohibits sale of powdered alcohol.)

**BILL NO:** A3580                    (Substituted for S2846 (1R))

**SPONSOR(S)** Moriarty, Paul D., and others

**DATE INTRODUCED:** September 11, 2014

**COMMITTEE:**                    **ASSEMBLY:** Law and Public Safety

**SENATE:**                    ===

**AMENDED DURING PASSAGE:**                    Yes

**DATE OF PASSAGE:**                    **ASSEMBLY:** 6/25/2015

**SENATE:** 6/29/2015

**DATE OF APPROVAL:**                    November 9, 2015

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Second Reprint enacted)                    Yes

**A3580**

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

**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](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:**                    Yes

**LEGISLATIVE FISCAL ESTIMATE:**                    No

**S2846 (1R)**

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

**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](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

end

P.L.2015, CHAPTER 137, *approved November 9, 2015*  
Assembly, No. 3580 (*Second Reprint*)

1 AN ACT concerning powdered alcohol and amending <sup>1</sup>**【Title 33 of**  
2 **the Revised Statutes】** various parts of the statutory law<sup>1</sup>.  
3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:  
6

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

8 33:1-1. For the purpose of this chapter, the following words and  
9 terms shall be deemed to have the meanings herein given to them:

10 a. "Alcohol." Ethyl alcohol, hydrated oxide of ethyl or neutral  
11 spirits from whatever source or by whatever process produced.

12 b. "Alcoholic beverage." Any fluid or solid capable of being  
13 converted into a fluid, suitable for human consumption, and having  
14 an alcohol content of more than one-half of one per centum (1/2 of  
15 1%) by volume, including alcohol, beer, lager beer, ale, porter,  
16 naturally fermented wine, treated wine, blended wine, fortified  
17 wine, sparkling wine, distilled liquors, blended distilled liquors and  
18 any brewed, fermented or distilled liquors fit for use for beverage  
19 purposes or any mixture of the same, and fruit juices.

20 c. "Building." A structure of which licensed premises are or  
21 may be a part, including all rooms, cellars, outbuildings,  
22 passageways, closets, vaults, yards, attics, and every part of the  
23 structure of which the licensed premises are a part, and of any other  
24 structure to which there is a common means of access, and any  
25 other appurtenances.

26 d. "Commissioner." The Director of the Division of Alcoholic  
27 Beverage Control.

28 e. "Container." Any glass, can, bottle, vessel or receptacle of  
29 any material whatsoever used for holding alcoholic beverages,  
30 which container is covered, corked or sealed in any manner  
31 whatsoever.

32 f. "Eligible." The status of a person who is a citizen of the  
33 United States, a resident of this State, of good moral character and  
34 repute, and of legal age.

35 g. "Governing board or body." The board or body which  
36 governs a municipality, including a board of aldermen in  
37 municipalities so governed; but in every municipality having a  
38 board of public works which exercises general licensing powers  
39 such board shall be considered as the governing board or body.

40 h. "Importing." The act of bringing or causing to be brought  
41 any alcoholic beverage into this State.

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ALP committee amendments adopted May 7, 2015.

<sup>2</sup>Assembly floor amendments adopted June 11, 2015.

- 1       i. "Illicit beverage." Any alcoholic beverage manufactured,  
2 distributed, bought, sold, bottled, rectified, blended, treated,  
3 fortified, mixed, processed, warehoused, possessed or transported in  
4 violation of this chapter, or on which any federal tax or tax imposed  
5 by the laws of this State has not been paid; and any alcoholic  
6 beverage possessed, kept, stored, owned or imported with intent to  
7 manufacture, sell, distribute, bottle, rectify, blend, treat, fortify,  
8 mix, process, warehouse or transport in violation of the provisions  
9 of this chapter.
- 10       j. "Licensed building." Any building containing licensed  
11 premises.
- 12       k. "Licensed premises." Any premises for which a license  
13 under this chapter is in force and effect.
- 14       l. "Magistrate." The Superior Court or municipal court.
- 15       m. "Manufacturer." Any person who, directly or indirectly,  
16 personally or through any agency whatsoever, engages in the  
17 making or other processing whatsoever of alcoholic beverages.
- 18       n. "Municipality." Any city, town, township, village, or  
19 borough, including a municipality governed by a board of  
20 commissioners or improvement commission, but excluding a  
21 county.
- 22       o. "Municipal board." The municipal board of alcoholic  
23 beverage control as established by this chapter.
- 24       p. "Officer." Any sheriff, deputy sheriff, constable, police  
25 officer, member of the Division of State Police, or any other person  
26 having the power to execute a warrant for arrest, or any inspector or  
27 investigator of the Division of Alcoholic Beverage Control.
- 28       q. "Original container." Any container in which an alcoholic  
29 beverage has been delivered to a retail licensee.
- 30       r. "Person." Any natural person or association of natural  
31 persons, association, trust company, partnership, corporation,  
32 organization, or the manager, agent, servant, officer, or employee of  
33 any of them.
- 34       s. "Premises." The physical place at which a licensee is or may  
35 be licensed to conduct and carry on the manufacture, distribution or  
36 sale of alcoholic beverages, but not including vehicular  
37 transportation.
- 38       t. "Restaurant." An establishment regularly and principally  
39 used for the purpose of providing meals to the public, having an  
40 adequate kitchen and dining room equipped for the preparing,  
41 cooking and serving of food for its customers and in which no other  
42 business, except such as is incidental to such establishment, is  
43 conducted.
- 44       u. "Retailer." Any person who sells alcoholic beverages to  
45 consumers.
- 46       v. "Rules and regulations." The rules and regulations  
47 established from time to time by the director.

1 w. "Sale." Every delivery of an alcoholic beverage otherwise  
2 than by purely gratuitous title, including deliveries from without  
3 this State and deliveries by any person without this State intended  
4 for shipment by carrier or otherwise into this State and brought  
5 within this State, or the solicitation or acceptance of an order for an  
6 alcoholic beverage, and including exchange, barter, traffic in,  
7 keeping and exposing for sale, serving with meals, delivering for  
8 value, peddling, possessing with intent to sell, and the gratuitous  
9 delivery or gift of any alcoholic beverage by any licensee.

10 x. "Unlawful alcoholic beverage activity." The manufacture,  
11 sale, distribution, bottling, rectifying, blending, treating, fortifying,  
12 mixing, processing, warehousing or transportation of any alcoholic  
13 beverage in violation of this chapter, or the importing, owning,  
14 possessing, keeping or storing in this State of alcoholic beverages  
15 with intent to manufacture, sell, distribute, bottle, rectify, blend,  
16 treat, fortify, mix, process, warehouse or transport alcoholic  
17 beverages in violation of this chapter, or the owning, possessing,  
18 keeping or storing in this State of any implement or paraphernalia  
19 for the manufacture, sale, distribution, bottling, rectifying, blending,  
20 treating, fortifying, mixing, processing, warehousing or  
21 transportation of alcoholic beverages with intent to use the same in  
22 the manufacture, sale, distribution, bottling, rectifying, blending,  
23 treating, fortifying, mixing, processing, warehousing or  
24 transportation of alcoholic beverages in violation of this chapter, or  
25 to aid or abet another in the manufacture, sale, distribution, bottling,  
26 rectifying, blending, treating, fortifying, mixing, processing,  
27 warehousing or transportation of alcoholic beverages in violation of  
28 this chapter, or the aiding or abetting of another in any of the  
29 foregoing activities.

30 y. "Unlawful property." All illicit beverages and all  
31 implements, vehicles, vessels, airplanes, and paraphernalia for the  
32 manufacture, sale, distribution, bottling, rectifying, blending,  
33 treating, fortifying, mixing, processing, warehousing or  
34 transportation of illicit beverages used in the manufacture, sale,  
35 distribution, bottling, rectifying, blending, treating, fortifying,  
36 mixing, processing, warehousing or transportation of illicit  
37 beverages or owned, possessed, kept or stored with intent to use the  
38 same in the manufacture, sale, distribution, bottling, rectifying,  
39 blending, treating, fortifying, mixing, processing, warehousing or  
40 transportation of illicit beverages, whether such use be by the  
41 person owning, possessing, keeping, or storing the same, or by  
42 another with the consent of such person; and all alcoholic  
43 beverages, fixtures and personal property located in or upon any  
44 premises, building, yard or inclosure connected with a building, in  
45 which an illicit beverage is found, possessed, stored or kept.

46 z. "Wholesaler." Any person who sells an alcoholic beverage  
47 for the purpose of resale either to a licensed wholesaler or to a  
48 licensed retailer, or both.

