



**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

P.L. 2003, CHAPTER 279, *approved January 14, 2004*  
Assembly, No. 549 (*First Reprint*)

1 **AN ACT** concerning wine tastings and samplings by certain plenary  
2 retail consumption and distribution licensees and amending  
3 R.S.33:1-12.

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

7  
8 1. R.S.33:1-12 is amended to read as follows:  
9 33:1-12. Class C licenses shall be subdivided and classified as  
10 follows:

11 Plenary retail consumption license. 1. The holder of this license  
12 shall be entitled, subject to rules and regulations, to sell any alcoholic  
13 beverages for consumption on the licensed premises by the glass or  
14 other open receptacle, and also to sell any alcoholic beverages in  
15 original containers for consumption off the licensed premises; but this  
16 license shall not be issued to permit the sale of alcoholic beverages in  
17 or upon any premises in which a grocery, delicatessen, drug store or  
18 other mercantile business is carried on, except as hereinafter provided.  
19 The holder of this license shall be permitted to conduct consumer  
20 wine, beer and spirits tastings and samplings for a fee or on a  
21 complimentary basis pursuant to conditions established by rules and  
22 regulations of the Division of Alcoholic Beverage Control. Subject to  
23 such rules and regulations established from time to time by the  
24 director, the holder of this license shall be permitted to sell alcoholic  
25 beverages in or upon the premises in which any of the following is  
26 carried on: the keeping of a hotel or restaurant including the sale of  
27 mercantile items incidental thereto as an accommodation to patrons;  
28 the sale, at an entertainment facility as defined in R.S.33:1-1, having  
29 a seating capacity for no less than 4,000 patrons, of mercantile items  
30 traditionally associated with the type of event or program held at the  
31 site; the sale of distillers', brewers' and vintners' packaged merchandise  
32 prepacked as a unit with other suitable objects as gift items to be sold  
33 only as a unit; the sale of novelty wearing apparel identified with the  
34 name of the establishment licensed under the provisions of this section;  
35 the sale of cigars, cigarettes, packaged crackers, chips, nuts and  
36 similar snacks and ice at retail as an accommodation to patrons, or the  
37 retail sale of nonalcoholic beverages as accessory beverages to  
38 alcoholic beverages; or, in commercial bowling establishments, the  
39 retail sale or rental of bowling accessories and the retail sale from  
40 vending machines of candy, ice cream and nonalcoholic beverages.

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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 ARP committee amendments adopted February 21, 2002.

1 The fee for this license shall be fixed by the governing board or body  
2 of the municipality in which the licensed premises are situated, by  
3 ordinance, at not less than \$200.00 and not more than \$2,000.00. No  
4 ordinance shall be enacted which shall raise or lower the fee to be  
5 charged for this license by more than 20% from that charged in the  
6 preceding license year or \$500.00, whichever is the lesser. The  
7 governing board or body of each municipality may, by ordinance, enact  
8 that no plenary retail consumption license shall be granted within its  
9 respective municipality.

10 The holder of this license shall be permitted to obtain a restricted  
11 brewery license issued pursuant to subsection 1c. of R.S.33:1-10 and  
12 to operate a restricted brewery immediately adjoining the licensed  
13 premises in accordance with the restrictions set forth in that  
14 subsection. All fees related to the issuance of both licenses shall be  
15 paid in accordance with statutory law.

16 Seasonal retail consumption license. 2. The holder of this license  
17 shall be entitled, subject to rules and regulations, to sell any alcoholic  
18 beverages for consumption on the licensed premises by the glass or  
19 other open receptacle, and also to sell any alcoholic beverages in  
20 original containers for consumption off the licensed premises, during  
21 the summer season from May 1 until November 14, inclusive, or  
22 during the winter season from November 15 until April 30, inclusive;  
23 but this license shall not be issued to permit the sale of alcoholic  
24 beverages in or upon any premises in which a grocery, delicatessen,  
25 drug store or other mercantile business is carried on, except as  
26 hereinafter provided. Subject to such rules and regulations established  
27 from time to time by the director, the holder of this license shall be  
28 permitted to sell alcoholic beverages in or upon the premises in which  
29 any of the following is carried on: the keeping of a hotel or restaurant  
30 including the sale of mercantile items incidental thereto as an  
31 accommodation to patrons; the sale of distillers', brewers' and vintners'  
32 packaged merchandise prepacked as a unit with other suitable objects  
33 as gift items to be sold only as a unit; the sale of novelty wearing  
34 apparel identified with the name of the establishment licensed under  
35 the provisions of this section; the sale of cigars, cigarettes, packaged  
36 crackers, chips, nuts and similar snacks and ice at retail as an  
37 accommodation to patrons; or the retail sale of nonalcoholic beverages  
38 as accessory beverages to alcoholic beverages. The fee for this license  
39 shall be fixed by the governing board or body of the municipality in  
40 which the licensed premises are situated, by ordinance, at 75% of the  
41 fee fixed by said board or body for plenary retail consumption licenses.  
42 The governing board or body of each municipality may, by ordinance,  
43 enact that no seasonal retail consumption license shall be granted  
44 within its respective municipality.

