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RH/CL

P.L. 2021, CHAPTER 48, *approved April 16, 2021*
Senate Committee Substitute (*First Reprint*) for
Senate, No. 3364

1 AN ACT concerning alcoholic beverage licenses and certain retail
2 stores ¹and supplementing Title 33 of the Revised Statutes¹.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. a. For the purposes of this act:

8 “Retail food store” means any retail establishment where
9 groceries and other foodstuffs are regularly and customarily sold in
10 a bona fide manner for off-premises consumption and constitute at
11 least 65 percent of the store’s total annual sales in dollars.

12 “Groceries and other foodstuffs” means dairy products; meat and
13 delicatessen products; produce products; seafood products;
14 carbonated beverages; coffee and other beverages; snack foods;
15 candy products; baked products; paper products; household
16 cleaning items; health and beauty products; frozen foods; pet foods
17 and supplies; and any other edible product not previously listed.

18 b. The provisions of section 1 of P.L.1962, c.152 (C.33:1-12.31)
19 shall not apply to the acquisition of any additional plenary retail
20 distribution license or any interest therein when ¹~~the~~ that
21 acquired¹ license ¹~~or licenses are~~ was, prior to the acquisition,¹
22 used in connection with a retail food store that ¹~~was~~ became¹ an
23 asset in bankruptcy pursuant to Chapter 7 of the federal Bankruptcy
24 Code, 11 U.S.C. s.701 et seq. or Chapter 11 of the federal
25 Bankruptcy Code, 11 U.S.C. s.1101 et seq. and is transferred for use
26 in connection with another or the same retail food store.

27 c. The holder of a plenary retail distribution license acquired
28 pursuant to this section shall be prohibited from transferring the
29 license from the premises of the retail food store for which the
30 license was used prior to the bankruptcy proceeding to another
31 location, other than to another retail food store, except in
32 connection with a relocation of the retail food store to a new
33 location within the same municipality that issued the license.

34 d. A plenary retail distribution license that was in an inactive
35 status pursuant to section 1 of P.L.1977, c.246 (C.33:1-12.39) at the
36 time that the license was transferred as an asset in bankruptcy shall

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:

¹ Assembly AOF committee amendments adopted March 8, 2021.

1 be transferred again within two years following the ¹transfer in the¹
2 bankruptcy proceeding to a person or entity who does not hold a
3 beneficial interest in the license.

4 The provisions of this subsection shall not apply to:

5 (1) a person who held a beneficial interest in ¹~~less~~ fewer¹ than
6 two licenses at the time of acquiring the inactive license in the
7 bankruptcy proceeding and is entitled to hold not more than two
8 retail licenses pursuant to section 1 of P.L.1962, c.152 (C.33:1-
9 12.31); or

10 (2) the holder of plenary retail distribution licenses used in
11 connection with retail food stores who acquires any additional
12 plenary retail distribution license or an interest therein when that
13 license was used in connection with a retail food store that was an
14 asset in bankruptcy pursuant to Chapter 7 of the federal Bankruptcy
15 Code, 11 U.S.C. s.701 et seq., or Chapter 11 of the federal
16 Bankruptcy Code, 11 U.S.C. s.1101 et seq., and when the interest in
17 the retail food store is also acquired.

18 e. ¹Plenary Retail Consumption licenses, pursuant to this act,
19 shall be licenses with “Broad C Package Privileges.”

20 f.¹ A person shall not be entitled to acquire any additional
21 plenary retail distribution license or an interest therein pursuant to
22 this section unless the person purchases or successfully bids in the
23 bankruptcy sale on the assets associated with the retail food store
24 where the license was previously sited.

25
26 2. a. The provisions of section 1 of P.L.1962, c.152 (C.33:1-
27 12.31) shall not apply to the holder of any plenary retail distribution
28 license or licenses who uses the holder’s license or licenses, subject
29 to rules and regulations, in connection with the operation of a retail
30 food store and who acquires any additional alcoholic beverage retail
31 license or licenses in connection with the acquisition of any retail
32 food store as an asset in bankruptcy.

33 The license holder shall be entitled to sell ¹, display, and offer
34 for sale¹ alcoholic beverages on separate contiguous licensed
35 premises with a separate point of sale situated adjacent to the retail
36 food store or in a separated area within the retail food store
37 ¹consistent with the requirements of section 3 of this act,
38 P.L. c. (C.)(pending before the Legislature as this bill)¹,
39 subject to rules and regulations, in connection with the operation of
40 a retail food store selling alcoholic beverages, and shall ¹otherwise¹
41 be prohibited from selling alcoholic beverages within the public
42 retail floor area where merchandise including, but not limited to,
43 groceries and other foodstuffs or any other mercantile products are
44 sold at retail.

45 b. The provisions of section 1 of P.L.1962, c.152 (C.33:1-
46 12.31) shall not apply to the holder of any plenary retail distribution

1 license or licenses who used the holder's license or licenses in
2 connection with the operation of one or more retail food stores prior
3 to ¹~~January 1, 2018~~ the effective date of this act,
4 P.L. c. (C.)(pending before the Legislature as this bill)¹ and
5 who acquires or acquired any additional plenary retail distribution
6 license in connection with the acquisition of any retail food store as
7 an asset in bankruptcy.

8 A license holder authorized to acquire an additional license or
9 licenses in accordance with this subsection shall be exempt from the
10 restrictions established in ¹~~subsection a. of this section~~ and shall
11 be entitled to offer alcoholic beverages for sale at such retail food
12 store so acquired in the same public retail store floor area as
13 merchandise including, but not limited to, groceries and other food
14 stuffs on the same licensed premises, except in connection with a
15 relocation of an existing retail food store to a new location in the
16 same licensing municipality that will employ all of the existing
17 prevailing wage positions at the new location of the retail food
18 store] section 3 of this act, P.L. c. (C.)(pending before the
19 Legislature as this bill)¹. The exemption established pursuant to
20 this subsection shall not be transferred to any other location unless
21 the operation of such retail food store, along with the plenary retail
22 ¹~~consumption~~ distribution¹ license, is so transferred.