1       aa. "Limousine." A motor vehicle used in the business of  
2 carrying passengers for hire to provide prearranged passenger  
3 transportation at a premium fare on a dedicated, nonscheduled,  
4 charter basis that is not conducted on a regular route, or is furnished  
5 without fare as an accommodation for a patron in connection with  
6 other business purposes, and with a seating capacity in no event of  
7 more than 14 passengers, not including the driver, provided, that  
8 such a motor vehicle shall not have a seating capacity in excess of  
9 four passengers, not including the driver, beyond the maximum  
10 passenger seating capacity of the vehicle, not including the driver,  
11 at the time of manufacture. This shall not include taxicabs, hotel or  
12 airport shuttles and buses, buses employed solely in transporting  
13 school children or teachers to and from school, vehicles owned and  
14 operated directly or indirectly by businesses engaged in the practice  
15 of mortuary science when those vehicles are used exclusively for  
16 providing transportation related to the provision of funeral services  
17 or vehicles owned and operated without charge or remuneration by  
18 a business entity for its own purposes.

19       bb. "Entertainment facility" is a privately-owned facility in  
20 which athletic, commercial, cultural, or artistic events are featured.

21       cc. "Powdered alcohol." Any powder or crystalline substance  
22 containing alcohol, as defined in subsection a. of this section,  
23 produced for human consumption.

24       Any definition herein contained shall apply to the same word in  
25 any form. Thus "sell" means to make a "sale" as above defined.

26 (cf: P.L.2001, c,416, s.1)

27

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

29       33:1-2. a. It shall be unlawful to manufacture, sell, possess with  
30 intent to sell, transport, warehouse, rectify, blend, treat, fortify, mix,  
31 process, bottle or distribute alcoholic beverages in this State, except  
32 pursuant to and within the terms of a license, or as otherwise  
33 expressly authorized, under this chapter; but any drink actually  
34 intended for immediate personal use may be mixed by any person.  
35 Except as hereinafter provided, a person may, without limitation,  
36 purchase any amount of alcoholic beverages intended in good faith  
37 to be used solely for personal use and may personally transport  
38 those alcoholic beverages so purchased for personal use in any  
39 vehicle from a point within this State. Alcoholic beverages  
40 intended in good faith solely for personal use may be transported,  
41 by the owner thereof, in a vehicle other than that of the holder of a  
42 transportation license, from a point outside this State to the extent  
43 of, not exceeding 1/4 barrel or one case containing not in excess of  
44 12 quarts in all, of beer, ale or porter, and one gallon of wine and  
45 two quarts of other alcoholic beverages within any consecutive  
46 period of 24 hours; provided, however, that except pursuant to and  
47 within the terms of a license or permit issued by the director, no  
48 person shall transport into this State or receive from without this

1 State into this State, alcoholic beverages where the alcoholic  
2 beverages are transported or received from a state which prohibits  
3 the transportation into that state of alcoholic beverages purchased or  
4 otherwise obtained in the State of New Jersey. If any person or  
5 persons desire to transport alcoholic beverages intended only for  
6 personal use in quantities in excess of those above-mentioned, an  
7 application may be made to the director who may, upon being  
8 satisfied of the good faith of the applicant, and upon payment of a  
9 fee of \$25.00 issue a special permit limited by such conditions as  
10 the director may impose, authorizing the transportation of alcoholic  
11 beverages in quantities in excess of those above-mentioned.

12 b. A holder of a Class B license under R.S.33:1-11 shall not  
13 sell or deliver for sale in New Jersey any brand of alcoholic  
14 beverage for resale in this State unless the alcoholic beverage is  
15 acquired from the brand owner, or his authorized agent, or a  
16 wholesale licensee designated as the registered distributor by the  
17 brand owner, or his authorized agent.

18 c. No licensee shall knowingly sell, offer for sale, deliver,  
19 receive or purchase, for resale in this State, any alcoholic beverage,  
20 including private label brands owned by a retailer and exclusive  
21 brands owned by a manufacturer or wholesaler and offered for sale  
22 or sold by such manufacturer or wholesaler exclusively to one New  
23 Jersey retailer or affiliated retailer, unless the brand owner or his  
24 authorized agent files with the Director of the Division of Alcoholic  
25 Beverage Control a brand registration schedule containing such  
26 information as the director shall by rule or regulation require. Each  
27 brand registration schedule must be renewed annually by January 1  
28 of each year.

29 d. Each person who files a brand registration schedule and  
30 amendments thereto shall pay a filing fee of \$23 per filing for each  
31 initial brand registration and annual renewal and \$10 for each  
32 amendment. All wines shall be subject to the initial brand  
33 registration and annual renewal filings and fees, except that  
34 different vintages of the same wine shall not require separate brand  
35 registrations or renewals. Any registration may be suspended or  
36 revoked in the same manner as an alcoholic beverage license for  
37 any violation of Title 33 of the Revised Statutes and the rules and  
38 regulations promulgated thereto.

39 e. Nothing contained in this section shall be deemed to limit or  
40 modify the prohibition against discrimination in the sale of any  
41 nationally advertised brand of alcoholic beverages to currently  
42 authorized wholesalers as set forth in P.L.1966, c.59 (C.33:1-93.6 et  
43 seq.) nor shall this section be deemed to require the sale to anyone  
44 other than authorized retailers of private label brands which are  
45 owned by a retailer or exclusive brands which are owned by a  
46 manufacturer or wholesaler and offered for sale or sold by the  
47 manufacturer or wholesaler exclusively to one retailer or affiliated  
48 retailer, in this State.

1       f. No person shall sell, offer for sale, or deliver, receive or  
2 purchase for resale in this State, any product consisting of or  
3 containing powdered alcohol.

4 (cf: P.L.1996, c.152, s.1)

5  
6       <sup>1</sup>3. Section 1 of P.L.1979, c.264 (C.2C:33-15) is amended to  
7 read as follows:

8       1. a. Any person under the legal age to purchase alcoholic  
9 beverages who knowingly possesses without legal authority or who  
10 knowingly consumes any alcoholic beverage in any school, public  
11 conveyance, public place, or place of public assembly, or motor  
12 vehicle, is guilty of a disorderly persons offense, and shall be fined  
13 not less than ~~【\$500.00】~~ \$500.

14       b. Whenever this offense is committed in a motor vehicle, the  
15 court shall, in addition to the sentence authorized for the offense,  
16 suspend or postpone for six months the driving privilege of the  
17 defendant. Upon the conviction of any person under this section,  
18 the court shall forward a report to the New Jersey Motor Vehicle  
19 Commission stating the first and last day of the suspension or  
20 postponement period imposed by the court pursuant to this section.  
21 If a person at the time of the imposition of a sentence is less than 17  
22 years of age, the period of license postponement, including a  
23 suspension or postponement of the privilege of operating a  
24 motorized bicycle, shall commence on the day the sentence is  
25 imposed and shall run for a period of six months after the person  
26 reaches the age of 17 years.

27       If a person at the time of the imposition of a sentence has a valid  
28 driver's license issued by this State, the court shall immediately  
29 collect the license and forward it to the commission along with the  
30 report. If for any reason the license cannot be collected, the court  
31 shall include in the report the complete name, address, date of birth,  
32 eye color, and sex of the person as well as the first and last date of  
33 the license suspension period imposed by the court.

34       The court shall inform the person orally and in writing that if the  
35 person is convicted of operating a motor vehicle during the period  
36 of license suspension or postponement, the person shall be subject  
37 to the penalties set forth in R.S.39:3-40. A person shall be required  
38 to acknowledge receipt of the written notice in writing. Failure to  
39 receive a written notice or failure to acknowledge in writing the  
40 receipt of a written notice shall not be a defense to a subsequent  
41 charge of a violation of R.S.39:3-40.

42       If the person convicted under this section is not a New Jersey  
43 resident, the court shall suspend or postpone, as appropriate, the  
44 non-resident driving privilege of the person based on the age of the  
45 person and submit to the commission the required report. The court  
46 shall not collect the license of a non-resident convicted under this  
47 section. Upon receipt of a report by the court, the commission shall



1 notify the appropriate officials in the licensing jurisdiction of the  
2 suspension or postponement.

3 c. In addition to the general penalty prescribed for a disorderly  
4 persons offense, the court may require any person who violates this  
5 act to participate in an alcohol education or treatment program,  
6 authorized by the <sup>2</sup>[Department of Health]<sup>2</sup> [and Senior Services]  
7 <sup>2</sup>Division of Mental Health and Addiction Services in the  
8 Department of Human Services<sup>2</sup>, for a period not to exceed the  
9 maximum period of confinement prescribed by law for the offense  
10 for which the individual has been convicted.

11 d. Nothing in this act shall apply to possession of alcoholic  
12 beverages by any such person while actually engaged in the  
13 performance of employment pursuant to an employment permit  
14 issued by the Director of the Division of Alcoholic Beverage  
15 Control, or for a bona fide hotel or restaurant, in accordance with  
16 the provisions of R.S.33:1-26, or while actively engaged in the  
17 preparation of food while enrolled in a culinary arts or hotel  
18 management program at a county vocational school or post  
19 secondary educational institution.

20 e. The provisions of section 3 of P.L.1991, c.169 (C.33:1-  
21 81.1a) shall apply to a parent, guardian or other person with legal  
22 custody of a person under 18 years of age who is found to be in  
23 violation of this section.

