

33:1-10

**LEGISLATIVE HISTORY CHECKLIST**  
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(Farm wineries--increase sales locations)

**NJSA:** 33:1-10

**LAWS OF:** 1993 **CHAPTER:** 372

**BILL NO:** A102/1190

**SPONSOR(S):** Lance and others

**DATE INTRODUCED:** October 15, 1992

**COMMITTEE:** **ASSEMBLY:** Economic and Community Development  
**SENATE:** Commerce

**AMENDED DURING PASSAGE:** Yes Amendments during passage denoted by superscript numbers  
Assembly Committee  
Substitute (1R) enacted

**DATE OF PASSAGE:** **ASSEMBLY:** December 14, 1992  
**SENATE:** December 2, 1993

**DATE OF APPROVAL:** January 10, 1994

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes  
**SENATE:** Yes

**FISCAL NOTE:** Yes

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

KBG:pp

[FIRST REPRINT]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, Nos. 102 and 1190

STATE OF NEW JERSEY

ADOPTED DECEMBER 3, 1992

Sponsored by Assemblymen LANCE, HAYTAIAN and BRYANT

1 AN ACT concerning plenary and farm winery licensees and  
2 amending R.S.33:1-10.

3

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

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

7 33:1-10. Class A licenses shall be subdivided and classified as  
8 follows:

9 Plenary brewery license. 1a. The holder of this license shall  
10 be entitled, subject to rules and regulations, to brew any malt  
11 alcoholic beverages and to sell and distribute his products to  
12 wholesalers and retailers licensed in accordance with this  
13 chapter, and to sell and distribute without this State to any  
14 persons pursuant to the laws of the places of such sale and  
15 distribution, and to maintain a warehouse. The fee for this  
16 license shall be \$8,500.00.

17 Limited brewery license. 1b. The holder of this license shall  
18 be entitled, subject to rules and regulations, to brew any malt  
19 alcoholic beverages in a quantity to be expressed in said license,  
20 dependent upon the following fees and not in excess of 300,000  
21 barrels of 31 fluid gallons capacity per year and to sell and  
22 distribute his products to wholesalers and retailers licensed in  
23 accordance with this chapter, and to sell and distribute without  
24 this State to any persons pursuant to the laws of the places of  
25 such sale and distribution, and to maintain a warehouse. The fee  
26 for this license shall be graduated as follows: to so brew not more  
27 than 50,000 barrels of 31 fluid gallons capacity per annum,  
28 \$1,000.00; to so brew not more than 100,000 barrels of 31 fluid  
29 gallons capacity per annum, \$2,000.00; to so brew not more than  
30 200,000 barrels of 31 fluid gallons capacity per annum, \$4,000.00;  
31 to so brew not more than 300,000 barrels of 31 fluid gallons  
32 capacity per annum, \$6,000.00.

33 Plenary winery license. 2a. Provided that the holder is  
34 engaged in growing and cultivating grapes or fruit used in the  
35 production of wine on at least three acres on, or adjacent to, the  
36 winery premises, the holder of this license shall be entitled,  
37 subject to rules and regulations, to produce any fermented wines,  
38 and to blend, fortify and treat wines, and to sell and distribute his  
39 products to wholesalers and retailers licensed in accordance with  
40 this chapter and to churches for religious purposes, and to sell  
41 and distribute without this State to any persons pursuant to the

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 super script numerals has been adopted as follows:

Senate Subcommittee amendments adopted May 27, 1993.

1 laws of the places of such sale and distribution, and to maintain a  
2 warehouse, and to sell his products at retail to consumers on the  
3 licensed premises of the winery for consumption on or off the  
4 premises and to offer samples for sampling purposes only. The fee  
5 for this license shall be \$750.00. The holder of this license shall  
6 also have the right to sell such wine at retail in original packages  
7 in [two] five salesrooms apart from the winery premises for  
8 consumption on or off the premises and for sampling purposes for  
9 consumption on the premises, at a fee of \$200.00 for each  
10 salesroom. Additionally, subject to rules and regulations, one  
11 salesroom per county may be jointly controlled and operated by  
12 at least [five] two plenary or farm winery licensees for the sale  
13 of the products [produced under the licenses of such licensees] of  
14 any plenary or farm winery licensee for consumption on or off the  
15 premises and for consumption on the licensed premises for  
16 sampling purposes [only], at an additional fee of \$500.00 per  
17 county salesroom. <sup>1</sup>[Any plenary licensee who has heretofore  
18 utilized a privilege to sell his products for consumption on the  
19 premises at a salesroom other than the licensed premises of the  
20 winery may retain that privilege at the existing location.]<sup>1</sup> For  
21 the purposes of this subsection, "sampling" means the selling at a  
22 nominal charge or the gratuitous offering of an open container  
23 not exceeding one and one-half ounces of any wine.

24 <sup>1</sup>For the purposes of this subsection, "product" means any wine  
25 that is produced, blended, fortified, or treated by the licensee on  
26 its licensed premises situated in the State of New Jersey.