45 Plenary retail distribution license. 3. a. The holder of this license  
46 shall be entitled, subject to rules and regulations, to sell any alcoholic

1 beverages for consumption off the licensed premises, but only in  
2 original containers; except that licensees shall be permitted to conduct  
3 consumer wine tastings and samplings on a complimentary basis  
4 pursuant to conditions established by rules and regulations of the  
5 Division of Alcoholic Beverage Control, provided, however:

6 (1) patrons are limited to four one-and-one-half ounce samples in  
7 any 24-hour period;

8 (2) samples are not offered to, or allowed to be consumed by, any  
9 person under the legal age for consuming alcoholic beverages or  
10 intoxicated person;

11 (3) samples are not offered when the sale of alcoholic beverages is  
12 otherwise prohibited; and

13 (4) tastings and samplings are confined to the licensed premises  
14 <sup>1</sup>and all wine used in the tastings and samplings shall be owned by the  
15 licensee conducting these tastings and samplings<sup>1</sup>.

16 Notwithstanding the imposition of any other penalty that may be  
17 lawfully imposed, a person who violates paragraphs (1) through (4) of  
18 this subsection shall be fined an amount to be established by the  
19 division.

20 The governing board or body of each municipality may, by  
21 ordinance, enact that this license shall not be issued to permit the sale  
22 of alcoholic beverages in or upon any premises in which any other  
23 mercantile business is carried on, except that any such ordinance,  
24 heretofore or hereafter adopted, shall not prohibit the retail sale of  
25 distillers', brewers' and vintners' packaged merchandise prepacked as  
26 a unit with other suitable objects as gift items to be sold only as a unit;  
27 the sale of novelty wearing apparel identified with the name of the  
28 establishment licensed under the provisions of this act; cigars,  
29 cigarettes, packaged crackers, chips, nuts and similar snacks, ice, and  
30 nonalcoholic beverages as accessory beverages to alcoholic beverages.  
31 The fee for this license shall be fixed by the governing board or body  
32 of the municipality in which the licensed premises are situated, by  
33 ordinance, at not less than \$100.00 and not more than \$2,000.00. No  
34 ordinance shall be enacted which shall raise or lower the fee to be  
35 charged for this license by more than 20% from that charged in the  
36 preceding license year or \$500.00, whichever is the lesser. The  
37 governing board or body of each municipality may, by ordinance, enact  
38 that no plenary retail distribution license shall be granted within its  
39 respective municipality.

40 Limited retail distribution license. 3. b. The holder of this license  
41 shall be entitled, subject to rules and regulations, to sell any unchilled,  
42 brewed, malt alcoholic beverages in quantities of not less than 72 fluid  
43 ounces for consumption off the licensed premises, but only in original  
44 containers; provided, however, that this license shall be issued only for  
45 premises operated and conducted by the licensee as a bona fide  
46 grocery store, meat market, meat and grocery store, delicatessen, or

1 other type of bona fide food store at which groceries or other  
2 foodstuffs are sold at retail; and provided further that this license shall  
3 not be issued except for premises at which the sale of groceries or  
4 other foodstuffs is the primary and principal business and at which the  
5 sale of alcoholic beverages is merely incidental and subordinate  
6 thereto. The fee for this license shall be fixed by the governing body  
7 or board of the municipality in which the licensed premises are  
8 situated, by ordinance, at not less than \$25.00 and not more than  
9 \$50.00. The governing board or body of each municipality may, by  
10 ordinance, enact that no limited retail distribution license shall be  
11 granted within its respective municipality.

12 Plenary retail transit license. 4. The holder of this license shall be  
13 entitled, subject to rules and regulations, to sell any alcoholic  
14 beverages, for consumption only, on railroad trains, airplanes,  
15 limousines and boats, while in transit. The fee for this license for use  
16 by a railroad or air transport company shall be \$300.00, for use by the  
17 owners of limousines shall be \$25.00 per vehicle, and for use on a boat  
18 shall be \$50.00 on a boat 65 feet or less in length, \$100.00 on a boat  
19 more than 65 feet in length but not more than 110 feet in length, and  
20 \$300.00 on a boat more than 110 feet in length; such boat lengths shall  
21 be determined in the manner prescribed by the Bureau of Customs of  
22 the United States Government or any federal agency successor thereto  
23 for boat measurement in connection with issuance of marine  
24 documents. A license issued under this provision to a railroad or air  
25 transport company shall cover all railroad cars and planes operated by  
26 any such company within the State of New Jersey. A license for a  
27 boat or limousine issued under this provision shall apply only to the  
28 particular boat or limousine for which issued, and shall permit the  
29 purchase of alcoholic beverages for sale or service in a boat or  
30 limousine to be made from any Class A and B licensee or from any  
31 Class C licensee whose license privilege permits the sale of alcoholic  
32 beverages in original containers for off-premises consumption. An  
33 interest in a plenary retail transit license issued in accordance with this  
34 section shall be excluded in determining the maximum number of retail  
35 licenses permitted under P.L.1962, c.152 (C.33:1-12.31 et seq.).