24 f. An underage person and one or two other persons shall be  
25 immune from prosecution under this section if:

26 (1) one of the underage persons called 9-1-1 and reported that  
27 another underage person was in need of medical assistance due to  
28 alcohol consumption;

29 (2) the underage person who called 9-1-1 and, if applicable, one  
30 or two other persons acting in concert with the underage person  
31 who called 9-1-1 provided each of their names to the 9-1-1  
32 operator;

33 (3) the underage person was the first person to make the 9-1-1  
34 report; and

35 (4) the underage person and, if applicable, one or two other  
36 persons acting in concert with the underage person who made the 9-  
37 1-1 call remained on the scene with the person under the legal age  
38 in need of medical assistance until assistance arrived and  
39 cooperated with medical assistance and law enforcement personnel  
40 on the scene.

41 The underage person who received medical assistance also shall  
42 be immune from prosecution under this section.

43 g. For purposes of this section, an alcoholic beverage includes  
44 powdered alcohol as defined by R.S.33:1-1.<sup>1</sup>

45 (cf: P.L.2009, c.133, s.1)

1       <sup>1</sup>4. Section 1 of P.L.1985, c.311 (C.2C:33-17) is amended to  
2 read as follows:

3       1. a. Anyone who purposely or knowingly offers or serves or  
4 makes available an alcoholic beverage to a person under the legal  
5 age for consuming alcoholic beverages or entices or encourages  
6 that person to drink an alcoholic beverage is a disorderly person.

7       This subsection shall not apply to a parent or guardian of the  
8 person under legal age for consuming alcoholic beverages if the  
9 parent or guardian is of the legal age to consume alcoholic  
10 beverages or to a religious observance, ceremony or rite. This  
11 subsection shall also not apply to any person in his home who is of  
12 the legal age to consume alcoholic beverages who offers or serves  
13 or makes available an alcoholic beverage to a person under the legal  
14 age for consuming alcoholic beverages or entices that person to  
15 drink an alcoholic beverage in the presence of and with the  
16 permission of the parent or guardian of the person under the legal  
17 age for consuming alcoholic beverages if the parent or guardian is  
18 of the legal age to consume alcoholic beverages.

19       b. A person who makes real property owned, leased or  
20 managed by him available to, or leaves that property in the care of,  
21 another person with the purpose that alcoholic beverages will be  
22 made available for consumption by, or will be consumed by,  
23 persons who are under the legal age for consuming alcoholic  
24 beverages is guilty of a disorderly persons offense.

25       This subsection shall not apply if:

26       (1) the real property is licensed or required to be licensed by the  
27 Division of Alcoholic Beverage Control in accordance with the  
28 provisions of R.S.33:1-1 et seq;

29       (2) the person making the property available, or leaving it in the  
30 care of another person, is of the legal age to consume alcoholic  
31 beverages and is the parent or guardian of the person who consumes  
32 alcoholic beverages while under the legal age for consuming  
33 alcoholic beverages; or

34       (3) the alcoholic beverages are consumed by a person under the  
35 legal age for consuming alcoholic beverages during a religious  
36 observance, ceremony or rite.

37       c. For purposes of this section, an alcoholic beverage includes  
38 powdered alcohol as defined by R.S.33:1-1.<sup>1</sup>

39 (cf: P.L.1995, c.31, s.1)

40

41       <sup>1</sup>[3.] 5.<sup>1</sup> This act shall take effect immediately.

42

43

44

45

46

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Prohibits sale of powdered alcohol.

# ASSEMBLY, No. 3580

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED SEPTEMBER 11, 2014

**Sponsored by:**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**Assemblyman CRAIG J. COUGHLIN**

**District 19 (Middlesex)**

**Assemblyman CHARLES MAINOR**

**District 31 (Hudson)**

**Assemblywoman NANCY J. PINKIN**

**District 18 (Middlesex)**

**Assemblywoman NANCY F. MUNOZ**

**District 21 (Morris, Somerset and Union)**

**Co-Sponsored by:**

**Assemblywomen Oliver, Muoio, Assemblymen Giblin and Diegnan**

**SYNOPSIS**

Prohibits sale of powdered alcohol.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 5/8/2015)

1 AN ACT concerning powdered alcohol and amending Title 33 of the  
2 Revised Statutes.

3

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

6

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

8 33:1-1. For the purpose of this chapter, the following words and  
9 terms shall be deemed to have the meanings herein given to them:

10 a. "Alcohol." Ethyl alcohol, hydrated oxide of ethyl or neutral  
11 spirits from whatever source or by whatever process produced.

12 b. "Alcoholic beverage." Any fluid or solid capable of being  
13 converted into a fluid, suitable for human consumption, and having  
14 an alcohol content of more than one-half of one per centum (1/2 of  
15 1%) by volume, including alcohol, beer, lager beer, ale, porter,  
16 naturally fermented wine, treated wine, blended wine, fortified  
17 wine, sparkling wine, distilled liquors, blended distilled liquors and  
18 any brewed, fermented or distilled liquors fit for use for beverage  
19 purposes or any mixture of the same, and fruit juices.

20 c. "Building." A structure of which licensed premises are or  
21 may be a part, including all rooms, cellars, outbuildings,  
22 passageways, closets, vaults, yards, attics, and every part of the  
23 structure of which the licensed premises are a part, and of any other  
24 structure to which there is a common means of access, and any  
25 other appurtenances.

26 d. "Commissioner." The Director of the Division of Alcoholic  
27 Beverage Control.

28 e. "Container." Any glass, can, bottle, vessel or receptacle of  
29 any material whatsoever used for holding alcoholic beverages,  
30 which container is covered, corked or sealed in any manner  
31 whatsoever.

32 f. "Eligible." The status of a person who is a citizen of the  
33 United States, a resident of this State, of good moral character and  
34 repute, and of legal age.

35 g. "Governing board or body." The board or body which  
36 governs a municipality, including a board of aldermen in  
37 municipalities so governed; but in every municipality having a  
38 board of public works which exercises general licensing powers  
39 such board shall be considered as the governing board or body.

40 h. "Importing." The act of bringing or causing to be brought  
41 any alcoholic beverage into this State.

42 i. "Illicit beverage." Any alcoholic beverage manufactured,  
43 distributed, bought, sold, bottled, rectified, blended, treated,  
44 fortified, mixed, processed, warehoused, possessed or transported in  
45 violation of this chapter, or on which any federal tax or tax imposed

**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 by the laws of this State has not been paid; and any alcoholic  
2 beverage possessed, kept, stored, owned or imported with intent to  
3 manufacture, sell, distribute, bottle, rectify, blend, treat, fortify,  
4 mix, process, warehouse or transport in violation of the provisions  
5 of this chapter.
- 6 j. "Licensed building." Any building containing licensed  
7 premises.
- 8 k. "Licensed premises." Any premises for which a license  
9 under this chapter is in force and effect.
- 10 l. "Magistrate." The Superior Court or municipal court.
- 11 m. "Manufacturer." Any person who, directly or indirectly,  
12 personally or through any agency whatsoever, engages in the  
13 making or other processing whatsoever of alcoholic beverages.
- 14 n. "Municipality." Any city, town, township, village, or  
15 borough, including a municipality governed by a board of  
16 commissioners or improvement commission, but excluding a  
17 county.
- 18 o. "Municipal board." The municipal board of alcoholic  
19 beverage control as established by this chapter.
- 20 p. "Officer." Any sheriff, deputy sheriff, constable, police  
21 officer, member of the Division of State Police, or any other person  
22 having the power to execute a warrant for arrest, or any inspector or  
23 investigator of the Division of Alcoholic Beverage Control.
- 24 q. "Original container." Any container in which an alcoholic  
25 beverage has been delivered to a retail licensee.
- 26 r. "Person." Any natural person or association of natural  
27 persons, association, trust company, partnership, corporation,  
28 organization, or the manager, agent, servant, officer, or employee of  
29 any of them.
- 30 s. "Premises." The physical place at which a licensee is or may  
31 be licensed to conduct and carry on the manufacture, distribution or  
32 sale of alcoholic beverages, but not including vehicular  
33 transportation.
- 34 t. "Restaurant." An establishment regularly and principally  
35 used for the purpose of providing meals to the public, having an  
36 adequate kitchen and dining room equipped for the preparing,  
37 cooking and serving of food for its customers and in which no other  
38 business, except such as is incidental to such establishment, is  
39 conducted.
- 40 u. "Retailer." Any person who sells alcoholic beverages to  
41 consumers.
- 42 v. "Rules and regulations." The rules and regulations  
43 established from time to time by the director.
- 44 w. "Sale." Every delivery of an alcoholic beverage otherwise  
45 than by purely gratuitous title, including deliveries from without  
46 this State and deliveries by any person without this State intended  
47 for shipment by carrier or otherwise into this State and brought  
48 within this State, or the solicitation or acceptance of an order for an

1 alcoholic beverage, and including exchange, barter, traffic in,  
2 keeping and exposing for sale, serving with meals, delivering for  
3 value, peddling, possessing with intent to sell, and the gratuitous  
4 delivery or gift of any alcoholic beverage by any licensee.

