

2C:33-15

LEGISLATIVE HISTORY CHECKLIST

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(Alcoholic beverages--culinary arts)

NJSA: 2C:33-15

LAWS OF: 1997 CHAPTER: 161

BILL NO: A277

SPONSOR(S): Bateman & Kavanaugh

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Law & Public Safety

SENATE: Education

AMENDED DURING PASSAGE: Yes Amendments during passage denoted
First reprint enacted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: February 27, 1997

SENATE: June 16, 1997

DATE OF APPROVAL: July 10, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:
REPORTS: No

HEARINGS: No

KBP:pp

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[Passed Both Houses]

[First Reprint]

ASSEMBLY, No. 277

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen BATEMAN and KAVANAUGH

1 AN ACT concerning the use of alcoholic beverages in certain cases and
2 amending P.L.1979, c.264 ¹[and P.L.1981, c.197]¹.

3

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

6

7 1. Section 1 of P.L.1979, c.264 (C.2C:33-15) is amended to read
8 as follows:

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

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

27 If a person at the time of the imposition of a sentence has a valid
28 driver's license issued by this State, the court shall immediately collect

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:

¹ Assembly ALP committee amendments adopted September 16, 1996.

1 the license and forward it to the division along with the report. If for
2 any reason the license cannot be collected, the court shall include in
3 the report the complete name, address, date of birth, eye color, and
4 sex of the person as well as the first and last date of the license
5 suspension period imposed by the court.

6 The court shall inform the person orally and in writing that if the
7 person is convicted of operating a motor vehicle during the period of
8 license suspension or postponement, the person shall be subject to the
9 penalties set forth in R.S.39:3-40. A person shall be required to
10 acknowledge receipt of the written notice in writing. Failure to
11 receive a written notice or failure to acknowledge in writing the
12 receipt of a written notice shall not be a defense to a subsequent
13 charge of a violation of R.S.39:3-40.

14 If the person convicted under this section is not a New Jersey
15 resident, the court shall suspend or postpone, as appropriate, the
16 non-resident driving privilege of the person based on the age of the
17 person and submit to the division the required report. The court shall
18 not collect the license of a non-resident convicted under this section.
19 Upon receipt of a report by the court, the division shall notify the
20 appropriate officials in the licensing jurisdiction of the suspension or
21 postponement.

22 c. In addition to the general penalty prescribed for a disorderly
23 persons offense, the court may require any person who violates this act
24 to participate in an alcohol education or treatment program,
25 authorized by the Department of Health, for a period not to exceed the
26 maximum period of confinement prescribed by law for the offense for
27 which the individual has been convicted.

28 d. Nothing in this act shall apply to possession of alcoholic
29 beverages by any such person while actually engaged in the
30 performance of employment pursuant to an employment permit issued
31 by the Director of the Division of Alcoholic Beverage Control, or for
32 a bona fide hotel or restaurant, in accordance with the provisions of
33 R.S.33:1-26, or while actively engaged in the preparation of food
34 while enrolled in a culinary arts or hotel management program at a
35 county vocational school or ¹ county college post secondary
36 educational institution¹.

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

41 (cf: P.L.1991, c.169, s.2)

42
43 ¹ [2. Section 1 of P.L.1981, c.197 (C.2C:33-16) is amended to read
44 as follows:

45 1. Any person of legal age to purchase alcoholic beverages, who
46 knowingly and without the express written permission of the school

1 board, its delegated authority, or any school principal, brings or
2 possesses any alcoholic beverages on any property used for school
3 purposes which is owned by any school or school board, is guilty of a
4 disorderly persons offense. For the purposes of this act, the
5 employment of an individual to teach food preparation in a culinary
6 arts program shall constitute express written permission for the
7 possession of alcoholic beverages by that individual when appropriate
8 for the actual preparation of food in a culinary arts class.

9 (cf: P.L.1981, c.197, s.1)]¹

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11 ¹[3.] 2.¹ This act shall take effect immediately.

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16 Permits use of alcoholic beverages in culinary arts food preparation
17 programs.

1 arts program shall constitute express written permission for the
2 possession of alcoholic beverages by that individual when appropriate
3 for the actual preparation of food in a culinary arts class.

4 (cf: P.L.1981, c.197, s.1)

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6 3. This act shall take effect immediately.

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STATEMENT

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11 This bill would permit the use of alcoholic beverages by underage
12 individuals if they are engaged in the preparation of food in a culinary
13 arts or hotel management program at a county vocational school or
14 county college. The bill would also authorize teachers of such courses
15 to possess alcoholic beverages on school premises if the alcohol is to
16 be used for the actual preparation of food in that course of study.

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21 _____
22 Permits use of alcoholic beverages in culinary arts food preparation
programs.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 277

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 16, 1996

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 277 with Committee Amendments.

Assembly Bill 277, as amended by the committee, amends section 1 of P.L.1979, c.264 (C.2C:33-15) to permit underage individuals to use alcoholic beverages when preparing foods as part of a culinary arts or hotel management program at a county vocational school or post secondary educational institution.

Currently, the statutes prohibiting the possession of alcoholic beverages by underage persons do not provide a waiver for underage students who must use such beverages in preparing certain dishes as part of their course work and training in culinary arts or hotel management programs. Consequently, it is a violation of the law for an underage student enrolled in culinary arts or hotel management program to take a course that includes training in the preparation of dishes which involves the use of alcoholic beverages. An underage person charged with the illegal possession and use of an alcoholic beverage is guilty of a disorderly persons offense and subject to a fine of less than \$500.

As reported by the committee, Assembly Bill No. 277 amends section 1 of P.L.1979, c.264 (C.2C:33-15) to permit the use of alcoholic beverages by underage individuals who are engaged in the preparation of food as part of a culinary arts or hotel management program in a county vocational school or post secondary educational institution.

When introduced, the bill also amended section 1 of P.L.1981, c.197 (C.2C:33-16) to authorize persons who teach food preparation courses in culinary arts programs to possess alcoholic beverages on school premises if that alcohol is to be used for the actual preparation of a food dish in a class. The committee removed this provision, believing that this blanket authorization might undermine the authority and power of the local school board and principal to control and regulate the possession of alcoholic beverages on school property.

This bill was pre-filed for introduction in the 1996 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE EDUCATION COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 277

STATE OF NEW JERSEY

DATED: MAY 8, 1997

The Senate Education Committee reports favorably Assembly Bill No. 277 (1R).

This bill will permit underage persons to use alcoholic beverages when preparing foods as part of a culinary arts or hotel management program at a county vocational school or post secondary educational institution.

Currently, the statutes prohibiting the possession of alcoholic beverages by underage persons do not provide a waiver for underage students who must use the beverages in preparing certain dishes as part of their course work and training in culinary arts or hotel management programs. Consequently, it is a violation of the law for an underage student enrolled in culinary arts or hotel management program to take a course that includes training in the preparation of dishes which involves the use of alcoholic beverages. An underage person charged with the illegal possession and use of an alcoholic beverage is guilty of a disorderly persons offense and subject to a fine of not less than \$500.