36 Club license. 5. The holder of this license shall be entitled, subject  
37 to rules and regulations, to sell any alcoholic beverages but only for  
38 immediate consumption on the licensed premises and only to bona fide  
39 club members and their guests. The fee for this license shall be fixed  
40 by the governing board or body of the municipality in which the  
41 licensed premises are situated, by ordinance, at not less than \$50.00  
42 and not more than \$150.00. The governing board or body of each  
43 municipality may, by ordinance, enact that no club licenses shall be  
44 granted within its respective municipality. Club licenses may be issued  
45 only to such corporations, associations and organizations as are  
46 operated for benevolent, charitable, fraternal, social, religious,

1 recreational, athletic, or similar purposes, and not for private gain, and  
2 which comply with all conditions which may be imposed by the  
3 <sup>1</sup>[Commissioner] Director of the Division <sup>1</sup> of Alcoholic Beverage  
4 Control by rules and regulations.  
5 (cf: P.L.1997, c.8, s.2)

6

7 2. This act shall take effect on the first day of the fifth month after  
8 enactment, except that the director may promulgate those rules in  
9 advance as shall be necessary for the implementation of this act.

10

11

12

13

14 \_\_\_\_\_  
15 Permits wine tastings and samplings by certain Class C alcoholic  
beverage licensees.

# ASSEMBLY, No. 549

## STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

**Sponsored by:**

**Assemblyman ANTHONY IMPREVEDUTO**

**District 32 (Bergen and Hudson)**

**Assemblyman JEFFREY W. MORAN**

**District 9 (Atlantic, Burlington and Ocean)**

**SYNOPSIS**

Permits wine tastings and samplings by certain Class C alcoholic beverage licensees.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 2/13/2002)**



A549 IMPREVEDUTO, MORAN

2

1 AN ACT concerning wine tastings and samplings by certain plenary  
2 retail consumption and distribution licensees and amending  
3 R.S.33:1-12.

4

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

7

8 1. R.S.33:1-12 is amended to read as follows:

9 33:1-12. Class C licenses shall be subdivided and classified as  
10 follows:

11 Plenary retail consumption license. 1. The holder of this license  
12 shall be entitled, subject to rules and regulations, to sell any alcoholic  
13 beverages for consumption on the licensed premises by the glass or  
14 other open receptacle, and also to sell any alcoholic beverages in  
15 original containers for consumption off the licensed premises; but this  
16 license shall not be issued to permit the sale of alcoholic beverages in  
17 or upon any premises in which a grocery, delicatessen, drug store or  
18 other mercantile business is carried on, except as hereinafter provided.  
19 The holder of this license shall be permitted to conduct consumer  
20 wine, beer and spirits tastings and samplings for a fee or on a  
21 complimentary basis pursuant to conditions established by rules and  
22 regulations of the Division of Alcoholic Beverage Control. Subject to  
23 such rules and regulations established from time to time by the  
24 director, the holder of this license shall be permitted to sell alcoholic  
25 beverages in or upon the premises in which any of the following is  
26 carried on: the keeping of a hotel or restaurant including the sale of  
27 mercantile items incidental thereto as an accommodation to patrons;  
28 the sale, at an entertainment facility as defined in R.S.33:1-1, having  
29 a seating capacity for no less than 4,000 patrons, of mercantile items  
30 traditionally associated with the type of event or program held at the  
31 site; the sale of distillers', brewers' and vintners' packaged [holiday]  
32 merchandise prepacked as a unit with other suitable objects as gift  
33 items to be sold only as a unit; the sale of novelty wearing apparel  
34 identified with the name of the establishment licensed under the  
35 provisions of this section; the sale of cigars, cigarettes, packaged  
36 crackers, chips, nuts and similar snacks and ice at retail as an  
37 accommodation to patrons, or the retail sale of nonalcoholic beverages  
38 as accessory beverages to alcoholic beverages; or, in commercial  
39 bowling establishments, the retail sale or rental of bowling accessories  
40 and the retail sale from vending machines of candy, ice cream and  
41 nonalcoholic beverages. The fee for this license shall be fixed by the  
42 governing board or body of the municipality in which the licensed  
43 premises are situated, by ordinance, at not less than \$200.00 and not

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

**Matter underlined thus is new matter.**

1 more than \$2,000.00. No ordinance shall be enacted which shall raise  
2 or lower the fee to be charged for this license by more than 20% from  
3 that charged in the preceding license year or \$500.00, whichever is the  
4 lesser. The governing board or body of each municipality may, by  
5 ordinance, enact that no plenary retail consumption license shall be  
6 granted within its respective municipality.

7 The holder of this license shall be permitted to obtain a restricted  
8 brewery license issued pursuant to subsection 1c. of R.S.33:1-10 and  
9 to operate a restricted brewery immediately adjoining the licensed  
10 premises in accordance with the restrictions set forth in that  
11 subsection. All fees related to the issuance of both licenses shall be  
12 paid in accordance with statutory law.