5 x. "Unlawful alcoholic beverage activity." The manufacture,  
6 sale, distribution, bottling, rectifying, blending, treating, fortifying,  
7 mixing, processing, warehousing or transportation of any alcoholic  
8 beverage in violation of this chapter, or the importing, owning,  
9 possessing, keeping or storing in this State of alcoholic beverages  
10 with intent to manufacture, sell, distribute, bottle, rectify, blend,  
11 treat, fortify, mix, process, warehouse or transport alcoholic  
12 beverages in violation of this chapter, or the owning, possessing,  
13 keeping or storing in this State of any implement or paraphernalia  
14 for the manufacture, sale, distribution, bottling, rectifying, blending,  
15 treating, fortifying, mixing, processing, warehousing or  
16 transportation of alcoholic beverages with intent to use the same in  
17 the manufacture, sale, distribution, bottling, rectifying, blending,  
18 treating, fortifying, mixing, processing, warehousing or  
19 transportation of alcoholic beverages in violation of this chapter, or  
20 to aid or abet another in the manufacture, sale, distribution, bottling,  
21 rectifying, blending, treating, fortifying, mixing, processing,  
22 warehousing or transportation of alcoholic beverages in violation of  
23 this chapter, or the aiding or abetting of another in any of the  
24 foregoing activities.

25 y. "Unlawful property." All illicit beverages and all  
26 implements, vehicles, vessels, airplanes, and paraphernalia for the  
27 manufacture, sale, distribution, bottling, rectifying, blending,  
28 treating, fortifying, mixing, processing, warehousing or  
29 transportation of illicit beverages used in the manufacture, sale,  
30 distribution, bottling, rectifying, blending, treating, fortifying,  
31 mixing, processing, warehousing or transportation of illicit  
32 beverages or owned, possessed, kept or stored with intent to use the  
33 same in the manufacture, sale, distribution, bottling, rectifying,  
34 blending, treating, fortifying, mixing, processing, warehousing or  
35 transportation of illicit beverages, whether such use be by the  
36 person owning, possessing, keeping, or storing the same, or by  
37 another with the consent of such person; and all alcoholic  
38 beverages, fixtures and personal property located in or upon any  
39 premises, building, yard or inclosure connected with a building, in  
40 which an illicit beverage is found, possessed, stored or kept.

41 z. "Wholesaler." Any person who sells an alcoholic beverage  
42 for the purpose of resale either to a licensed wholesaler or to a  
43 licensed retailer, or both.

44 aa. "Limousine." A motor vehicle used in the business of  
45 carrying passengers for hire to provide prearranged passenger  
46 transportation at a premium fare on a dedicated, nonscheduled,  
47 charter basis that is not conducted on a regular route, or is furnished  
48 without fare as an accommodation for a patron in connection with

1 other business purposes, and with a seating capacity in no event of  
2 more than 14 passengers, not including the driver, provided, that  
3 such a motor vehicle shall not have a seating capacity in excess of  
4 four passengers, not including the driver, beyond the maximum  
5 passenger seating capacity of the vehicle, not including the driver,  
6 at the time of manufacture. This shall not include taxicabs, hotel or  
7 airport shuttles and buses, buses employed solely in transporting  
8 school children or teachers to and from school, vehicles owned and  
9 operated directly or indirectly by businesses engaged in the practice  
10 of mortuary science when those vehicles are used exclusively for  
11 providing transportation related to the provision of funeral services  
12 or vehicles owned and operated without charge or remuneration by  
13 a business entity for its own purposes.

14 bb. "Entertainment facility" is a privately-owned facility in  
15 which athletic, commercial, cultural, or artistic events are featured.

16 cc. "Powdered alcohol." Any powder or crystalline substance  
17 containing alcohol, as defined in subsection a. of this section,  
18 produced for human consumption.

19 Any definition herein contained shall apply to the same word in  
20 any form. Thus "sell" means to make a "sale" as above defined.

21 (cf: P.L.2001, c,416, s.1)

22

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

24 33:1-2. a. It shall be unlawful to manufacture, sell, possess with  
25 intent to sell, transport, warehouse, rectify, blend, treat, fortify, mix,  
26 process, bottle or distribute alcoholic beverages in this State, except  
27 pursuant to and within the terms of a license, or as otherwise  
28 expressly authorized, under this chapter; but any drink actually  
29 intended for immediate personal use may be mixed by any person.  
30 Except as hereinafter provided, a person may, without limitation,  
31 purchase any amount of alcoholic beverages intended in good faith  
32 to be used solely for personal use and may personally transport  
33 those alcoholic beverages so purchased for personal use in any  
34 vehicle from a point within this State. Alcoholic beverages  
35 intended in good faith solely for personal use may be transported,  
36 by the owner thereof, in a vehicle other than that of the holder of a  
37 transportation license, from a point outside this State to the extent  
38 of, not exceeding 1/4 barrel or one case containing not in excess of  
39 12 quarts in all, of beer, ale or porter, and one gallon of wine and  
40 two quarts of other alcoholic beverages within any consecutive  
41 period of 24 hours; provided, however, that except pursuant to and  
42 within the terms of a license or permit issued by the director, no  
43 person shall transport into this State or receive from without this  
44 State into this State, alcoholic beverages where the alcoholic  
45 beverages are transported or received from a state which prohibits  
46 the transportation into that state of alcoholic beverages purchased or  
47 otherwise obtained in the State of New Jersey. If any person or  
48 persons desire to transport alcoholic beverages intended only for

1 personal use in quantities in excess of those above-mentioned, an  
2 application may be made to the director who may, upon being  
3 satisfied of the good faith of the applicant, and upon payment of a  
4 fee of \$25.00 issue a special permit limited by such conditions as  
5 the director may impose, authorizing the transportation of alcoholic  
6 beverages in quantities in excess of those above-mentioned.

7 b. A holder of a Class B license under R.S.33:1-11 shall not  
8 sell or deliver for sale in New Jersey any brand of alcoholic  
9 beverage for resale in this State unless the alcoholic beverage is  
10 acquired from the brand owner, or his authorized agent, or a  
11 wholesale licensee designated as the registered distributor by the  
12 brand owner, or his authorized agent.

13 c. No licensee shall knowingly sell, offer for sale, deliver,  
14 receive or purchase, for resale in this State, any alcoholic beverage,  
15 including private label brands owned by a retailer and exclusive  
16 brands owned by a manufacturer or wholesaler and offered for sale  
17 or sold by such manufacturer or wholesaler exclusively to one New  
18 Jersey retailer or affiliated retailer, unless the brand owner or his  
19 authorized agent files with the Director of the Division of Alcoholic  
20 Beverage Control a brand registration schedule containing such  
21 information as the director shall by rule or regulation require. Each  
22 brand registration schedule must be renewed annually by January 1  
23 of each year.

24 d. Each person who files a brand registration schedule and  
25 amendments thereto shall pay a filing fee of \$23 per filing for each  
26 initial brand registration and annual renewal and \$10 for each  
27 amendment. All wines shall be subject to the initial brand  
28 registration and annual renewal filings and fees, except that  
29 different vintages of the same wine shall not require separate brand  
30 registrations or renewals. Any registration may be suspended or  
31 revoked in the same manner as an alcoholic beverage license for  
32 any violation of Title 33 of the Revised Statutes and the rules and  
33 regulations promulgated thereto.

34 e. Nothing contained in this section shall be deemed to limit or  
35 modify the prohibition against discrimination in the sale of any  
36 nationally advertised brand of alcoholic beverages to currently  
37 authorized wholesalers as set forth in P.L.1966, c.59 (C.33:1-93.6 et  
38 seq.) nor shall this section be deemed to require the sale to anyone  
39 other than authorized retailers of private label brands which are  
40 owned by a retailer or exclusive brands which are owned by a  
41 manufacturer or wholesaler and offered for sale or sold by the  
42 manufacturer or wholesaler exclusively to one retailer or affiliated  
43 retailer, in this State.

44 f. No person shall sell, offer for sale, or deliver, receive or  
45 purchase for resale in this State, any product consisting of or  
46 containing powdered alcohol.

47 (cf: P.L.1996, c.152, s.1)



1       3. This act shall take effect immediately.

2

3

4

STATEMENT

5

6       This bill prohibits the sale of powdered alcohol in the State.  
7       Powdered alcohol is ethyl alcohol which is designed to be dissolved  
8       in liquid to produce alcoholic beverages. Because of its  
9       composition, powdered alcohol can easily be concealed,  
10      transported, and brought into venues where alcoholic beverages  
11      from other sources may not be permitted, or where there is a total  
12      ban on alcoholic beverages. Additionally, the nature of powdered  
13      alcohol allows for easy and dangerous misuse, such as inhaling the  
14      product or adding it to another person's food or beverage without  
15      that person's consent.

