

33.1-75.1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2011 **CHAPTER:** 169

NJSA: 33.1-75.1 (Eliminates permit requirement for home production of wine and beer for personal use)

BILL NO: A4012 (Substituted for S3147)

SPONSOR(S) Coughlin and others

DATE INTRODUCED: May 19, 2011

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

SENATE: ---

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** December 5, 2011

SENATE: December 15, 2011

DATE OF APPROVAL: January 5, 2012

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First reprint enacted)

A4012

SPONSOR'S STATEMENT: (Begins on page 2 of introduced bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY: Yes
	SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	Yes

S3147

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY: No
	SENATE: Yes
FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/KR

P.L.2011, CHAPTER 169, *approved January 5, 2012*
Assembly, No. 4012 (*First Reprint*)

1 AN ACT concerning the production of wine and beer and amending
2 R.S.33:1-75 ¹and supplementing Title 33 of the Revised
3 Statutes¹.

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

7
8 1. R.S.33:1-75 is amended to read as follows:

9 33:1-75. a. **[**The director may, subject to rules and regulations,
10 issue special permits authorizing the manufacture by a person who
11 is 21 years of age or older, within a home or other noncommercial
12 premises, of wines or malt alcoholic beverages in quantities not
13 exceeding 200 gallons per calendar year for the person's personal or
14 household use or consumption.**]** Deleted by amendment, P.L. ____,
15 c. (pending before the Legislature as this bill) ¹.

16 b. The director may, subject to rules and regulations, issue
17 special permits authorizing the manufacture of wines in an
18 instructional winemaking facility by a person who is 21 years of age
19 or older, residing within or without this State, in quantities not
20 exceeding 200 gallons per calendar year for the person's personal or
21 household use or consumption.

22 c. The director shall, by regulation, establish a reasonable fee
23 to cover the costs incurred in issuing the special permits required by
24 this section.

25 d. A person manufacturing wines ¹**[**or malt alcoholic
26 beverages¹**]** pursuant to this section shall not be liable for any tax
27 imposed under the "Alcoholic beverage tax law," R.S.54:41-1 et
28 seq.

29 (cf: P.L.2007, c.329, s.2)

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31 ¹2. (New section) a. A person who is 21 years of age or older
32 may manufacture within a home or other noncommercial premises
33 wines or malt alcoholic beverages in quantities not exceeding 200
34 gallons per calendar year for the person's personal or household use
35 or consumption.

36 b. A special permit shall not be required to manufacture wines
37 or malt alcoholic beverages pursuant to this section.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ALP committee amendments adopted November 21, 2011.

1 c. A person manufacturing malt alcoholic beverages pursuant to
2 this section shall not be liable for any tax imposed under the
3 "Alcoholic beverage tax law," R.S.54:41-1 et seq.¹

4

5 ¹[2.] 3.¹ This act shall take effect immediately.

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10 Eliminates permit requirement for home production of wine and
11 beer for personal use.

ASSEMBLY, No. 4012

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MAY 19, 2011

Sponsored by:

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

SYNOPSIS

Eliminates permit requirement for home production of wine and beer for personal use.

CURRENT VERSION OF TEXT

As introduced.



A4012 COUGHLIN

2

1 AN ACT concerning the production of wine and beer and amending
2 R.S.33:1-75.

3

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

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7 1. R.S.33:1-75 is amended to read as follows:

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10 is 21 years of age or older, within a home or other noncommercial
11 premises, of wines or malt alcoholic beverages in quantities not
12 exceeding 200 gallons per calendar year for the person's personal or
13 household use or consumption.**]** Deleted by amendment, P.L. _____,
14 c. (pending before the Legislature as this bill)

15 b. The director may, subject to rules and regulations, issue
16 special permits authorizing the manufacture of wines in an
17 instructional winemaking facility by a person who is 21 years of age
18 or older, residing within or without this State, in quantities not
19 exceeding 200 gallons per calendar year for the person's personal or
20 household use or consumption.

21 c. The director shall, by regulation, establish a reasonable fee
22 to cover the costs incurred in issuing the special permits required by
23 this section.

24 d. A person manufacturing wines or malt alcoholic beverages
25 pursuant to this section shall not be liable for any tax imposed under
26 the "Alcoholic beverage tax law," R.S.54:41-1 et seq.
27 (cf: P.L.2007, c.329, s.2)

28

29 2. This act shall take effect immediately.

30

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32 STATEMENT

33

34 Under current law, a person over age 21 may annually
35 manufacture at home up to 200 gallons of wine or beer for personal
36 or household use or consumption. Prior to producing the wine or
37 beer, the person is required to obtain a special permit from the
38 Director of the Division of Alcoholic Beverage Control. This bill
39 eliminates the requirement to obtain a permit. Home production of
40 wine or beer would continue to be limited to a maximum of 200
41 gallons annually under federal regulations.

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.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4012

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 21, 2011

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 4012.

As amended and reported by the committee, Assembly Bill No. 4012 permits persons 21 years of age or older to manufacture wine or beer for their personal use or consumption within their home or on another noncommercial premises without obtaining a special permit.

Under current law, a person who is 21 years of age or older may annually manufacture at home up to 200 gallons of wine or beer for personal or household use or consumption. Prior to producing the wine or beer, the person is required to obtain a special permit from the Director of the Division of Alcoholic Beverage Control. The amended bill clarifies that this permit would no longer be required.