13 Seasonal retail consumption license. 2. The holder of this license  
14 shall be entitled, subject to rules and regulations, to sell any alcoholic  
15 beverages for consumption on the licensed premises by the glass or  
16 other open receptacle, and also to sell any alcoholic beverages in  
17 original containers for consumption off the licensed premises, during  
18 the summer session from May 1 until November 14, inclusive, or  
19 during the winter season from November 15 until April 30, inclusive;  
20 but this license shall not be issued to permit the sale of alcoholic  
21 beverages in or upon any premises in which a grocery, delicatessen,  
22 drug store or other mercantile business is carried on, except as  
23 hereinafter provided. Subject to such rules and regulations established  
24 from time to time by the director, the holder of this license shall be  
25 permitted to sell alcoholic beverages in or upon the premises in which  
26 any of the following is carried on: the keeping of a hotel or restaurant  
27 including the sale of mercantile items incidental thereto as an  
28 accommodation to patrons; the sale of distillers', brewers' and vintners'  
29 packaged [holiday] merchandise prepacked as a unit with other  
30 suitable objects as gift items to be sold only as a unit; the sale of  
31 novelty wearing apparel identified with the name of the establishment  
32 licensed under the provisions of this section; the sale of cigars,  
33 cigarettes, packaged crackers, chips, nuts and similar snacks and ice  
34 at retail as an accommodation to patrons; or the retail sale of  
35 nonalcoholic beverages as accessory beverages to alcoholic beverages.  
36 The fee for this license shall be fixed by the governing board or body  
37 of the municipality in which the licensed premises are situated, by  
38 ordinance, at 75% of the fee fixed by said board or body for plenary  
39 retail consumption licenses. The governing board or body of each  
40 municipality may, by ordinance, enact that no seasonal retail  
41 consumption license shall be granted within its respective municipality.

42 Plenary retail distribution license. 3. a. The holder of this license  
43 shall be entitled, subject to rules and regulations, to sell any alcoholic  
44 beverages for consumption off the licensed premises, but only in  
45 original containers; except that licensees shall be permitted to conduct  
46 consumer wine tastings and samplings on a complimentary basis

1 pursuant to conditions established by rules and regulations of the  
2 Division of Alcoholic Beverage Control, provided, however:  
3 (1) patrons are limited to four one-and-one-half ounce samples in  
4 any 24-hour period;  
5 (2) samples are not offered to, or allowed to be consumed by, any  
6 person under the legal age for consuming alcoholic beverages or  
7 intoxicated person;  
8 (3) samples are not offered when the sale of alcoholic beverages is  
9 otherwise prohibited; and  
10 (4) tastings and samplings are confined to the licensed premises.  
11 Notwithstanding the imposition of any other penalty that may be  
12 lawfully imposed, a person who violates paragraphs (1) through (4) of  
13 this subsection shall be fined an amount to be established by the  
14 division.

15 The governing board or body of each municipality may, by  
16 ordinance, enact that this license shall not be issued to permit the sale  
17 of alcoholic beverages in or upon any premises in which any other  
18 mercantile business is carried on, except that any such ordinance,  
19 heretofore or hereafter adopted, shall not prohibit the retail sale of  
20 distillers', brewers' and vintners' [holiday] packaged merchandise  
21 prepacked as a unit with other suitable objects as gift items to be sold  
22 only as a unit; the sale of novelty wearing apparel identified with the  
23 name of the establishment licensed under the provisions of this act;  
24 cigars, cigarettes, packaged crackers, chips, nuts and similar snacks,  
25 ice, and nonalcoholic beverages as accessory beverages to alcoholic  
26 beverages. The fee for this license shall be fixed by the governing  
27 board or body of the municipality in which the licensed premises are  
28 situated, by ordinance, at not less than \$100.00 and not more than  
29 \$2,000.00. No ordinance shall be enacted which shall raise or lower  
30 the fee to be charged for this license by more than 20% from that  
31 charged in the preceding license year or \$500.00, whichever is the  
32 lesser. The governing board or body of each municipality may, by  
33 ordinance, enact that no plenary retail distribution license shall be  
34 granted within its respective municipality.

35 Limited retail distribution license. 3. b. The holder of this license  
36 shall be entitled, subject to rules and regulations, to sell any unchilled,  
37 brewed, malt alcoholic beverages in quantities of not less than 72 fluid  
38 ounces for consumption off the licensed premises, but only in original  
39 containers; provided, however, that this license shall be issued only for  
40 premises operated and conducted by the licensee as a bona fide  
41 grocery store, meat market, meat and grocery store, delicatessen, or  
42 other type of bona fide food store at which groceries or other  
43 foodstuffs are sold at retail; and provided further that this license shall  
44 not be issued except for premises at which the sale of groceries or  
45 other foodstuffs is the primary and principal business and at which the  
46 sale of alcoholic beverages is merely incidental and subordinate

1 thereto. The fee for this license shall be fixed by the governing body  
2 or board of the municipality in which the licensed premises are  
3 situated, by ordinance, at not less than \$25.00 and not more than  
4 \$50.00. The governing board or body of each municipality may, by  
5 ordinance, enact that no limited retail distribution license shall be  
6 granted within its respective municipality.