16      The bill provides that no person shall sell purchase for resale in  
17      this State any product consisting of or containing powdered alcohol.  
18      The bill defines "powdered alcohol" as a powder or crystalline  
19      substance containing alcohol which is produced for human  
20      consumption.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 3580**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 7, 2015

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 3580.

As amended and reported by the committee, Assembly Bill No. 3580 prohibits the sale of powdered alcohol in this State. Powdered alcohol is ethyl alcohol which is designed to be dissolved in liquid to produce alcoholic beverages.

The amended bill provides that no person shall sell, offer to sell, or deliver, receive or purchase for resale in this State, any product consisting of or containing powdered alcohol. The amended bill defines "powdered alcohol" as a powder or crystalline substance containing alcohol which is produced for human consumption.

Additionally, the amended bill clarifies that powdered alcohol is included in statutory provisions regulating possession and consumption of alcohol by persons under the legal age and making alcohol available to persons under the legal age. Under the amended bill, a person who knowingly possesses or consumes powdered alcohol and is under the legal age will be guilty of a disorderly persons offense as provided in section 1 of P.L.1979, c.264 (C.2C:33-15). In addition, a person who purposefully or knowingly offers or serves, or makes available powdered alcohol to a person under the legal age or encourages the consumption of powdered alcohol by a person under the legal age will be guilty of a disorderly persons offense as provided in section 1 of P.L.1985, c.311 (C.2C:33-17).

#### COMMITTEE AMENDMENTS:

The committee amended the bill to clarify that powdered alcohol is included in the statutory provisions regulating possession and consumption of alcoholic beverages by persons under the legal age and making alcoholic beverages available to persons under the legal age.

STATEMENT TO  
[First Reprint]  
**ASSEMBLY, No. 3580**

with Assembly Floor Amendments  
(Proposed by Assemblyman MORIARTY)

ADOPTED: JUNE 11, 2015

Assembly Bill No. 3580 (1R) prohibits the sale of powdered alcohol in this State. Powdered alcohol is ethyl alcohol which is designed to be dissolved in liquid to produce alcoholic beverages.

In addition, the bill amends section 1 of P.L.1979, c.264 (C.2C:33-15) to clarify that a person who knowingly possesses or consumes powdered alcohol and is under the legal age will be guilty of a disorderly persons offense. Under the statute, a court may require a violator to participate in an alcohol education and training programs. These Assembly amendments make a correction to section 1 of P.L.1979, c.264 (C.2C:33-15) to clarify that the Division of Mental Health and Addiction Services in the Department of Human Services authorizes these programs.

As amended, this bill is identical to Senate Bill No. 2846, which was amended and reported by the Senate Law and Public Safety Committee on this same date.

**SENATE, No. 2846**

**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

INTRODUCED MAY 7, 2015

**Sponsored by:**

**Senator FRED H. MADDEN, JR.**

**District 4 (Camden and Gloucester)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**SYNOPSIS**

Prohibits sale of powdered alcohol.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning powdered alcohol and amending Title 33 of the  
2 Revised Statutes.

3

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

6

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

8 33:1-1. For the purpose of this chapter, the following words and  
9 terms shall be deemed to have the meanings herein given to them:

10 a. "Alcohol." Ethyl alcohol, hydrated oxide of ethyl or neutral  
11 spirits from whatever source or by whatever process produced.

12 b. "Alcoholic beverage." Any fluid or solid capable of being  
13 converted into a fluid, suitable for human consumption, and having  
14 an alcohol content of more than one-half of one per centum (1/2 of  
15 1%) by volume, including alcohol, beer, lager beer, ale, porter,  
16 naturally fermented wine, treated wine, blended wine, fortified  
17 wine, sparkling wine, distilled liquors, blended distilled liquors and  
18 any brewed, fermented or distilled liquors fit for use for beverage  
19 purposes or any mixture of the same, and fruit juices.

20 c. "Building." A structure of which licensed premises are or  
21 may be a part, including all rooms, cellars, outbuildings,  
22 passageways, closets, vaults, yards, attics, and every part of the  
23 structure of which the licensed premises are a part, and of any other  
24 structure to which there is a common means of access, and any  
25 other appurtenances.

26 d. "Commissioner." The Director of the Division of Alcoholic  
27 Beverage Control.

28 e. "Container." Any glass, can, bottle, vessel or receptacle of  
29 any material whatsoever used for holding alcoholic beverages,  
30 which container is covered, corked or sealed in any manner  
31 whatsoever.

32 f. "Eligible." The status of a person who is a citizen of the  
33 United States, a resident of this State, of good moral character and  
34 repute, and of legal age.

35 g. "Governing board or body." The board or body which  
36 governs a municipality, including a board of aldermen in  
37 municipalities so governed; but in every municipality having a  
38 board of public works which exercises general licensing powers  
39 such board shall be considered as the governing board or body.

40 h. "Importing." The act of bringing or causing to be brought  
41 any alcoholic beverage into this State.

42 i. "Illicit beverage." Any alcoholic beverage manufactured,  
43 distributed, bought, sold, bottled, rectified, blended, treated,  
44 fortified, mixed, processed, warehoused, possessed or transported in  
45 violation of this chapter, or on which any federal tax or tax imposed

**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 by the laws of this State has not been paid; and any alcoholic  
2 beverage possessed, kept, stored, owned or imported with intent to  
3 manufacture, sell, distribute, bottle, rectify, blend, treat, fortify,  
4 mix, process, warehouse or transport in violation of the provisions  
5 of this chapter.
- 6 j. "Licensed building." Any building containing licensed  
7 premises.
- 8 k. "Licensed premises." Any premises for which a license  
9 under this chapter is in force and effect.
- 10 l. "Magistrate." The Superior Court or municipal court.
- 11 m. "Manufacturer." Any person who, directly or indirectly,  
12 personally or through any agency whatsoever, engages in the  
13 making or other processing whatsoever of alcoholic beverages.
- 14 n. "Municipality." Any city, town, township, village, or  
15 borough, including a municipality governed by a board of  
16 commissioners or improvement commission, but excluding a  
17 county.
- 18 o. "Municipal board." The municipal board of alcoholic  
19 beverage control as established by this chapter.
- 20 p. "Officer." Any sheriff, deputy sheriff, constable, police  
21 officer, member of the Division of State Police, or any other person  
22 having the power to execute a warrant for arrest, or any inspector or  
23 investigator of the Division of Alcoholic Beverage Control.
- 24 q. "Original container." Any container in which an alcoholic  
25 beverage has been delivered to a retail licensee.
- 26 r. "Person." Any natural person or association of natural  
27 persons, association, trust company, partnership, corporation,  
28 organization, or the manager, agent, servant, officer, or employee of  
29 any of them.
- 30 s. "Premises." The physical place at which a licensee is or may  
31 be licensed to conduct and carry on the manufacture, distribution or  
32 sale of alcoholic beverages, but not including vehicular  
33 transportation.
- 34 t. "Restaurant." An establishment regularly and principally  
35 used for the purpose of providing meals to the public, having an  
36 adequate kitchen and dining room equipped for the preparing,  
37 cooking and serving of food for its customers and in which no other  
38 business, except such as is incidental to such establishment, is  
39 conducted.
- 40 u. "Retailer." Any person who sells alcoholic beverages to  
41 consumers.
- 42 v. "Rules and regulations." The rules and regulations  
43 established from time to time by the director.
- 44 w. "Sale." Every delivery of an alcoholic beverage otherwise  
45 than by purely gratuitous title, including deliveries from without  
46 this State and deliveries by any person without this State intended  
47 for shipment by carrier or otherwise into this State and brought  
48 within this State, or the solicitation or acceptance of an order for an

1 alcoholic beverage, and including exchange, barter, traffic in,  
2 keeping and exposing for sale, serving with meals, delivering for  
3 value, peddling, possessing with intent to sell, and the gratuitous  
4 delivery or gift of any alcoholic beverage by any licensee.

5 x. "Unlawful alcoholic beverage activity." The manufacture,  
6 sale, distribution, bottling, rectifying, blending, treating, fortifying,  
7 mixing, processing, warehousing or transportation of any alcoholic  
8 beverage in violation of this chapter, or the importing, owning,  
9 possessing, keeping or storing in this State of alcoholic beverages  
10 with intent to manufacture, sell, distribute, bottle, rectify, blend,  
11 treat, fortify, mix, process, warehouse or transport alcoholic  
12 beverages in violation of this chapter, or the owning, possessing,  
13 keeping or storing in this State of any implement or paraphernalia  
14 for the manufacture, sale, distribution, bottling, rectifying, blending,  
15 treating, fortifying, mixing, processing, warehousing or  
16 transportation of alcoholic beverages with intent to use the same in  
17 the manufacture, sale, distribution, bottling, rectifying, blending,  
18 treating, fortifying, mixing, processing, warehousing or  
19 transportation of alcoholic beverages in violation of this chapter, or  
20 to aid or abet another in the manufacture, sale, distribution, bottling,  
21 rectifying, blending, treating, fortifying, mixing, processing,  
22 warehousing or transportation of alcoholic beverages in violation of  
23 this chapter, or the aiding or abetting of another in any of the  
24 foregoing activities.

