

33:1-12

LEGISLATIVE HISTORY CHECKLIST
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(Alcoholic beverages--year-round
sale of gift packs)

NJSA: 33:1-12

LAWS OF: 1996 CHAPTER: 83

BILL NO: A1711

SPONSOR(S): Crecco and LeFevre

DATE INTRODUCED: March 11, 1996

COMMITTEE: ASSEMBLY: Law & Public Safety
SENATE: ---

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: May 30, 1996
SENATE: June 13, 1996

DATE OF APPROVAL: July 25, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

DO NOT WRITE IN THESE SPACES

P.L. 1996, CHAPTER 83, *approved July 25, 1996*
Assembly No. 1711

1 AN ACT concerning prepackaged alcoholic gift items and amending
2 R.S.33:1-12.

3

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

6

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

8 33:1-12. Class C licenses shall be subdivided and classified as
9 follows:

10 Plenary retail consumption license. 1. The holder of this license
11 shall be entitled, subject to rules and regulations, to sell any alcoholic
12 beverages for consumption on the licensed premises by the glass or
13 other open receptacle, and also to sell any alcoholic beverages in
14 original containers for consumption off the licensed premises; but this
15 license shall not be issued to permit the sale of alcoholic beverages in
16 or upon any premises in which a grocery, delicatessen, drug store or
17 other mercantile business is carried on, except as hereinafter provided.
18 Subject to such rules and regulations established from time to time by
19 the director, the holder of this license shall be permitted to sell
20 alcoholic beverages in or upon the premises in which any of the
21 following is carried on: the keeping of a hotel or restaurant including
22 the sale of mercantile items incidental thereto as an accommodation to
23 patrons; the sale of distillers', brewers' and vintners' packaged
24 **[holiday]** merchandise prepacked as a unit with other suitable objects
25 as gift items to be sold only as a unit; the sale of novelty wearing
26 apparel identified with the name of the establishment licensed under
27 the provisions of this section; the sale of cigars, cigarettes, packaged
28 crackers, chips, nuts and similar snacks and ice at retail as an
29 accommodation to patrons, or the retail sale of nonalcoholic beverages
30 as accessory beverages to alcoholic beverages; or, in commercial
31 bowling establishments, the retail sale or rental of bowling accessories
32 and the retail sale from vending machines of candy, ice cream and
33 nonalcoholic beverages. The fee for this license shall be fixed by the
34 governing board or body of the municipality in which the licensed

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

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

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

43 Plenary retail distribution license. 3. a. The holder of this license
44 shall be entitled, subject to rules and regulations, to sell any alcoholic
45 beverages for consumption off the licensed premises, but only in
46 original containers. The governing board or body of each municipality

1 may, by ordinance, enact that this license shall not be issued to permit
2 the sale of alcoholic beverages in or upon any premises in which any
3 other mercantile business is carried on, except that any such ordinance,
4 heretofore or hereafter adopted, shall not prohibit the retail sale of
5 distillers', brewers' and vintners' packaged **[holiday]** merchandise
6 prepacked as a unit with other suitable objects as gift items to be sold
7 only as a unit; the sale of novelty wearing apparel identified with the
8 name of the establishment licensed under the provisions of this act;
9 cigars, cigarettes, packaged crackers, chips, nuts and similar snacks,
10 ice, and nonalcoholic beverages as accessory beverages to alcoholic
11 beverages. The fee for this license shall be fixed by the governing
12 board or body of the municipality in which the licensed premises are
13 situated, by ordinance, at not less than \$100.00 and not more than
14 \$2,000.00. No ordinance shall be enacted which shall raise or lower
15 the fee to be charged for this license by more than 20% from that
16 charged in the preceding license year or \$500.00, whichever is the
17 lesser. The governing board or body of each municipality may, by
18 ordinance, enact that no plenary retail distribution license shall be
19 granted within its respective municipality.

20 Limited retail distribution license. 3. b. The holder of this license
21 shall be entitled, subject to rules and regulations, to sell any unchilled,
22 brewed, malt alcoholic beverages in quantities of not less than 72 fluid
23 ounces for consumption off the licensed premises, but only in original
24 containers; provided, however, that this license shall be issued only for
25 premises operated and conducted by the licensee as a bona fide
26 grocery store, meat market, meat and grocery store, delicatessen, or
27 other type of bona fide food store at which groceries or other
28 foodstuffs are sold at retail; and provided further that this license shall
29 not be issued except for premises at which the sale of groceries or
30 other foodstuffs is the primary and principal business and at which the
31 sale of alcoholic beverages is merely incidental and subordinate
32 thereto. The fee for this license shall be fixed by the governing body
33 or board of the municipality in which the licensed premises are
34 situated, by ordinance, at not less than \$25.00 and not more than
35 \$50.00. The governing board or body of each municipality may, by
36 ordinance, enact that no limited retail distribution license shall be
37 granted within its respective municipality.