7 Plenary retail transit license. 4. The holder of this license shall be  
8 entitled, subject to rules and regulations, to sell any alcoholic  
9 beverages, for consumption only, on railroad trains, airplanes,  
10 limousines and boats, while in transit. The fee for this license for use  
11 by a railroad or air transport company shall be \$300.00, for use by the  
12 owners of limousines shall be \$25.00 per vehicle, and for use on a boat  
13 shall be \$50.00 on a boat 65 feet or less in length, \$100.00 on a boat  
14 more than 65 feet in length but not more than 110 feet in length, and  
15 \$300.00 on a boat more than 110 feet in length; such boat lengths shall  
16 be determined in the manner prescribed by the Bureau of Customs of  
17 the United States Government or any federal agency successor thereto  
18 for boat measurement in connection with issuance of marine  
19 documents. A license issued under this provision to a railroad or air  
20 transport company shall cover all railroad cars and planes operated by  
21 any such company within the State of New Jersey. A license for a  
22 boat or limousine issued under this provision shall apply only to the  
23 particular boat or limousine for which issued, and shall permit the  
24 purchase of alcoholic beverages for sale or service in a boat or  
25 limousine to be made from any Class A and B licensee or from any  
26 Class C licensee whose license privilege permits the sale of alcoholic  
27 beverages in original containers for off-premises consumption. An  
28 interest in a plenary retail transit license issued in accordance with this  
29 section shall be excluded in determining the maximum number of retail  
30 licenses permitted under P.L.1962, c.152 (C.33:1-12.31 et seq.).

31 Club license. 5. The holder of this license shall be entitled, subject  
32 to rules and regulations, to sell any alcoholic beverages but only for  
33 immediate consumption on the licensed premises and only to bona fide  
34 club members and their guests. The fee for this license shall be fixed  
35 by the governing board or body of the municipality in which the  
36 licensed premises are situated, by ordinance, at not less than \$50.00  
37 and not more than \$150.00. The governing board or body of each  
38 municipality may, by ordinance, enact that no club licenses shall be  
39 granted within its respective municipality. Club licenses may be issued  
40 only to such corporations, associations and organizations as are  
41 operated for benevolent, charitable, fraternal, social, religious,  
42 recreational, athletic, or similar purposes, and not for private gain, and  
43 which comply with all conditions which may be imposed by the  
44 Commissioner of Alcoholic Beverage Control by rules and regulations.  
45 (cf: P.L.1997, c.8, s.2)

1       2. This act shall take effect on the first day of the fifth month after  
2 enactment, except that the director may promulgate those rules in  
3 advance as shall be necessary for the implementation of this act.

4

5

6

STATEMENT

7

8       This bill permits plenary retail consumption licensees (hotels,  
9 restaurants and taverns) to conduct consumer tastings and samplings  
10 of wine, beer and spirits for a fee or on a complimentary basis pursuant  
11 to conditions established by rules and regulations of the Division of  
12 Alcoholic Beverage Control. The bill also permits plenary retail  
13 distribution licensees (package goods stores) to conduct wine tastings  
14 and samplings on a complimentary basis pursuant to conditions  
15 established by rules and regulations of the division, provided (1)  
16 patrons are limited to four one-and-one-half ounce samples in any one  
17 24-hour period; (2) samples are not offered to, or allowed to be  
18 consumed by, any minor or intoxicated person; (3) samples are not  
19 offered when the sale of alcoholic beverages is otherwise prohibited;  
20 and (4) tastings and samplings are confined to the licensed premises.  
21 Under the bill, a person who violates any of the preceding conditions  
22 would be fined an amount established by the division.

ASSEMBLY REGULATED PROFESSIONS AND  
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 549**

with committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 21, 2002

The Assembly Regulated Professions and Independent Authorities Committee reports favorably and with committee amendments Assembly Bill No. 549.

This bill permits plenary retail consumption licensees (hotels, restaurants and taverns) to conduct consumer tastings and samplings of wine, beer and spirits for a fee or on a complimentary basis pursuant to conditions established by rules and regulations of the Division of Alcoholic Beverage Control. The bill also permits plenary retail distribution licensees (package goods stores) to conduct wine tastings and samplings on a complimentary basis pursuant to conditions established by rules and regulations of the division, provided (1) patrons are limited to four one-and-one-half ounce samples in any one 24-hour period; (2) samples are not offered to, or allowed to be consumed by, any minor or intoxicated person; (3) samples are not offered when the sale of alcoholic beverages is otherwise prohibited; and (4) tastings and samplings are confined to the licensed premises.

The committee amendments provide that the wine used in the tastings and samplings on the licensed premises of a packaged good store shall be owned by the licensee conducting these tastings and samplings. Under the bill, a person who violates any of the preceding conditions would be fined an amount established by the division.