25 y. "Unlawful property." All illicit beverages and all  
26 implements, vehicles, vessels, airplanes, and paraphernalia for the  
27 manufacture, sale, distribution, bottling, rectifying, blending,  
28 treating, fortifying, mixing, processing, warehousing or  
29 transportation of illicit beverages used in the manufacture, sale,  
30 distribution, bottling, rectifying, blending, treating, fortifying,  
31 mixing, processing, warehousing or transportation of illicit  
32 beverages or owned, possessed, kept or stored with intent to use the  
33 same in the manufacture, sale, distribution, bottling, rectifying,  
34 blending, treating, fortifying, mixing, processing, warehousing or  
35 transportation of illicit beverages, whether such use be by the  
36 person owning, possessing, keeping, or storing the same, or by  
37 another with the consent of such person; and all alcoholic  
38 beverages, fixtures and personal property located in or upon any  
39 premises, building, yard or inclosure connected with a building, in  
40 which an illicit beverage is found, possessed, stored or kept.

41 z. "Wholesaler." Any person who sells an alcoholic beverage  
42 for the purpose of resale either to a licensed wholesaler or to a  
43 licensed retailer, or both.

44 aa. "Limousine." A motor vehicle used in the business of  
45 carrying passengers for hire to provide prearranged passenger  
46 transportation at a premium fare on a dedicated, nonscheduled,  
47 charter basis that is not conducted on a regular route, or is furnished  
48 without fare as an accommodation for a patron in connection with

1 other business purposes, and with a seating capacity in no event of  
2 more than 14 passengers, not including the driver, provided, that  
3 such a motor vehicle shall not have a seating capacity in excess of  
4 four passengers, not including the driver, beyond the maximum  
5 passenger seating capacity of the vehicle, not including the driver,  
6 at the time of manufacture. This shall not include taxicabs, hotel or  
7 airport shuttles and buses, buses employed solely in transporting  
8 school children or teachers to and from school, vehicles owned and  
9 operated directly or indirectly by businesses engaged in the practice  
10 of mortuary science when those vehicles are used exclusively for  
11 providing transportation related to the provision of funeral services  
12 or vehicles owned and operated without charge or remuneration by  
13 a business entity for its own purposes.

14 bb. "Entertainment facility" is a privately-owned facility in  
15 which athletic, commercial, cultural, or artistic events are featured.

16 cc. "Powdered alcohol." Any powder or crystalline substance  
17 containing alcohol, as defined in subsection a. of this section,  
18 produced for human consumption.

19 Any definition herein contained shall apply to the same word in  
20 any form. Thus "sell" means to make a "sale" as above defined.

21 (cf: P.L.2001, c,416, s.1)

22

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

24 33:1-2. a. It shall be unlawful to manufacture, sell, possess with  
25 intent to sell, transport, warehouse, rectify, blend, treat, fortify, mix,  
26 process, bottle or distribute alcoholic beverages in this State, except  
27 pursuant to and within the terms of a license, or as otherwise  
28 expressly authorized, under this chapter; but any drink actually  
29 intended for immediate personal use may be mixed by any person.  
30 Except as hereinafter provided, a person may, without limitation,  
31 purchase any amount of alcoholic beverages intended in good faith  
32 to be used solely for personal use and may personally transport  
33 those alcoholic beverages so purchased for personal use in any  
34 vehicle from a point within this State. Alcoholic beverages  
35 intended in good faith solely for personal use may be transported,  
36 by the owner thereof, in a vehicle other than that of the holder of a  
37 transportation license, from a point outside this State to the extent  
38 of, not exceeding 1/4 barrel or one case containing not in excess of  
39 12 quarts in all, of beer, ale or porter, and one gallon of wine and  
40 two quarts of other alcoholic beverages within any consecutive  
41 period of 24 hours; provided, however, that except pursuant to and  
42 within the terms of a license or permit issued by the director, no  
43 person shall transport into this State or receive from without this  
44 State into this State, alcoholic beverages where the alcoholic  
45 beverages are transported or received from a state which prohibits  
46 the transportation into that state of alcoholic beverages purchased or  
47 otherwise obtained in the State of New Jersey. If any person or  
48 persons desire to transport alcoholic beverages intended only for



1 personal use in quantities in excess of those above-mentioned, an  
2 application may be made to the director who may, upon being  
3 satisfied of the good faith of the applicant, and upon payment of a  
4 fee of \$25.00 issue a special permit limited by such conditions as  
5 the director may impose, authorizing the transportation of alcoholic  
6 beverages in quantities in excess of those above-mentioned.

7 b. A holder of a Class B license under R.S.33:1-11 shall not  
8 sell or deliver for sale in New Jersey any brand of alcoholic  
9 beverage for resale in this State unless the alcoholic beverage is  
10 acquired from the brand owner, or his authorized agent, or a  
11 wholesale licensee designated as the registered distributor by the  
12 brand owner, or his authorized agent.

13 c. No licensee shall knowingly sell, offer for sale, deliver,  
14 receive or purchase, for resale in this State, any alcoholic beverage,  
15 including private label brands owned by a retailer and exclusive  
16 brands owned by a manufacturer or wholesaler and offered for sale  
17 or sold by such manufacturer or wholesaler exclusively to one New  
18 Jersey retailer or affiliated retailer, unless the brand owner or his  
19 authorized agent files with the Director of the Division of Alcoholic  
20 Beverage Control a brand registration schedule containing such  
21 information as the director shall by rule or regulation require. Each  
22 brand registration schedule must be renewed annually by January 1  
23 of each year.

24 d. Each person who files a brand registration schedule and  
25 amendments thereto shall pay a filing fee of \$23 per filing for each  
26 initial brand registration and annual renewal and \$10 for each  
27 amendment. All wines shall be subject to the initial brand  
28 registration and annual renewal filings and fees, except that  
29 different vintages of the same wine shall not require separate brand  
30 registrations or renewals. Any registration may be suspended or  
31 revoked in the same manner as an alcoholic beverage license for  
32 any violation of Title 33 of the Revised Statutes and the rules and  
33 regulations promulgated thereto.

34 e. Nothing contained in this section shall be deemed to limit or  
35 modify the prohibition against discrimination in the sale of any  
36 nationally advertised brand of alcoholic beverages to currently  
37 authorized wholesalers as set forth in P.L.1966, c.59 (C.33:1-93.6 et  
38 seq.) nor shall this section be deemed to require the sale to anyone  
39 other than authorized retailers of private label brands which are  
40 owned by a retailer or exclusive brands which are owned by a  
41 manufacturer or wholesaler and offered for sale or sold by the  
42 manufacturer or wholesaler exclusively to one retailer or affiliated  
43 retailer, in this State.

44 f. No person shall sell, offer for sale, or deliver, receive or  
45 purchase for resale in this State, any product consisting of or  
46 containing powdered alcohol.

47 (cf: P.L.1996, c.152, s.1)

1       3. This act shall take effect immediately.

2

3

4

STATEMENT

5

6       This bill prohibits the sale of powdered alcohol in the State.  
7       Powdered alcohol is ethyl alcohol which is designed to be dissolved  
8       in liquid to produce alcoholic beverages. Because of its  
9       composition, powdered alcohol can easily be concealed,  
10      transported, and brought into venues where alcoholic beverages  
11      from other sources may not be permitted, or where there is a total  
12      ban on alcoholic beverages. Additionally, the nature of powdered  
13      alcohol allows for easy and dangerous misuse, such as inhaling the  
14      product or adding it to another person's food or beverage without  
15      that person's consent.

16      The bill provides that no person shall sell, purchase for resale in  
17      this State any product consisting of or containing powdered alcohol.  
18      The bill defines "powdered alcohol" as a powder or crystalline  
19      substance containing alcohol which is produced for human  
20      consumption.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **SENATE, No. 2846**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 11, 2015

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 2846.

As amended and reported by the committee, Senate Bill No. 2846 prohibits the sale of powdered alcohol in the State. Powdered alcohol is ethyl alcohol which is designed to be dissolved in liquid to produce alcoholic beverages.

The amended bill provides that no person shall sell, offer to sell, or deliver, receive, or purchase for resale in this State, any product consisting of or containing powdered alcohol. The amended bill defines "powdered alcohol" as a powder or crystalline substance containing alcohol which is produced for human consumption. Penalties may be imposed by the Division of Alcoholic Beverage Control or a municipal issuing authority for violations of the alcoholic beverage laws.

Additionally, the amended bill clarifies that powdered alcohol is included in statutory provisions regulating possession and consumption of alcohol by persons under the legal age and making alcohol available to persons under the legal age. Under the amended bill, a person who knowingly possesses or consumes powdered alcohol and is under the legal age will be guilty of a disorderly persons offense as provided in section 1 of P.L.1979, c.264 (C.2C:33-15). In addition, a person who purposefully or knowingly offers or serves, or makes available powdered alcohol to a person under the legal age or encourages the consumption of powdered alcohol by a person under the legal age will be guilty of a disorderly persons offense as provided in section 1 of P.L.1985, c.311 (C.2C:33-17). A disorderly persons offense is punishable by a term of imprisonment of up to six months, a maximum fine of \$1,000, or both.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 3580 (2R).