27 Any holder of a plenary winery license who sold wine which was  
28 produced, bottled, and labelled by that holder in a place other  
29 than its licensed New Jersey premises between July 1, 1992 and  
30 June 30, 1993, may continue to sell that wine provided no more  
31 than 25,000 cases, each case consisting of 12 750 milliliter  
32 bottles or the equivalent, are sold in any single license year. This  
33 privilege shall terminate upon, and not survive, any transfer of  
34 the license to another person or entity subsequent to the  
35 effective date of this 1993 amendatory act or any transfer of  
36 stock of the licensed corporation other than to children,  
37 grandchildren, parents, spouses or siblings of the existing  
38 stockholders.<sup>1</sup>

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

1 acres on or adjacent to the winery premises and on which are  
2 growing grape vines or fruit to be processed into wine or fruit  
3 juice; and provided, further, that for the first five years of the  
4 operation of the winery such fermented wines and fruit juices  
5 shall be manufactured from at least 51% grapes or fruit grown in  
6 the State and that thereafter they shall be manufactured from  
7 grapes or fruit grown in this State at least to the extent required  
8 for labeling as "New Jersey Wine" under the applicable federal  
9 laws and regulations. The containers of all wine sold to  
10 consumers by such licensee shall have affixed a label stating such  
11 information as shall be required by the rules and regulations of  
12 the Director of the Division of Alcoholic Beverage Control. The  
13 fee for this license shall be graduated as follows: to so  
14 manufacture between 30,000 and 50,000 gallons per annum,  
15 \$300.00; to so manufacture between 2,500 and 30,000 gallons per  
16 annum, \$200.00; to so manufacture between 1,000 and 2,500  
17 gallons per annum, \$100.00; to so manufacture less than 1,000  
18 gallons per annum, \$50.00. No farm winery license shall be held  
19 by the holder of a plenary winery license or be situated on a  
20 premises licensed as a plenary winery.

21 The holder of this license shall also have the right to sell his  
22 products in original packages at retail to consumers in ~~[two]~~ five  
23 salesrooms apart from the winery premises for consumption on or  
24 off the premises, and for sampling purposes for consumption on  
25 the premises, at a fee of \$200.00 for each salesroom.  
26 Additionally, subject to rules and regulations, one salesroom per  
27 county may be jointly controlled and operated by at least ~~[five]~~  
28 two plenary or farm winery licensees for the sale of the products  
29 [produced under the licenses of such licensees] of any plenary or  
30 farm winery licensee for consumption on or off the premises and  
31 for consumption on the licensed premises for sampling purposes  
32 [only], at an additional fee of \$500.00 per county salesroom. For  
33 the purposes of this subsection, "sampling" means the selling at a  
34 nominal charge or the gratuitous offering of an open container  
35 not exceeding one and one-half ounces of any wine.

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

41 Wine blending license. 2c. The holder of this license shall be  
42 entitled, subject to rules and regulations, to blend, treat, mix,  
43 and bottle fermented wines and fruit juices with non-alcoholic  
44 beverages, and to sell and distribute his products to wholesalers  
45 and retailers licensed in accordance with this chapter, and to sell  
46 and distribute without this State to any persons pursuant to the  
47 laws of the places of such sale and distribution, and to maintain a  
48 warehouse. The fee for this license shall be \$500.00.

49 Plenary distillery license. 3a. The holder of this license shall  
50 be entitled, subject to rules and regulations, to manufacture any  
51 distilled alcoholic beverages and rectify, blend, treat and mix,  
52 and to sell and distribute his products to wholesalers and retailers  
53 licensed in accordance with this chapter, and to sell and  
54 distribute without this State to any persons pursuant to the laws

1 of the places of such sale and distribution, and to maintain a  
2 warehouse. The fee for this license shall be \$10,000.00.

3 Limited distillery license. 3b. The holder of this license shall  
4 be entitled, subject to rules and regulations, to manufacture and  
5 bottle any alcoholic beverages distilled from fruit juices and  
6 rectify, blend, treat, mix, compound with wine and add necessary  
7 sweetening and flavor to make cordial or liqueur, and to sell and  
8 distribute to wholesalers and retailers licensed in accordance  
9 with this chapter, and to sell and distribute without this State to  
10 any persons pursuant to the laws of the places of such sale and  
11 distribution and to warehouse these products. The fee for this  
12 license shall be \$3,000.00.

13 Supplementary limited distillery license. 3c. The holder of  
14 this license shall be entitled, subject to rules and regulations, to  
15 bottle and rebottle, in a quantity to be expressed in said license,  
16 dependent upon the following fees, alcoholic beverages distilled  
17 from fruit juices by such holder pursuant to a prior plenary or  
18 limited distillery license, and to sell and distribute his products to  
19 wholesalers and retailers licensed in accordance with this  
20 chapter, and to sell and distribute without this State to any  
21 persons pursuant to the laws of the places of such sale and  
22 distribution, and to maintain a warehouse. The fee for this  
23 license shall be graduated as follows: to so bottle and rebottle not  
24 more than 5,000 wine gallons per annum, \$250.00; to so bottle and  
25 rebottle not more than 10,000 wine gallons per annum, \$500.00;  
26 to so bottle and rebottle without limit as to amount, \$1,000.00.

27 Rectifier and blender license. 4. The holder of this license  
28 shall be entitled, subject to rules and regulations, to rectify,  
29 blend, treat and mix distilled alcoholic beverages, and to fortify,  
30 blend, and treat fermented alcoholic beverages, and prepare  
31 mixtures of alcoholic beverages, and to sell and distribute his  
32 products to wholesalers and retailers licensed in accordance with  
33 this chapter, and to sell and distribute without this State to any  
34 persons pursuant to the laws of the places of such sale and  
35 distribution, and to maintain a warehouse. The fee for this  
36 license shall be \$6,000.00.