38 Plenary retail transit license. 4. The holder of this license shall be
39 entitled, subject to rules and regulations, to sell any alcoholic
40 beverages, for consumption only, on railroad trains, airplanes,
41 limousines and boats, while in transit. The fee for this license for use
42 by a railroad or air transport company shall be \$300.00, for use by the
43 owners of limousines shall be \$25.00 per vehicle, and for use on a boat
44 shall be \$50.00 on a boat 65 feet or less in length, \$100.00 on a boat
45 more than 65 feet in length but not more than 110 feet in length, and
46 \$300.00 on a boat more than 110 feet in length; such boat lengths shall

1 be determined in the manner prescribed by the Bureau of Customs of
2 the United States Government or any federal agency successor thereto
3 for boat measurement in connection with issuance of marine
4 documents. A license issued under this provision to a railroad or air
5 transport company shall cover all railroad cars and planes operated by
6 any such company within the State of New Jersey. A license for a
7 boat or limousine issued under this provision shall apply only to the
8 particular boat or limousine for which issued, and shall permit the
9 purchase of alcoholic beverages for sale or service in a boat or
10 limousine to be made from any Class A and B licensee or from any
11 Class C licensee whose license privilege permits the sale of alcoholic
12 beverages in original containers for off-premises consumption. An
13 interest in a plenary retail transit license issued in accordance with this
14 section shall be excluded in determining the maximum number of retail
15 licenses permitted under P.L.1962, c.152 (C.33:1-12.31 et seq.).

16 Club license. 5. The holder of this license shall be entitled, subject
17 to rules and regulations, to sell any alcoholic beverages but only for
18 immediate consumption on the licensed premises and only to bona fide
19 club members and their guests. The fee for this license shall be fixed
20 by the governing board or body of the municipality in which the
21 licensed premises are situated, by ordinance, at not less than \$50.00
22 and not more than \$150.00. The governing board or body of each
23 municipality may, by ordinance, enact that no club licenses shall be
24 granted within its respective municipality. Club licenses may be issued
25 only to such corporations, associations and organizations as are
26 operated for benevolent, charitable, fraternal, social, religious,
27 recreational, athletic, or similar purposes, and not for private gain, and
28 which comply with all conditions which may be imposed by the
29 Commissioner of Alcoholic Beverage Control by rules and regulations.
30 (cf: P.L.1993, c.216, s.2)

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32 2. This act shall take effect immediately.

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STATEMENT

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37 Under current law plenary retail consumption licensees, seasonal
38 retail consumption licensees and plenary retail distribution licensees
39 are permitted to sell distillers', brokers' and vintners' packaged holiday
40 merchandise prepackaged as a unit with other suitable objects as gift
41 items.

42 This bill deletes the requirement that the prepackaged merchandise
43 be identified by a particular holiday. This requirement places an
44 unnecessary burden on the Director of the Division of Alcoholic
45 Beverage Control who must determine what is an acceptable holiday.
46 The requirement is unnecessary because the director's primary concern

1 is the suitability of the gift item rather than the holiday.

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6 Permits certain alcoholic beverage licensees to sell prepackaged gift

7 items at all times.

1 be determined in the manner prescribed by the Bureau of Customs of
2 the United States Government or any federal agency successor thereto
3 for boat measurement in connection with issuance of marine
4 documents. A license issued under this provision to a railroad or air
5 transport company shall cover all railroad cars and planes operated by
6 any such company within the State of New Jersey. A license for a
7 boat or limousine issued under this provision shall apply only to the
8 particular boat or limousine for which issued, and shall permit the
9 purchase of alcoholic beverages for sale or service in a boat or
10 limousine to be made from any Class A and B licensee or from any
11 Class C licensee whose license privilege permits the sale of alcoholic
12 beverages in original containers for off-premises consumption. An
13 interest in a plenary retail transit license issued in accordance with this
14 section shall be excluded in determining the maximum number of retail
15 licenses permitted under P.L.1962, c.152 (C.33:1-12.31 et seq.).

16 Club license. 5. The holder of this license shall be entitled, subject
17 to rules and regulations, to sell any alcoholic beverages but only for
18 immediate consumption on the licensed premises and only to bona fide
19 club members and their guests. The fee for this license shall be fixed
20 by the governing board or body of the municipality in which the
21 licensed premises are situated, by ordinance, at not less than \$50.00
22 and not more than \$150.00. The governing board or body of each
23 municipality may, by ordinance, enact that no club licenses shall be
24 granted within its respective municipality. Club licenses may be issued
25 only to such corporations, associations and organizations as are
26 operated for benevolent, charitable, fraternal, social, religious,
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28 which comply with all conditions which may be imposed by the
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ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1711

STATE OF NEW JERSEY

DATED: MARCH 25, 1996

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No.1711.

Assembly Bill No. 1711 amends R.S.33:1-12 to remove the restriction that plenary retail consumption licensees may only sell certain prepackaged merchandise during a holiday season.

The amendment applies to merchandise which is prepared and packaged as a unit by distillers', brewers' and vintners' and contains products or items along with an alcoholic beverage. Examples of this type of merchandise includes fruit or cheese baskets which contain a bottle of wine or an alcoholic beverage packaged with an article of clothing displaying the brand name of the beverage.

Currently, this type of merchandise may only be sold during a holiday season. The provisions of Assembly Bill No. 1711 would permit their sale at any time.