This bill was pre-filed for introduction in the 2002-2003 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'  
AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 549**

**STATE OF NEW JERSEY**

DATED: NOVEMBER 25, 2002

The Senate Law and Public Safety and Veterans' Affairs Committee reports without recommendation Assembly Bill No. 549 (1R).

This bill permits plenary retail consumption licensees (hotels, restaurants and taverns) to conduct consumer tastings and samplings of wine, beer and spirits for a fee or on a complimentary basis pursuant to conditions established by rules and regulations of the Division of Alcoholic Beverage Control. The bill also permits plenary retail distribution licensees (package goods stores) to conduct wine tastings and samplings on a complimentary basis pursuant to conditions established by rules and regulations of the division, provided (1) patrons are limited to four one-and-one-half ounce samples in any one 24-hour period; (2) samples are not offered to, or allowed to be consumed by, any minor or intoxicated person; (3) samples are not offered when the sale of alcoholic beverages is otherwise prohibited; and (4) tastings and samplings are confined to the licensed premises.

In addition, the wine used in the tastings and samplings on the licensed premises of a packaged good store shall be owned by the licensee conducting these tastings and samplings. The bill specifies that a person who violates any of the preceding conditions would be fined an amount established by the division.

This bill is identical to Senate Bill No. 461, which was amended and released by the committee on this same date.

**SENATE, No. 461**

**STATE OF NEW JERSEY**  
**210th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

**Sponsored by:**

**Senator GERALD CARDINALE**

**District 39 (Bergen)**

**Senator RAYMOND J. LESNIAK**

**District 20 (Union)**

**SYNOPSIS**

Permits wine tastings and samplings by certain Class C alcoholic beverage licensees.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.





1 AN ACT concerning wine tastings and samplings by certain plenary  
2 retail consumption and distribution licensees and amending  
3 R.S.33:1-12.

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

7  
8 1. R.S.33:1-12 is amended to read as follows:  
9 33:1-12. Class C licenses shall be subdivided and classified as  
10 follows:

11 Plenary retail consumption license. 1. The holder of this license  
12 shall be entitled, subject to rules and regulations, to sell any alcoholic  
13 beverages for consumption on the licensed premises by the glass or  
14 other open receptacle, and also to sell any alcoholic beverages in  
15 original containers for consumption off the licensed premises; but this  
16 license shall not be issued to permit the sale of alcoholic beverages in  
17 or upon any premises in which a grocery, delicatessen, drug store or  
18 other mercantile business is carried on, except as hereinafter provided.  
19 The holder of this license shall be permitted to conduct consumer  
20 wine, beer and spirits tastings and samplings for a fee or on a  
21 complimentary basis pursuant to conditions established by rules and  
22 regulations of the Division of Alcoholic Beverage Control. Subject to  
23 such rules and regulations established from time to time by the  
24 director, the holder of this license shall be permitted to sell alcoholic  
25 beverages in or upon the premises in which any of the following is  
26 carried on: the keeping of a hotel or restaurant including the sale of  
27 mercantile items incidental thereto as an accommodation to patrons;  
28 the sale, at an entertainment facility as defined in R.S.33:1-1, having  
29 a seating capacity for no less than 4,000 patrons, of mercantile items  
30 traditionally associated with the type of event or program held at the  
31 site; the sale of distillers', brewers' and vintners' packaged merchandise  
32 prepacked as a unit with other suitable objects as gift items to be sold  
33 only as a unit; the sale of novelty wearing apparel identified with the  
34 name of the establishment licensed under the provisions of this section;  
35 the sale of cigars, cigarettes, packaged crackers, chips, nuts and  
36 similar snacks and ice at retail as an accommodation to patrons, or the  
37 retail sale of nonalcoholic beverages as accessory beverages to  
38 alcoholic beverages; or, in commercial bowling establishments, the  
39 retail sale or rental of bowling accessories and the retail sale from  
40 vending machines of candy, ice cream and nonalcoholic beverages.  
41 The fee for this license shall be fixed by the governing board or body  
42 of the municipality in which the licensed premises are situated, by  
43 ordinance, at not less than \$200.00 and not more than \$2,000.00. No

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

**Matter underlined thus is new matter.**

1 ordinance shall be enacted which shall raise or lower the fee to be  
2 charged for this license by more than 20% from that charged in the  
3 preceding license year or \$500.00, whichever is the lesser. The  
4 governing board or body of each municipality may, by ordinance, enact  
5 that no plenary retail consumption license shall be granted within its  
6 respective municipality.

7 The holder of this license shall be permitted to obtain a restricted  
8 brewery license issued pursuant to subsection 1c. of R.S.33:1-10 and  
9 to operate a restricted brewery immediately adjoining the licensed  
10 premises in accordance with the restrictions set forth in that  
11 subsection. All fees related to the issuance of both licenses shall be  
12 paid in accordance with statutory law.