37 Bonded warehouse bottling license. 5. The holder of this  
38 license shall be entitled, subject to rules and regulations, to  
39 bottle alcoholic beverages in bond on behalf of all persons  
40 authorized by federal and State law and regulations to withdraw  
41 alcoholic beverages from bond. The fee for this license shall be  
42 \$500.00. This license shall be issued only to persons holding  
43 permits to operate Internal Revenue bonded warehouses pursuant  
44 to the laws of the United States.

45 (cf: P.L.1989, c.209, s.1)

46 2. This act shall take effect immediately.

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51 Increases farm winery sales locations.

# ASSEMBLY, No. 102

## STATE OF NEW JERSEY

INTRODUCED OCTOBER 15, 1992

By Assemblymen LANCE, HAYTAIAN,  
Kavanaugh and Penn

1 AN ACT concerning plenary and farm winery licensees and  
2 amending R.S.33:1-10.

3

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

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

7 33:1-10. Class A licenses shall be subdivided and classified as  
8 follows:

9 Plenary brewery license. 1a. The holder of this license shall  
10 be entitled, subject to rules and regulations, to brew any malt  
11 alcoholic beverages and to sell and distribute his products to  
12 wholesalers and retailers licensed in accordance with this  
13 chapter, and to sell and distribute without this State to any  
14 persons pursuant to the laws of the places of such sale and  
15 distribution, and to maintain a warehouse. The fee for this  
16 license shall be \$8,500.00.

17 Limited brewery license. 1b. The holder of this license shall  
18 be entitled, subject to rules and regulations, to brew any malt  
19 alcoholic beverages in a quantity to be expressed in said license,  
20 dependent upon the following fees and not in excess of 300,000  
21 barrels of 31 fluid gallons capacity per year and to sell and  
22 distribute his products to wholesalers and retailers licensed in  
23 accordance with this chapter, and to sell and distribute without  
24 this State to any persons pursuant to the laws of the places of  
25 such sale and distribution, and to maintain a warehouse. The fee  
26 for this license shall be graduated as follows: to so brew not more  
27 than 50,000 barrels of 31 fluid gallons capacity per annum,  
28 \$1,000.00; to so brew not more than 100,000 barrels of 31 fluid  
29 gallons capacity per annum, \$2,000.00; to so brew not more than  
30 200,000 barrels of 31 fluid gallons capacity per annum, \$4,000.00;  
31 to so brew not more than 300,000 barrels of 31 fluid gallons  
32 capacity per annum, \$6,000.00.

33 Plenary winery license. 2a. Provided that the holder is  
34 engaged in growing and cultivating grapes or fruit used in the  
35 production of wine on at least three acres on, or adjacent to, the  
36 winery premises, the holder of this license shall be entitled,  
37 subject to rules and regulations, to produce any fermented wines,  
38 and to blend, fortify and treat wines, and to sell and distribute his  
39 products to wholesalers and retailers licensed in accordance with  
40 this chapter and to churches for religious purposes, and to sell  
41 and distribute without this State to any persons pursuant to the  
42 laws of the places of such sale and distribution, and to maintain a  
43 warehouse, and to sell his products at retail to consumers on the

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 licensed premises of the winery for consumption on or off the  
2 premises and to offer samples for sampling purposes only. The fee  
3 for this license shall be \$750.00. The holder of this license shall  
4 also have the right to sell such wine at retail in original packages  
5 in [two] five salesrooms apart from the winery premises for  
6 consumption on or off the premises and for sampling purposes for  
7 consumption on the premises, at a fee of \$200.00 for each  
8 salesroom. Additionally, subject to rules and regulations, one  
9 salesroom per county may be jointly controlled and operated by  
10 at least [five] two plenary or farm winery licensees for the sale  
11 of the products [produced under the licenses of such licensees] of  
12 any plenary or farm winery licensee for consumption on or off the  
13 premises and for consumption on the licensed premises for  
14 sampling purposes [only], at an additional fee of \$500.00 per  
15 county salesroom. Any plenary licensee who has heretofore  
16 utilized a privilege to sell his products for consumption on the  
17 premises at a salesroom other than the licensed premises of the  
18 winery may retain that privilege at the existing location. For the  
19 purposes of this subsection, "sampling" means the selling at a  
20 nominal charge or the gratuitous offering of an open container  
21 not exceeding one and one-half ounces of any wine.

22 Farm winery license. 2b. The holder of this license shall be  
23 entitled, subject to rules and regulations, to manufacture any  
24 fermented wines and fruit juices in a quantity to be expressed in  
25 said license, dependent upon the following fees and not in excess  
26 of 50,000 gallons per year and to sell and distribute his products  
27 to wholesalers and retailers licensed in accordance with this  
28 chapter and to churches for religious purposes and to sell and  
29 distribute without this State to any persons pursuant to the laws  
30 of the places of such sale and distribution, and to maintain a  
31 warehouse and to sell at retail to consumers for consumption on  
32 or off the licensed premises and to offer samples for sampling  
33 purposes only. The license shall be issued only when the winery  
34 at which such fermented wines and fruit juices are manufactured  
35 is located and constructed upon a tract of land exclusively under  
36 the control of the licensee, provided that the licensee is actively  
37 engaged in growing and cultivating an area of not less than three  
38 acres on or adjacent to the winery premises and on which are  
39 growing grape vines or fruit to be processed into wine or fruit  
40 juice; and provided, further, that for the first five years of the  
41 operation of the winery such fermented wines and fruit juices  
42 shall be manufactured from at least 51% grapes or fruit grown in  
43 the State and that thereafter they shall be manufactured from  
44 grapes or fruit grown in this State at least to the extent required  
45 for labeling as "New Jersey Wine" under the applicable federal  
46 laws and regulations. The containers of all wine sold to  
47 consumers by such licensee shall have affixed a label stating such  
48 information as shall be required by the rules and regulations of  
49 the Director of the Division of Alcoholic Beverage Control. The  
50 fee for this license shall be graduated as follows: to so  
51 manufacture between 30,000 and 50,000 gallons per annum,  
52 \$300.00; to so manufacture between 2,500 and 30,000 gallons per  
53 annum, \$200.00; to so manufacture between 1,000 and 2,500  
54 gallons per annum, \$100.00; to so manufacture less than 1,000