COMMITTEE AMENDMENTS:

The committee amended the bill to clarify that powdered alcohol is included in the statutory provisions regulating possession and consumption of alcoholic beverages by persons under the legal age and making alcoholic beverages available to persons under the legal age.

## Governor Christie Takes Action On Pending Legislation

Monday, November 9, 2015 Tags: [Bill Action](#)



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Trenton, NJ – Governor Chris Christie today took action on legislation, including a package of five bills intended to address the fiscal stability of Atlantic City.

Understanding both the immediate and long-term obstacles facing Atlantic City and its stabilization, the Governor has consistently highlighted the need for comprehensive reform efforts to confront the city's challenges – both from State and local leaders. The Governor remains committed to bringing about the necessary reforms to stabilize Atlantic City and continue an effective long-term transition to an economy that is diversified beyond its traditional gaming industry.

Continuing in that effort, Governor Christie conditionally vetoed A-3981, establishing a payment-in-lieu-of-taxes (PILOT) program for casinos operating in the City, A-3984, reallocating revenue derived from the casino investment alternative tax from the Casino Reinvestment Development Authority to the City to pay debt service on municipal bonds, and A-3985, repealing the Atlantic City Alliance.

"While I commend the Legislature for attempting to devise measures to stabilize the City's budget and finances, I am concerned that the bills, in their present form, fail to recognize the true path to economic revitalization and fiscal stability in the City," Governor Christie said. "While these bills represent the bipartisan efforts of many to provide important, near-term support to the City's immediate challenges, I do not believe they meet the goal of setting a course toward renewed, long-term prosperity and economic growth. To achieve these goals, we must continue our work and go further to ensure that the next step leads to that economically vibrant future for Atlantic City."

In addition, the Governor signed A- 3983, authorizing supplemental school aid to the Atlantic City school district, and vetoed the fifth bill, A-3982, which would add a costly and unjustified new mandate for casino business operation in the City by requiring each casino, as a condition of licensure, to provide to its full time employees "suitable" health care benefits and "suitable" retirement benefits.

"A-3982 would do nothing to enhance the financial condition of Atlantic City," Governor Christie wrote. "To be sure, this bill would make it more costly for casinos to operate in Atlantic City, thereby impeding the industry's ability to grow and expand."

Governor Christie also vetoed legislation designed to revise certain laws concerning domestic violence and firearms. The Christie Administration has made protecting our most vulnerable residents one of its main priorities and has enacted some of the toughest measures to combat domestic violence. Governor Christie has supported a comprehensive approach to addressing the level of violence within our society and recently signed legislation to further penalize aggravated assault perpetuated against domestic violence victims. This legislation, A-4218 (Mosquera, Greenwald, Lagana, Benson, Lampitt, Vainieri Huttie, Danielsen/Weinberg, Gill, Cruz-Perez), substantially restates New Jersey's existing laws that govern firearms and domestic violence and does not offer new and sensible improvements to those current laws. For that reason, rather than restate existing laws, the Governor is proposing significant amendments that will meaningfully deter future acts of violence.

• **Enhanced Penalties For Domestic Violence.** Governor Christie is proposing enhanced criminal penalties imposed against those who are convicted of domestic violence. To demonstrate society's unconditional condemnation of this conduct, perpetrators would receive the maximum available prison sentence under New Jersey law.

• **Tighter Restrictions On Parole Eligibility For Perpetrators Of Domestic Violence.** The Governor's recommended changes will strengthen penalties for perpetrators of domestic abuse by lengthening periods of parole

ineligibility.

- **Prioritizing Victims Who Seek Firearms For Protection.** The Governor is also recommending an immediate codification in statute of new rules currently being processed, giving expedited processing of firearm license applications for victims of domestic violence so that the victims may better defend themselves against future instances of abuse.

"I urge the Legislature to join with me in a bipartisan manner to broaden this bill's approach to reducing domestic violence while simultaneously empowering victims to protect themselves through lawful means," Governor Christie said. "Together, we can enact a more comprehensive approach and reduce the harm that domestic violence inflicts on victims, families, and our society."

The Governor also took the following action on other pending legislation:

#### BILL SIGNINGS:

**S-2174/A-3364 (Barnes, Holzapfel/Quijano, Mainor, Pinkin)** - Prohibits manufacture, sale, or installation of counterfeit or nonfunctional air bags in motor vehicles

**A-815/S-852 (Coughlin, Ciattarelli, Diegnan, Pinkin, Giblin/Vitale)** - Requires municipalities which license peddlers and solicitors to accept certain background check results from other municipalities

**A-1029/S-274 (Benson, Vainieri Huttie, Jasey, Tucker, Wimberly/Greenstein, Ruiz)** - Requires training program for school bus drivers and school bus aides on interacting with students with special needs, and requires development and use of student information cards

**A-1041/S-2676 (Schaer, Johnson, Vainieri Huttie, Eustace, Mazzeo/Rumana, Gordon, Weinberg)** - Exempts Holocaust reparations payments from legal process, and from estate recovery under Medicaid program

**A-1102/S-1145 (Vainieri Huttie, Sumter, Spencer, Schaer, Wimberly/Weinberg, Cruz-Perez)** - Provides for licensure of dementia care homes by DOH

**ACS for A-1662/S-2856 (Johnson, Lagana, Wimberly/Weinberg)** - Authorizes the court to order the deletion, sealing, labeling, or correction of certain personal information in government records involving certain victims of identity theft

**AS for A-1678/SS for S-1365 (Johnson, Mainor, O'Scanlon, Wilson, Wimberly/Weinberg)** - Authorizes court to order submission of DNA evidence to national database to determine whether evidence matches known individual or DNA profile from an unsolved crime

**AS for ACS for A-2073/SCS for S-712 (Handlin, Space, Garcia, Pintor Marin/Cruz-Perez, Kyrillos, Lesniak)** - Exempts certain offers and sales of securities from registration

**A-2385/S-944 (McKeon, Diegnan, Jasey, Andrzejczak/Smith, Codey)** - Authorizes rural electric cooperative and certain municipalities to establish municipal shared services authority

**ACS for A-2477/SCS for S-1705 (Lampitt, Conaway, Benson, Sumter, Munoz, Pinkin/Vitale, Singer)** - Establishes requirements for pharmacists to dispense biological products

**A-2714/S-1993 (Giblin, Sumter/Barnes)** - Requires continuing education for licensed practicing psychologists

**A-2936/S-1957 (Mosquera, Lampitt, Singleton, Wimberly/Singer, Connors)** - Requires complaint for guardianship of person receiving services from Division of Developmental Disabilities to include one of documents identified in bill

**A-3012/S-2296 (Ciattarelli, Dancer/Bateman)** - Criminalizes bestiality

**A-3079/S-2766 (Jasey, Diegnan, Mainor, Wimberly, Oliver, DeCrose/Turner, Ruiz)** - Prohibits administration of standardized assessments in kindergarten through second grade

**A-3153/S-2415 (DeAngelo, Mosquera/Madden, Beach)** - Requires UI employer contribution reports and remittances be submitted to the Division of Revenue

**A-3248/S-2459 (Conaway, Sumter, Pintor Marin/Singer)** - Establishes the Task Force on Chronic Obstructive Pulmonary Disease in DOH

**A-3580/S-2846 (Moriarty, Dancer, Coughlin, Mainor, Pinkin, Munoz, Daniels, Wimberly/Madden, Turner)** - Prohibits sale of powdered alcohol

**A-3636/SCS for S-2393, 2408, 2411 (McKeon, Lagana, Spencer/Scutari, O'Toole, Holzapfel)** - Establishes crime-fraud exception to marital and civil union partnership privilege

**A-3669/S-2655 (Mazzeo, Burzichelli/Whelan)** - Prohibits eligibility for certain sign programs from being conditioned on availability of free drinking water or public telephone

**A-3807/S-2619 (Eustace, Greenwald/Whelan)** - Permits educational research and services corporations to act as lead procurement agencies for local units and publically supported educational institutions; permits Council of County Colleges to act as lead procurement agency for county colleges

**A-3841/S-2540 (Munoz, Gusciora, Angelini, DeCroce/O'Toole, Weinberg)** – Upgrades violation of a stalking restraining order to a crime of the third degree

**A-3843/S-2735 (Caputo, Giblin, Tucker, Johnson, Mainor, Sumter/Rice)** - Permits municipality to enact ordinance allowing voluntary registration of private outdoor video surveillance cameras

**A-3983/S-2574 (Mazzeo, Burzichelli, Giblin/Sweeney, Whelan)** - Authorizes supplemental State aid to school districts in municipality with significant decrease in commercial property valuation; makes appropriation