Under the amended bill, home production of wine or beer would continue to be annually limited to a maximum of 200 gallons, a limit imposed under federal regulations.

COMMITTEE AMENDMENTS:

The committee amended the bill to clarify that a person who manufactures wine and beer within a home without a permit as authorized by the bill would not be subject to a penalty for noncompliance with the alcoholic beverage laws.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 4012

STATE OF NEW JERSEY 214th LEGISLATURE

DATED: DECEMBER 8, 2011

SUMMARY

- Synopsis:** Eliminates permit requirement for home production of wine and beer for personal use.
- Type of Impact:** Revenue Loss. General Fund.
- Agencies Affected:** Department of Law and Public Safety; Division of Alcoholic Beverage Control.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate Loss of Revenue		

- The Office of Legislative Services (OLS) notes that the bill may create an indeterminate loss of revenue to Division of Alcoholic Beverage Control (ABC).
- Eliminates \$15 permit requirement for home production of wine and beer for personal use.
- The Office of the Attorney General unofficially provided information that the number of home wine and beer permits issued in calendar year 2010 was 2,194 and in calendar year 2009 was 2,291. These figures may, or may not, include permits to manufacture wine at an instructional winemaking facility which were included in 2007. Prior to the addition of the instructional permits, the number of home wine and beer permits issued was 797 in calendar year 1999.

BILL DESCRIPTION

Assembly Bill No. 4012 (1R) of 2011 permits persons 21 years of age or older to manufacture wine or beer for their personal use or consumption within their home or on another noncommercial premises without obtaining a special permit.

Under current law, a person who is 21 years of age or older may annually manufacture at home up to 200 gallons of wine or beer for personal or household use or consumption. Prior to

producing the wine or beer, the person is required to obtain a special permit for a fee of \$15 from the Director of the Division of Alcoholic Beverage Control.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS notes that the bill may create an indeterminate revenue loss to ABC.

The Office of the Attorney General unofficially provided information that the number of home wine and beer permits issued was 2,194 in calendar year 2010 and 2,291 in calendar year 2009. These figures may, or may not, include instructional permits which were included in 2007. Prior to the addition of the instructional permits, the number of home wine and beer permits issued was 797 in calendar year 1999.

Each applicant for the permit issued by ABC is required to pay a fee of \$15. Based on this information, OLS notes that ABC may lose annually an estimated \$12,000 to \$34,000 in revenue from the elimination of the home wine and beer permits.

At this time OLS is uncertain if the elimination of these permits will in turn create an opportunity to eliminate a full time or part time position within ABC.

Section: Law and Public Safety Section

*Analyst: Kristin B. Santos
Senior Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 3147

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED DECEMBER 1, 2011

Sponsored by:
Senator JOSEPH F. VITALE
District 19 (Middlesex)

SYNOPSIS

Eliminates permit requirement for home production of wine and beer for personal use.

CURRENT VERSION OF TEXT

As introduced.



S3147 VITALE

2

1 AN ACT concerning the production of wine and beer and amending
2 R.S.33:1-75 and supplementing Title 33 of the Revised Statutes.

3

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15 b. The director may, subject to rules and regulations, issue
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18 or older, residing within or without this State, in quantities not
19 exceeding 200 gallons per calendar year for the person's personal or
20 household use or consumption.

21 c. The director shall, by regulation, establish a reasonable fee
22 to cover the costs incurred in issuing the special permits required by
23 this section.

24 d. A person manufacturing wines **[**or malt alcoholic
25 beverages**]** pursuant to this section shall not be liable for any tax
26 imposed under the "Alcoholic beverage tax law," R.S.54:41-1 et
27 seq.
28 (cf: P.L.2007, c.329, s.2)

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30 2. (New section) a. A person who is 21 years of age or older
31 may manufacture within a home or other noncommercial premises
32 wines or malt alcoholic beverages in quantities not exceeding 200
33 gallons per calendar year for the person's personal or household use
34 or consumption.

35 b. A special permit shall not be required to manufacture wines
36 or malt alcoholic beverages pursuant to this section.

37 c. A person manufacturing malt alcoholic beverages pursuant to
38 this section shall not be liable for any tax imposed under the
39 "Alcoholic beverage tax law," R.S.54:41-1 et seq.

40

41 3. This act shall take effect immediately.

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.

S3147 VITALE

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STATEMENT

Under current law, a person over age 21 may annually manufacture at home up to 200 gallons of wine or beer for personal or household use or consumption. Prior to producing the wine or beer, the person is required to obtain a special permit from the Director of the Division of Alcoholic Beverage Control. This bill eliminates the requirement to obtain a permit. Home production of wine or beer would continue to be limited to a maximum of 200 gallons annually under federal regulations.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 3147

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2011

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 3147.

Senate Bill No. 3147 permits persons 21 years of age or older to manufacture wine or beer for their personal use or consumption within their home or on another noncommercial premises without obtaining a special permit.

Under current law, a person who is 21 years of age or older may annually manufacture at home up to 200 gallons of wine or beer for personal or household use or consumption. Prior to producing the wine or beer, the person is required to obtain a special permit from the Director of the Division of Alcoholic Beverage Control. This bill eliminates the requirement to obtain a permit.

Home production of wine or beer would continue to be limited to a maximum of 200 gallons annually under federal regulations.