1 gallons per annum, \$50.00. No farm winery license shall be held  
2 by the holder of a plenary winery license or be situated on a  
3 premises licensed as a plenary winery.

4 The holder of this license shall also have the right to sell his  
5 products in original packages at retail to consumers in [two] five  
6 salesrooms apart from the winery premises for consumption on or  
7 off the premises, and for sampling purposes for consumption on  
8 the premises, at a fee of \$200.00 for each salesroom.  
9 Additionally, subject to rules and regulations, one salesroom per  
10 county may be jointly controlled and operated by at least [five]  
11 two plenary or farm winery licensees for the sale of the products  
12 [produced under the licenses of such licensees] of any plenary or  
13 farm winery licensee for consumption on or off the premises and  
14 for consumption on the licensed premises for sampling purposes  
15 [only], at an additional fee of \$500.00 per county salesroom. For  
16 the purposes of this subsection, "sampling" means the selling at a  
17 nominal charge or the gratuitous offering of an open container  
18 not exceeding one and one-half ounces of any wine.

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

24 Wine blending license. 2c. The holder of this license shall be  
25 entitled, subject to rules and regulations, to blend, treat, mix,  
26 and bottle fermented wines and fruit juices with non-alcoholic  
27 beverages, and to sell and distribute his products to wholesalers  
28 and retailers licensed in accordance with this chapter, and to sell  
29 and distribute without this State to any persons pursuant to the  
30 laws of the places of such sale and distribution, and to maintain a  
31 warehouse. The fee for this license shall be \$500.00.

32 Plenary distillery license. 3a. The holder of this license shall  
33 be entitled, subject to rules and regulations, to manufacture any  
34 distilled alcoholic beverages and rectify, blend, treat and mix,  
35 and to sell and distribute his products to wholesalers and retailers  
36 licensed in accordance with this chapter, and to sell and  
37 distribute without this State to any persons pursuant to the laws  
38 of the places of such sale and distribution, and to maintain a  
39 warehouse. The fee for this license shall be \$10,000.00.

40 Limited distillery license. 3b. The holder of this license shall  
41 be entitled, subject to rules and regulations, to manufacture and  
42 bottle any alcoholic beverages distilled from fruit juices and  
43 rectify, blend, treat, mix, compound with wine and add necessary  
44 sweetening and flavor to make cordial or liqueur, and to sell and  
45 distribute to wholesalers and retailers licensed in accordance  
46 with this chapter, and to sell and distribute without this State to  
47 any persons pursuant to the laws of the places of such sale and  
48 distribution and to warehouse these products. The fee for this  
49 license shall be \$3,000.00.

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



1 limited distillery license, and to sell and distribute his products to  
2 wholesalers and retailers licensed in accordance with this  
3 chapter, and to sell and distribute without this State to any  
4 persons pursuant to the laws of the places of such sale and  
5 distribution, and to maintain a warehouse. The fee for this  
6 license shall be graduated as follows: to so bottle and rebottle not  
7 more than 5,000 wine gallons per annum, \$250.00; to so bottle and  
8 rebottle not more than 10,000 wine gallons per annum, \$500.00;  
9 to so bottle and rebottle without limit as to amount, \$1,000.00.

10 Rectifier and blender license. 4. The holder of this license  
11 shall be entitled, subject to rules and regulations, to rectify,  
12 blend, treat and mix distilled alcoholic beverages, and to fortify,  
13 blend, and treat fermented alcoholic beverages, and prepare  
14 mixtures of alcoholic beverages, and to sell and distribute his  
15 products to wholesalers and retailers licensed in accordance with  
16 this chapter, and to sell and distribute without this State to any  
17 persons pursuant to the laws of the places of such sale and  
18 distribution, and to maintain a warehouse. The fee for this  
19 license shall be \$6,000.00.

20 Bonded warehouse bottling license. 5. The holder of this  
21 license shall be entitled, subject to rules and regulations, to  
22 bottle alcoholic beverages in bond on behalf of all persons  
23 authorized by federal and State law and regulations to withdraw  
24 alcoholic beverages from bond. The fee for this license shall be  
25 \$500.00. This license shall be issued only to persons holding  
26 permits to operate Internal Revenue bonded warehouses pursuant  
27 to the laws of the United States.

28 (cf: P.L.1989, c.209, s.1)

29 2. This act shall take effect immediately.

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#### STATEMENT

33

34 This bill revises the laws governing New Jersey farm wineries  
35 in order to promote more effective production and sales for these  
36 small producers of home-grown products.