13 Seasonal retail consumption license. 2. The holder of this license  
14 shall be entitled, subject to rules and regulations, to sell any alcoholic  
15 beverages for consumption on the licensed premises by the glass or  
16 other open receptacle, and also to sell any alcoholic beverages in  
17 original containers for consumption off the licensed premises, during  
18 the summer session from May 1 until November 14, inclusive, or  
19 during the winter season from November 15 until April 30, inclusive;  
20 but this license shall not be issued to permit the sale of alcoholic  
21 beverages in or upon any premises in which a grocery, delicatessen,  
22 drug store or other mercantile business is carried on, except as  
23 hereinafter provided. Subject to such rules and regulations established  
24 from time to time by the director, the holder of this license shall be  
25 permitted to sell alcoholic beverages in or upon the premises in which  
26 any of the following is carried on: the keeping of a hotel or restaurant  
27 including the sale of mercantile items incidental thereto as an  
28 accommodation to patrons; the sale of distillers', brewers' and vintners'  
29 packaged merchandise prepacked as a unit with other suitable objects  
30 as gift items to be sold only as a unit; the sale of novelty wearing  
31 apparel identified with the name of the establishment licensed under  
32 the provisions of this section; the sale of cigars, cigarettes, packaged  
33 crackers, chips, nuts and similar snacks and ice at retail as an  
34 accommodation to patrons; or the retail sale of nonalcoholic beverages  
35 as accessory beverages to alcoholic beverages. The fee for this license  
36 shall be fixed by the governing board or body of the municipality in  
37 which the licensed premises are situated, by ordinance, at 75% of the  
38 fee fixed by said board or body for plenary retail consumption licenses.  
39 The governing board or body of each municipality may, by ordinance,  
40 enact that no seasonal retail consumption license shall be granted  
41 within its respective municipality.

42 Plenary retail distribution license. 3. a. The holder of this license  
43 shall be entitled, subject to rules and regulations, to sell any alcoholic  
44 beverages for consumption off the licensed premises, but only in  
45 original containers; except that licensees shall be permitted to conduct  
46 consumer wine tastings and samplings on a complimentary basis.

1 pursuant to conditions established by rules and regulations of the  
2 Division of Alcoholic Beverage Control, provided, however:

3 (1) patrons are limited to four one-and-one-half ounce samples in  
4 any 24-hour period;

5 (2) samples are not offered to, or allowed to be consumed by, any  
6 person under the legal age for consuming alcoholic beverages or  
7 intoxicated person;

8 (3) samples are not offered when the sale of alcoholic beverages is  
9 otherwise prohibited; and

10 (4) tastings and samplings are confined to the licensed premises.

11 Notwithstanding the imposition of any other penalty that may be  
12 lawfully imposed, a person who violates paragraphs (1) through (4)  
13 of this subsection shall be fined an amount to be established by the  
14 division.

15 The governing board or body of each municipality may, by  
16 ordinance, enact that this license shall not be issued to permit the sale  
17 of alcoholic beverages in or upon any premises in which any other  
18 mercantile business is carried on, except that any such ordinance,  
19 heretofore or hereafter adopted, shall not prohibit the retail sale of  
20 distillers', brewers' and vintners' packaged merchandise prepacked as  
21 a unit with other suitable objects as gift items to be sold only as a unit;  
22 the sale of novelty wearing apparel identified with the name of the  
23 establishment licensed under the provisions of this act; cigars,  
24 cigarettes, packaged crackers, chips, nuts and similar snacks, ice, and  
25 nonalcoholic beverages as accessory beverages to alcoholic beverages.  
26 The fee for this license shall be fixed by the governing board or body  
27 of the municipality in which the licensed premises are situated, by  
28 ordinance, at not less than \$100.00 and not more than \$2,000.00. No  
29 ordinance shall be enacted which shall raise or lower the fee to be  
30 charged for this license by more than 20% from that charged in the  
31 preceding license year or \$500.00, whichever is the lesser. The  
32 governing board or body of each municipality may, by ordinance, enact  
33 that no plenary retail distribution license shall be granted within its  
34 respective municipality.

35 Limited retail distribution license. 3. b. The holder of this license  
36 shall be entitled, subject to rules and regulations, to sell any unchilled,  
37 brewed, malt alcoholic beverages in quantities of not less than 72 fluid  
38 ounces for consumption off the licensed premises, but only in original  
39 containers; provided, however, that this license shall be issued only for  
40 premises operated and conducted by the licensee as a bona fide  
41 grocery store, meat market, meat and grocery store, delicatessen, or  
42 other type of bona fide food store at which groceries or other  
43 foodstuffs are sold at retail; and provided further that this license shall  
44 not be issued except for premises at which the sale of groceries or  
45 other foodstuffs is the primary and principal business and at which the  
46 sale of alcoholic beverages is merely incidental and subordinate

1 thereto. The fee for this license shall be fixed by the governing body  
2 or board of the municipality in which the licensed premises are  
3 situated, by ordinance, at not less than \$25.00 and not more than  
4 \$50.00. The governing board or body of each municipality may, by  
5 ordinance, enact that no limited retail distribution license shall be  
6 granted within its respective municipality.