**A-4008/SCS for S-2334 (Singleton, Mukherji, Pintor Marin, Wimberly, Sumter/Cunningham, Ruiz)** - Requires DOC to make reports containing information concerning treatment and reentry initiative participation; requires AOC to establish program that collects recidivism data and make reports concerning adults sentenced to period of probation

**A-4013/S-2497 (Greenwald, Lagana, Coughlin/Oroho)** - Eliminates mortgage guaranty insurance coverage cap of 25% of outstanding balance of insured loan

**A-4073/S-2687 (Schaer, Prieto, Caride, Lagana, Giblin, Wimberly, Rumana/Sarlo, Gill)** - Requires installation of carbon monoxide detectors in certain structures; designated as "Korman and Park's Law"

**A-4078/S-2686 (Vainieri Huttie, Mosquera, McKeon, Munoz, Benson, Sumter/Pou, Beck)** - "Sexual Assault Survivor Protection Act of 2015"; authorizes the court to issue protective orders for victims of certain nonconsensual sexual conduct

**A-4089/S-2693 (Coughlin, Ciattarelli/Beach, Singer)** - Revises certain provisions of dental service corporation law

**A-4143/S-2514 (Lagana, Spencer, Mukherji, Johnson, Rumana, Rodriguez-Gregg, Gusciora, Mazzeo/Barnes, Addiego)** - Permits holders of certain alcoholic beverage licenses to be issued amusement game license and updates definition of recognized amusement park

**A-4144/S-2755 (Pintor Marin, Spencer, Caride, Quijano, Mukherji/Ruiz, Stack)** – Requires insurance producer licensing examination and registration materials to be offered in English and Spanish, and examination instructional materials to be available in Spanish

**A-4167/S-2751 (Lagana, Mazzeo, Eustace, Andrzejczak, Vainieri Huttie/Barnes)** - Requires DHS to notify enrollees in Programs of All-Inclusive Care for the Elderly of Medicare eligibility

**A-4168/S-2750 (Lagana, Mazzeo, Eustace, Andrzejczak, Vainieri Huttie/Barnes)** - Requires providers to submit to DHS expenditure details of enrollees in Program of All-Inclusive Care for the Elderly

**A-4169/S-2752 (Lagana, Mazzeo, Eustace, Andrzejczak, Vainieri Huttie/Barnes)** - Requires DHS to monitor utilization and billing of services for Medicaid home and community-based long-term care

**A-4333/S-3020 (Singleton, Gill)** - Exempts certain activities of alarm businesses from statutes governing practice of locksmithing

**A-4361/S-2891 (Johnson, A.M. Bucco, Garcia, S. Kean/Barnes, A.R. Bucco)** - Revises definition of all-terrain vehicles

**A-4375/S-3011 (Moriarty, Andrzejczak, Mazzeo, Mosquera, Quijano, Ciattarelli, Wimberly/Van Drew, Bateman)** - Upgrades crimes of false public alarm under certain circumstances and establishes reporting requirements concerning crime

**A-4485/S-2881 (Diegnan, Jasey, Wimberly, McKeon, Lagana/Gill, Turner)** - Prohibits withholding of State school aid based on student participation rate on State assessments

**A-4587/S-3049 (Greenwald, Lampitt, McKeon, Holley/Scutari, Cruz-Perez)** – Requires facilities providing services to persons with developmental disabilities and schools to adopt policies permitting administration of medical marijuana to qualifying patients

**AJR-64/SJR-82 (Schaer, Eustace, Lagana, Spencer, Caride, Mukherji/Pou, Ruiz)** - Declares August 16 of each year as "Dominican Restoration Day" in New Jersey

#### **BILLS VETOED:**

**S-929/A-1908 (Sweeney, Madden/Burzichelli, Riley, Moriarty)** – **ABSOLUTE** -Concerns certain workers' compensation supplemental benefits

**A-801/S-861 (Coughlin, Wisniewski, Mazzeo/Vitale, Sacco)** - **CONDITIONAL** - Directs New Jersey Turnpike Authority and South Jersey Transportation Authority to study and report on potential revenue generating services of rest areas and service plazas

**A-947/S-2216 (Singleton, Lagana, Diegnan/Pennacchio, Rice)** – **CONDITIONAL** - Requires release of bid list prior to bid date under "Local Public Contracts Law"

**A-1468/S-2513 (Diegnan, Lampitt, Caride/Barnes, Ruiz)** – **CONDITIONAL** -Establishes Task Force on Engineering Curriculum and Instruction

**A-1726/S-308 (Eustace, Lagana, Mosquera, Vainieri Huttie, Wimberly/Gordon)** – **CONDITIONAL** - Amends "Flood Hazard Area Control Act" to require DEP to take certain actions concerning delineations of flood hazard areas and

floodplains

**A-2579/S-1510 (Mukherji, Pintor Marin, Eustace/Smith, Bateman) – CONDITIONAL** - Authorizes municipalities to facilitate private financing of water conservation, storm shelter construction, and flood and hurricane resistance projects through use of voluntary special assessments

**A-2771/S-452 (Johnson, Burzichelli, Pintor Marin, Mosquera/Ruiz, Cruz-Perez) – CONDITIONAL** - "The New Jersey Social Innovation Act"; establishes social innovation loan pilot program and study commission within EDA

**A-2906/S-2926 (Stender, Pinkin, Mazzeo/Whelan, Scutari) – ABSOLUTE** - Excludes from gross income compensation paid to members of district boards of election for services rendered in elections

**A-3223/S-2056 (Singleton, Lampitt, Quijano, Pintor Marin, Wimberly/Sarlo, Ruiz) – CONDITIONAL** - Requires Division of Local Government Services to include certain property tax information on division's web page

**A-3393/S-2167 (Spencer, Pintor Marin, Caputo, Tucker/Rice, Ruiz) – CONDITIONAL** - Permits Newark to use rental car tax proceeds over three-year period to help reduce its "cash deficit for preceding year" appropriation and operational deficit

**A-3421/S-2220 (Dancer, Mukherji/Singer) – CONDITIONAL** - Revises the "Self-Funded Multiple Employer Welfare Arrangement Regulation Act"

**A-3435/S-2503 (Garcia, Mukherji, Vainieri Huttie, Mainor, Eustace, Mosquera/Stack, Gordon) - CONDITIONAL** - "Boys & Girls Clubs Keystone Law"; permits minors to give consent for behavioral health care

**A-3500/S-1973 (Andrzejczak, Pinkin, Quijano/Van Drew, Beach) – ABSOLUTE** - Requires local recreation departments and youth serving organizations to have defibrillators for youth athletic events

**A-3954/S-2981 (Conaway, Singleton, Spencer, McKeon/Greenstein) – CONDITIONAL** - Requires maximum contaminant level to be established for 1,2,3-trichloropropane in drinking water

**A-3981/S-2572 (Mazzeo, Burzichelli, Andrzejczak/Sweeney, Whelan) - CONDITIONAL** - "Casino Property Taxation Stabilization Act"

**A-3982/S-2573 (Mazzeo, Burzichelli, Andrzejczak/Sweeney, Whelan) – ABSOLUTE** - Requires holder of casino license to provide certain employees with certain health care and retirement benefits

**A-3984/S-2575 (Mazzeo, Burzichelli, Giblin/Sweeney, Whelan) – CONDITIONAL** - Reallocates casino investment alternative tax to Atlantic City to pay debt service on municipal bonds issued

**A-3985/S-2576 (Mazzeo, Burzichelli, Andrzejczak, Giblin/Sweeney, Whelan) – CONDITIONAL** - Removes provisions of law relating to Atlantic City Alliance

**A-4018/S-2843 (Burzichelli, Caputo, Mazzeo/Sarlo, Whelan) – ABSOLUTE** - Authorizes operation of lottery courier services

**A-4218/S-2786 (Mosquera, Greenwald, Lagana, Benson, Lampitt, Vainieri Huttie, Danielsen/Weinberg, Gill, Cruz-Perez) - CONDITIONAL** - Revises certain laws concerning domestic violence and firearms

**A-4265/S-2783 (McKeon, Pintor Marin, Jasey, Caputo, Giblin, Tucker, Spencer, Oliver, Gusciora, Danielson/Codey, Ruiz, Rice) – ABSOLUTE** - Permits municipal, county, and regional police and fire forces to establish five-year residency requirement for police officers and firefighters; allows exceptions to requirement under certain circumstances

**A-4337/S-3008 (Schaer, Danielsen, Dancer, Sumter/Barnes) – ABSOLUTE** - Expands eligibility of inmates for medical parole and requires inmate's enrollment in Medicaid under certain circumstances

**A-4476/S-2876 (Conaway/Codey) - CONDITIONAL** - Requires certain surgical practices and ambulatory care facilities licensed in this State to be owned by hospital or medical school located in the State

**A-4607/S-3106 (Pintor Marin, Schaer, Oliver, Lagana, Johnson, Singleton/Ruiz, Cunningham) – ABSOLUTE** - Makes FY 2016 supplemental appropriations of \$6,500,000 and adds language provision

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