37 Under current law, farm wineries in New Jersey may hold a  
38 special license to sell their products for consumption off the  
39 premises at two locations in addition to the farm winery. This  
40 bill increases the number of non-farm outlets to five and permits  
41 the sale of products for consumption on the premises.

42 Current law also permits the establishment of one salesroom  
43 per county for the sale of products of farm or plenary winery  
44 licensees for consumption off the licensed premises. However,  
45 this salesroom must be jointly owned by at least five licensees, an  
46 arrangement that is often impractical or unwieldy. This bill  
47 permits two farm or plenary winery licensees to own the  
48 salesroom, which may offer products from any farm winery in the  
49 State for consumption on or off the licensed premises.

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54 Increases farm winery sales locations.

ASSEMBLY, No. 1190

STATE OF NEW JERSEY

INTRODUCED MARCH 30, 1992

By Assemblyman BRYANT

1 AN ACT concerning plenary and farm winery licensees, amending  
2 R.S.33:1-10 and P.L.1940, c.153.

3

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

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

7 33:1-10. Class A licenses shall be subdivided and classified as  
8 follows:

9 Plenary brewery license. 1a. The holder of this license shall  
10 be entitled, subject to rules and regulations, to brew any malt  
11 alcoholic beverages and to sell and distribute his products to  
12 wholesalers and retailers licensed in accordance with this  
13 chapter, and to sell and distribute without this State to any  
14 persons pursuant to the laws of the places of such sale and  
15 distribution, and to maintain a warehouse. The fee for this  
16 license shall be \$8,500.00.

17 Limited brewery license. 1b. The holder of this license shall  
18 be entitled, subject to rules and regulations, to brew any malt  
19 alcoholic beverages in a quantity to be expressed in said license,  
20 dependent upon the following fees and not in excess of 300,000  
21 barrels of 31 fluid gallons capacity per year and to sell and  
22 distribute his products to wholesalers and retailers licensed in  
23 accordance with this chapter, and to sell and distribute without  
24 this State to any persons pursuant to the laws of the places of  
25 such sale and distribution, and to maintain a warehouse. The fee  
26 for this license shall be graduated as follows: to so brew not more  
27 than 50,000 barrels of 31 fluid gallons capacity per annum,  
28 \$1,000.00; to so brew not more than 100,000 barrels of 31 fluid  
29 gallons capacity per annum, \$2,000.00; to so brew not more than  
30 200,000 barrels of 31 fluid gallons capacity per annum, \$4,000.00;  
31 to so brew not more than 300,000 barrels of 31 fluid gallons  
32 capacity per annum, \$6,000.00.

33 Plenary winery license. 2a. Provided that the holder is  
34 engaged in growing and cultivating grapes or fruit used in the  
35 production of wine on at least three acres on, or adjacent to, the  
36 winery premises, the holder of this license shall be entitled,  
37 subject to rules and regulations, to produce any fermented wines,  
38 and to blend, fortify and treat wines, and to sell and distribute his  
39 products to wholesalers and retailers licensed in accordance with  
40 this chapter and to churches for religious purposes, and to sell  
41 and distribute without this State to any persons pursuant to the  
42 laws of the places of such sale and distribution, and to maintain a

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 warehouse, and to sell his products at retail to consumers on the  
2 licensed premises of the winery for consumption on or off the  
3 premises and to offer samples for sampling purposes only. The fee  
4 for this license shall be \$750.00. The holder of this license shall  
5 also have the right to sell such wine at retail in original packages  
6 in [two] five salesrooms apart from the winery premises for  
7 consumption on or off the premises and for sampling purposes for  
8 consumption on the premises, at a fee of \$200.00 for each  
9 salesroom. Additionally, subject to rules and regulations, one  
10 salesroom per county may be [jointly] controlled and operated by  
11 [at least five] a plenary or farm winery [licensees] licensee whose  
12 winery premises are located within the county for the sale of the  
13 products [produced under the licenses of such licensees] of any  
14 plenary or farm winery licensee for consumption on or off the  
15 premises and for consumption on the licensed premises for  
16 sampling purposes [only], at an additional fee of \$500.00 per  
17 county salesroom. Any plenary licensee who has heretofore  
18 utilized a privilege to sell his products for consumption on the  
19 premises at a salesroom other than the licensed premises of the  
20 winery may retain that privilege at the existing location. For the  
21 purposes of this subsection, "sampling" means the selling at a  
22 nominal charge or the gratuitous offering of an open container  
23 not exceeding one and one-half ounces of any wine.