7 Plenary retail transit license. 4. The holder of this license shall be  
8 entitled, subject to rules and regulations, to sell any alcoholic  
9 beverages, for consumption only, on railroad trains, airplanes,  
10 limousines and boats, while in transit. The fee for this license for use  
11 by a railroad or air transport company shall be \$300.00, for use by the  
12 owners of limousines shall be \$25.00 per vehicle, and for use on a boat  
13 shall be \$50.00 on a boat 65 feet or less in length, \$100.00 on a boat  
14 more than 65 feet in length but not more than 110 feet in length, and  
15 \$300.00 on a boat more than 110 feet in length; such boat lengths shall  
16 be determined in the manner prescribed by the Bureau of Customs of  
17 the United States Government or any federal agency successor thereto  
18 for boat measurement in connection with issuance of marine  
19 documents. A license issued under this provision to a railroad or air  
20 transport company shall cover all railroad cars and planes operated by  
21 any such company within the State of New Jersey. A license for a  
22 boat or limousine issued under this provision shall apply only to the  
23 particular boat or limousine for which issued, and shall permit the  
24 purchase of alcoholic beverages for sale or service in a boat or  
25 limousine to be made from any Class A and B licensee or from any  
26 Class C licensee whose license privilege permits the sale of alcoholic  
27 beverages in original containers for off-premises consumption. An  
28 interest in a plenary retail transit license issued in accordance with this  
29 section shall be excluded in determining the maximum number of retail  
30 licenses permitted under P.L.1962, c.152 (C.33:1-12.31 et seq.).

31 Club license. 5. The holder of this license shall be entitled, subject  
32 to rules and regulations, to sell any alcoholic beverages but only for  
33 immediate consumption on the licensed premises and only to bona fide  
34 club members and their guests. The fee for this license shall be fixed  
35 by the governing board or body of the municipality in which the  
36 licensed premises are situated, by ordinance, at not less than \$50.00  
37 and not more than \$150.00. The governing board or body of each  
38 municipality may, by ordinance, enact that no club licenses shall be  
39 granted within its respective municipality. Club licenses may be issued  
40 only to such corporations, associations and organizations as are  
41 operated for benevolent, charitable, fraternal, social, religious,  
42 recreational, athletic, or similar purposes, and not for private gain, and  
43 which comply with all conditions which may be imposed by the  
44 Commissioner of Alcoholic Beverage Control by rules and regulations.  
45 (cf: P.L.1997, c.8, s.2)

1       2. This act shall take effect on the first day of the fifth month after  
2 enactment, except that the director may promulgate those rules and  
3 regulations in advance as shall be necessary for the implementation of  
4 this act.

5

6

7

STATEMENT

8

9       This bill permits plenary retail consumption licensees (hotels,  
10 restaurants and taverns) to conduct consumer tastings and samplings  
11 of wine, beer and spirits for a fee or on a complimentary basis pursuant  
12 to conditions established by rules and regulations of the Division of  
13 Alcoholic Beverage Control.

14       The bill also permits plenary retail distribution licensees (package  
15 goods stores) to conduct wine tastings and samplings for a fee or on  
16 a complimentary basis pursuant to conditions established by rules and  
17 regulations promulgated by the division, provided (1) patrons are  
18 limited to four one-and-one-half ounce samples in any one 24-hour  
19 period; (2) samples are not offered to, or allowed to be consumed by,  
20 any minor or intoxicated person; (3) samples are not offered when the  
21 sale of alcoholic beverages is otherwise prohibited; and (4) tastings  
22 and samplings are confined to the licensed premises. Under the bill,  
23 a person who violates any of the preceding conditions would be fined  
24 an amount established by the division in addition to any other  
25 applicable penalties.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'  
AFFAIRS COMMITTEE

STATEMENT TO

**SENATE, No. 461**

with committee amendments

**STATE OF NEW JERSEY**

DATED: NOVEMBER 25, 2002

The Senate Law and Public Safety and Veterans' Affairs Committee reports with committee amendments and without recommendation Senate Bill No. 461.

This bill permits plenary retail consumption licensees (hotels, restaurants and taverns) to conduct consumer tastings and samplings of wine, beer and spirits for a fee or on a complimentary basis pursuant to conditions established by rules and regulations of the Division of Alcoholic Beverage Control.

The bill also permits plenary retail distribution licensees (package goods stores) to conduct wine tastings and samplings for a fee or on a complimentary basis pursuant to conditions established by rules and regulations promulgated by the division, provided (1) patrons are limited to four one-and-one-half ounce samples in any one 24-hour period; (2) samples are not offered to, or allowed to be consumed by, any minor or intoxicated person; (3) samples are not offered when the sale of alcoholic beverages is otherwise prohibited; and (4) tastings and samplings are confined to the licensed premises. Under the bill, a person who violates any of the preceding conditions would be fined an amount established by the division in addition to any other applicable penalties.

The committee amended the bill to require that the wine used in the tastings and samplings on the licensed premises of a packaged good store be owned by the licensee conducting these tastings and samplings. The other committee amendment is technical in nature.

As amended and released by the committee, this bill is identical to Assembly Bill No. 549 (1R), which also was released by the committee on this same date.

This bill was pre-filed for introduction in the 2002-2003 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.