24 Farm winery license. 2b. The holder of this license shall be  
25 entitled, subject to rules and regulations, to manufacture any  
26 fermented wines and fruit juices in a quantity to be expressed in  
27 said license, dependent upon the following fees and not in excess  
28 of 50,000 gallons per year and to sell and distribute his products  
29 to wholesalers and retailers licensed in accordance with this  
30 chapter and to churches for religious purposes and to sell and  
31 distribute without this State to any persons pursuant to the laws  
32 of the places of such sale and distribution, and to maintain a  
33 warehouse and to sell at retail to consumers for consumption on  
34 or off the licensed premises and to offer samples for sampling  
35 purposes only. The license shall be issued only when the winery  
36 at which such fermented wines and fruit juices are manufactured  
37 is located and constructed upon a tract of land exclusively under  
38 the control of the licensee, provided that the licensee is actively  
39 engaged in growing and cultivating an area of not less than three  
40 acres on or adjacent to the winery premises and on which are  
41 growing grape vines or fruit to be processed into wine or fruit  
42 juice; and provided, further, that for the first five years of the  
43 operation of the winery such fermented wines and fruit juices  
44 shall be manufactured from at least 51% grapes or fruit grown in  
45 the State and that thereafter they shall be manufactured from  
46 grapes or fruit grown in this State at least to the extent required  
47 for labeling as "New Jersey Wine" under the applicable federal  
48 laws and regulations. The containers of all wine sold to  
49 consumers by such licensee shall have affixed a label stating such  
50 information as shall be required by the rules and regulations of  
51 the Director of the Division of Alcoholic Beverage Control. The  
52 fee for this license shall be graduated as follows: to so  
53 manufacture between 30,000 and 50,000 gallons per annum,  
54 \$300.00; to so manufacture between 2,500 and 30,000 gallons per

1 annum, \$200.00; to so manufacture between 1,000 and 2,500  
2 gallons per annum, \$100.00; to so manufacture less than 1,000  
3 gallons per annum, \$50.00. No farm winery license shall be held  
4 by the holder of a plenary winery license or be situated on a  
5 premises licensed as a plenary winery.

6 The holder of this license shall also have the right to sell his  
7 products in original packages at retail to consumers in [two] five  
8 salesrooms apart from the winery premises for consumption on or  
9 off the premises, and for sampling purposes for consumption on  
10 the premises, at a fee of \$200.00 for each salesroom.  
11 Additionally, subject to rules and regulations, one salesroom per  
12 county may be [jointly] controlled and operated by [at least five]  
13 a plenary or farm winery [licensees] licensee whose winery  
14 premises are located within the county for the sale of the  
15 products [produced under the licenses of such licensees] of any  
16 plenary or farm winery licensee for consumption on or off the  
17 premises and for consumption on the licensed premises for  
18 sampling purposes [only], at an additional fee of \$500.00 per  
19 county salesroom. For the purposes of this subsection,  
20 "sampling" means the selling at a nominal charge or the  
21 gratuitous offering of an open container not exceeding one and  
22 one-half ounces of any wine.

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

28 Wine blending license. 2c. The holder of this license shall be  
29 entitled, subject to rules and regulations, to blend, treat, mix,  
30 and bottle fermented wines and fruit juices with non-alcoholic  
31 beverages, and to sell and distribute his products to wholesalers  
32 and retailers licensed in accordance with this chapter, and to sell  
33 and distribute without this State to any persons pursuant to the  
34 laws of the places of such sale and distribution, and to maintain a  
35 warehouse. The fee for this license shall be \$500.00.

36 Plenary distillery license. 3a. The holder of this license shall  
37 be entitled, subject to rules and regulations, to manufacture any  
38 distilled alcoholic beverages and rectify, blend, treat and mix,  
39 and to sell and distribute his products to wholesalers and retailers  
40 licensed in accordance with this chapter, and to sell and  
41 distribute without this State to any persons pursuant to the laws  
42 of the places of such sale and distribution, and to maintain a  
43 warehouse. The fee for this license shall be \$10,000.00.

44 Limited distillery license. 3b. The holder of this license shall  
45 be entitled, subject to rules and regulations, to manufacture and  
46 bottle any alcoholic beverages distilled from fruit juices and  
47 rectify, blend, treat, mix, compound with wine and add necessary  
48 sweetening and flavor to make cordial or liqueur, and to sell and  
49 distribute to wholesalers and retailers licensed in accordance  
50 with this chapter, and to sell and distribute without this State to  
51 any persons pursuant to the laws of the places of such sale and  
52 distribution and to warehouse these products. The fee for this  
53 license shall be \$3,000.00.

54 Supplementary limited distillery license. 3c. The holder of

1 this license shall be entitled, subject to rules and regulations, to  
2 bottle and rebottle, in a quantity to be expressed in said license,  
3 dependent upon the following fees, alcoholic beverages distilled  
4 from fruit juices by such holder pursuant to a prior plenary or  
5 limited distillery license, and to sell and distribute his products to  
6 wholesalers and retailers licensed in accordance with this  
7 chapter, and to sell and distribute without this State to any  
8 persons pursuant to the laws of the places of such sale and  
9 distribution, and to maintain a warehouse. The fee for this  
10 license shall be graduated as follows: to so bottle and rebottle not  
11 more than 5,000 wine gallons per annum, \$250.00; to so bottle and  
12 rebottle not more than 10,000 wine gallons per annum, \$500.00;  
13 to so bottle and rebottle without limit as to amount, \$1,000.00.

14 Rectifier and blender license. 4. The holder of this license  
15 shall be entitled, subject to rules and regulations, to rectify,  
16 blend, treat and mix distilled alcoholic beverages, and to fortify,  
17 blend, and treat fermented alcoholic beverages, and prepare  
18 mixtures of alcoholic beverages, and to sell and distribute his  
19 products to wholesalers and retailers licensed in accordance with  
20 this chapter, and to sell and distribute without this State to any  
21 persons pursuant to the laws of the places of such sale and  
22 distribution, and to maintain a warehouse. The fee for this  
23 license shall be \$6,000.00.

24 Bonded warehouse bottling license. 5. The holder of this  
25 license shall be entitled, subject to rules and regulations, to  
26 bottle alcoholic beverages in bond on behalf of all persons  
27 authorized by federal and State law and regulations to withdraw  
28 alcoholic beverages from bond. The fee for this license shall be  
29 \$500.00. This license shall be issued only to persons holding  
30 permits to operate Internal Revenue bonded warehouses pursuant  
31 to the laws of the United States.

32 (cf: P.L.1989, c.209, s.1)

33 2. Section 17 of P.L. 1940, c. 153 (C. 34:2-21.17) is amended  
34 to read as follows:

35 17. No minor under 16 years of age shall be employed,  
36 permitted or suffered to work in, about, or in connection with  
37 power-driven machinery.

38 No minor under 18 years of age shall be employed, permitted or  
39 suffered to work in, about, or in connection with the following:

40 The manufacture or packing of paints, colors, white lead, or  
41 red lead;

42 The handling of dangerous or poisonous acids or dyes; injurious  
43 quantities of toxic or noxious dust, gases, vapors or fumes;

44 Work involving exposure to benzol or any benzol compound  
45 which is volatile or which can penetrate the skin;

46 The manufacture, transportation or use of explosives or highly  
47 inflammable substances;

48 Oiling, wiping, or cleaning machinery in motion or assisting  
49 therein;

50 Operation or helping in the operation of power-driven  
51 woodworking machinery; provided, that apprentices operating  
52 under conditions of bona fide apprenticeship may operate such  
53 machines under competent instruction and supervision;

54 Grinding, abrasive, polishing or buffing machines; provided,

1 that apprentices operating under conditions of bona fide  
2 apprenticeship may grind their own tools;

3 Punch presses or stamping machines if the clearance between  
4 the ram and the dye or the stripper exceeds 1/4 inch;

5 Cutting machines having a guillotine action;

6 Corrugating, crimping or embossing machines;

7 Paper lace machines;

8 Dough brakes or mixing machines in bakeries or cracker  
9 machinery;

10 Calender rolls or mixing rolls in rubber manufacturing;

11 Centrifugal extractors, or mangles in laundries or dry cleaning  
12 establishments;

13 Ore reduction works, smelters, hot rolling mills, furnaces,  
14 foundries, forging shops, or any other place in which the heating,  
15 melting, or heat treatment of metals is carried on;

16 Mines or quarries;

17 Steam boilers carrying a pressure in excess of 15 pounds;

18 Construction work of any kind;

19 Fabrication or assembly of ships;

20 Operation or repair of elevators or other hoisting apparatus;

21 The transportation of payrolls other than within the premises  
22 of the employer.

23 No minor under 18 years of age shall be employed, permitted,  
24 or suffered to work in, about, or in connection with any  
25 establishment where alcoholic liquors are distilled, rectified,  
26 compounded, brewed, manufactured, bottled, or are sold for  
27 consumption on the premises, or in a pool or billiard room;  
28 provided, however, this paragraph shall not apply to minors 16  
29 years of age or over, employed as pinsetters, lane attendants, or  
30 busboys in public bowling alleys as provided in section 3 of  
31 P.L.1940, c.153 (C.34:2-21.3), or to minors employed in theatrical  
32 productions where alcoholic beverages are sold on the premises,  
33 or to minors employed in the production or sale of wine by the  
34 holder of a plenary winery license or farm winery license  
35 pursuant to R.S.33:1-10.

36 Minors 14 years of age or over may be employed as golf course  
37 caddies and pool attendants.

38 No minor under 18 years of age shall be employed, permitted,  
39 or suffered to work in any place of employment, or at any  
40 occupation hazardous or injurious to the life, health, safety, or  
41 welfare of such minor, as such occupation shall, from time to  
42 time, be determined and declared by the Commissioner of Labor  
43 to be hazardous or injurious to the life, health, safety, or welfare  
44 of such minors, after a public hearing thereon and after such  
45 notice as the commissioner may by regulation prescribe.

46 None of the provisions of this section regarding employment in  
47 connection with alcoholic liquors shall be construed to prevent  
48 the employment of minors 16 years of age or more in a restaurant  
49 as defined in section 1 of P.L.1940, c.153 (C.34:2-21.1) and as  
50 provided for in section 3 of P.L.1940, c.153 (C.34:2-21.3), in a  
51 public bowling alley as provided in this section, or in the  
52 executive offices, maintenance departments, or pool or beach  
53 areas of a hotel, motel or guesthouse; provided, however, that no  
54 minor shall engage in the preparation, sale or serving of alcoholic

1 beverages, nor in the preparation of photographs, nor in any  
2 dancing or theatrical exhibition or performance which is not part  
3 of a theatrical production where alcoholic beverages are sold on  
4 the premises, while so employed; and provided, further, that any  
5 minor so employed shall be closely supervised while engaged in  
6 the clearing of alcoholic beverages.

7 Nothing in this section shall be deemed to apply to the work  
8 done by pupils in public or private schools of New Jersey, under  
9 the supervision and instruction of officers or teachers of such  
10 organizations or schools, or to a minor who is 17 years of age  
11 employed in the type of work in which such minor majored under  
12 the conditions of the special vocational school graduate permit  
13 provided in section 15 of P.L.1940, c.153 (C.34:2-21.15).

14 Nothing in this section shall be construed to prevent minors 16  
15 years of age or older who are members of a Junior Firemen's  
16 Auxiliary, created pursuant to N.J.S.40A:14-95, from engaging in  
17 any activities authorized by N.J.S.40A:14-98.

18 Notwithstanding any provision of this section to the contrary, a  
19 minor who is 15 years of age or older may work as a cashier or  
20 bagger on or near a supermarket or retail establishment cash  
21 register conveyor belt.

22 (cf: P.L.1989, c.121, s.2)

23 3. This act shall take effect immediately.

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#### STATEMENT

27

28 This bill is intended to promote more effective production and  
29 sales of home-grown products by New Jersey farm wineries.  
30 Under current law, these wineries may sell their products under  
31 either a plenary winery license or a farm winery license. Both  
32 types of licensees must be actively engaged in cultivating at least  
33 three acres of grapes or other fruit on or adjacent to the winery  
34 premises. A farm licensee may produce no more than 50,000  
35 gallons of wine per year, while no limitation is placed upon a  
36 plenary licensee.

37 Under current law, both types of licensees may sell products  
38 for consumption off premises at two locations apart from the  
39 winery. This bill would allow the establishment of five such sales  
40 locations per licensee and also permit the sale of products for  
41 consumption on the premises.

42 Current law also allows one additional sales location per county  
43 to be jointly controlled and operated by at least five plenary or  
44 farm winery licensees for the off-premises sale of products  
45 produced by these licensees. This bill would allow such a sales  
46 location to be controlled and operated by a single plenary or farm  
47 licensee which would be permitted to sell products of any  
48 licensee for consumption on and off the premises. The current  
49 requirement for joint operation by five licensees has proven to be  
50 impractical and unwieldy.

51 The bill also would permit either type of licensee to employ  
52 minors in the production or sale of wine.

1

2

3 Increases farm winery sales locations.



ASSEMBLY ECONOMIC AND COMMUNITY DEVELOPMENT  
AGRICULTURE AND TOURISM COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

**ASSEMBLY, Nos. 102 and 1190**

**STATE OF NEW JERSEY**

DATED: DECEMBER 3, 1992

The Assembly Economic and Community Development, Agriculture and Tourism Committee reports favorably Assembly Committee Substitute for Assembly Bill Nos. 102 and 1190.

As reported, the committee substitute revises the laws governing New Jersey farm wineries in order to promote more effective production and sales for these small producers of home-grown products.

Under current law, farm wineries in New Jersey may hold a special license to sell their products for consumption off the premises at two locations in addition to the farm winery. This bill increases the number of non-farm outlets to five and permits the sale of products for consumption on the premises.

Current law also permits the establishment of one salesroom per county for the sale of products of farm or plenary winery licensees for consumption off the licensed premises. However, this salesroom must be jointly owned by at least five licensees, an arrangement that is often impractical or unwieldy. This bill permits two or more farm or plenary winery licensees to own the salesroom, which may offer products from any farm winery in the State for consumption on or off the licensed premises.

SENATE COMMERCE COMMITTEE  
STATEMENT TO  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 102 and 1190**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 27, 1993

The Senate Commerce Committee reports favorably and with committee amendments Assembly, No. 102/1190 (ACS).

This bill makes changes to the laws governing New Jersey farm wineries in order to promote more effective production and sales for these small producers of home-grown products.

Under current law, farm wineries in New Jersey may hold a special license to sell their wines for consumption off the premises at two locations in addition to the farm winery. This bill increases the number of non-farm outlets to five and permits the sale of wines for consumption on the premises.

Current law also permits the establishment of one salesroom per county for the sale of wines of farm or plenary winery licensees for consumption off the licensed premises. However, this salesroom must be jointly owned by at least five licensees, an arrangement that is often impractical. This bill permits two or more farm or plenary winery licensees to own the salesroom, which may offer wines from any farm winery in the State for consumption on or off the licensed premises.

The committee amended the bill to clarify that "product" as used in subsection 2a. of R.S.33:1-10 means any wine that is produced, blended, fortified, or treated by the plenary winery licensee on its licensed premises situated in this State; and to "grandfather" those plenary winery licensees who would not meet this change in the definition.

LEGISLATIVE FISCAL ESTIMATE TO  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, Nos. 102 and 1190  
STATE OF NEW JERSEY

DATED: July 8, 1993

Assembly Committee Substitute for Assembly Bills Nos. 102 and 1190 revises the laws governing farm winery promotion and sales.

Under current law, farm wineries may hold a special license to sell their products for consumption off the premises at two locations in addition to the farm winery. This bill increases the number of non-farm outlets to five and permits the sale of products for consumption on the premises. The fee for this license is \$200.

Current law also permits the establishment of one salesroom per county for the sale of products of farm or plenary winery licensees for consumption off the licensed premises. However, this salesroom must be jointly owned by at least five licensees. This bill permits two or more farm or plenary winery licensees to own the salesroom which may offer products from any farm winery in the State for consumption on or off the licensed premises. The fee for this license is \$500.

According to a spokesperson from the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, this bill would have a minimal fiscal impact on State alcoholic beverage license and tax revenues because these farm wineries currently do not sell significant amounts of wine in their showrooms. Although the division is unable to provide detailed information regarding alcoholic beverage tax revenues generated by wine sales from these showrooms, the division does not anticipate a substantial increase in alcoholic beverage license and tax revenues from the addition of a few showrooms. The spokesperson states that approximately 10 licensees would be affected by this bill.

The Office of Legislative Services concurs.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.