23
24 ¹3. Notwithstanding any other law, rule, or regulation to the
25 contrary, a license holder may only sell, display, or offer for sale
26 alcoholic beverages within a retail food store if the area containing
27 the alcoholic beverages is capable of being physically separated
28 from customers during the hours when the sale of alcoholic
29 beverages is restricted by applicable State law or local ordinance.
30 The physical separation shall be by a means reasonably designed to
31 restrict customer access to alcoholic beverages during the
32 prohibited time periods including, but not limited to, the use of a
33 movable gate or fence. Nothing in this section shall require any
34 license holder who, as of the effective date of this act, P.L. c.
35 (C.)(pending before the Legislature as this bill) does not
36 physically separate an area containing alcoholic beverages in a
37 retail food store from establishing the physical separation in the
38 future.¹

39
40 ¹~~3.~~ ¹4.¹ This act shall take effect immediately ¹~~and~~ ¹and¹ be
41 retroactive to the first day of the 85th month prior to the date of
42 enactment ¹~~and expire 90 days~~ ¹. Sections 1 and 2 shall not apply
43 on or after the 180th day¹ next following the date of enactment.

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1 Permits certain licensees to acquire alcoholic beverage license
2 from retail food store that is bankruptcy asset; permits sell, display,
3 and offer for sale alcoholic beverages within physically separated
4 area in retail food store.

SENATE, No. 3364

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 12, 2021

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Permits certain licensees to acquire alcoholic beverage license from retail food store that is bankruptcy asset.

CURRENT VERSION OF TEXT

As introduced.



S3364 SWEENEY

2

1 AN ACT concerning alcoholic beverage licenses, supplementing
2 Title 33 of the Revised Statutes, and amending P.L.1962, c.152.

3

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

6

7 1. (New section) a. For the purposes of this act:

8 “Retail food store” means any retail establishment where
9 groceries and other foodstuffs are regularly and customarily sold in
10 a bona fide manner for off premises consumption and constitute at
11 least 65 percent of the store’s total annual sales in dollars.

12 “Groceries and other foodstuffs” means dairy products; meat and
13 delicatessen products; produce products; seafood products;
14 carbonated beverages; coffee and other beverages; snack foods;
15 candy products; baked products; paper products; household
16 cleaning items; health and beauty products; frozen foods; pet foods
17 and supplies; and any other edible product not previously listed.

18 b. The provisions of section 1 of P.L.1962, c.152 (C.33:1-
19 12.31) shall not apply to the acquisition of an additional plenary
20 retail distribution license or an interest therein when that license
21 was used in connection with a retail food store that was an asset in
22 bankruptcy pursuant to Chapter 7 of the federal Bankruptcy Code,
23 11 U.S.C. s.701 et seq. or Chapter 11 of the federal Bankruptcy
24 Code, 11 U.S.C. s.1101 et seq. and is transferred for use in
25 connection with another retail food store.

26

27 2. Section 1 of P.L.1962, c. 152 (C.33:1-12.31) is amended to
28 read as follows:

29 1. a. On and after the effective date of **[this act no]** P.L.1962,
30 c. 152 (C.33:1-12.31) et seq. , a person [,] as [the same is] defined
31 in R.S. 33:1-1 [,] shall not, except as hereinafter provided, acquire
32 a beneficial interest in more than a total of two alcoholic beverage
33 retail licenses, but nothing herein shall require any such person who
34 has, on August 3, 1962, such an interest in more than two such
35 licenses to surrender, dispose of, or release his interest in any such
36 license or licenses.

37 b. The provisions of subsection a. of this section shall not
38 apply to a license acquired pursuant to section 1 of P.L. _____ ,
39 c. _____ (C. _____) (pending before the Legislature as this bill) that is
40 used in connection with a retail food store.

41 (cf: P.L.1962, c.152, s. 1)

42

43 3. This act shall take effect immediately and be retroactive to
44 the first day of the 37th month prior to the date of enactment.

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.

STATEMENT

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This bill allows a person to hold more than two plenary retail distribution licenses when the additional license or an interest therein was used in connection with a retail food store that was an asset in bankruptcy and is transferred for use in connection with another retail food store.

A plenary retail distribution license is generally issued to retail liquor or food stores and allows the licensee to sell any alcoholic beverage for consumption off the licensed premises. Current law prohibits any person or corporate entity from holding more than two plenary retail distribution licenses to sell alcoholic beverages. This bill waives this two license limitation when an additional license is acquired from a retail food store that was an asset in a bankruptcy proceeding and the license is transferred for use in connection with another retail food store.

The bill's effective date is retroactive to three years prior to the bill's enactment.

ASSEMBLY OVERSIGHT, REFORM AND FEDERAL
RELATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 3364

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 8, 2021

The Assembly Oversight, Reform and Federal Relations Committee reports favorably a Senate Committee Substitute for Senate Bill No. 3364.

As reported by the committee, the Senate Committee Substitute for Senate Bill No. 3364 allows a person to hold more than two plenary retail distribution licenses when the additional license or an interest therein was used in connection with a retail food store that was an asset in bankruptcy and is transferred for use in connection with another retail food store.

A plenary retail distribution license is generally issued to retail liquor or food stores and allows the licensee to sell any alcoholic beverage for consumption off the licensed premises. Current law prohibits any person or corporate entity from holding more than two plenary retail distribution licenses. This bill waives this two license limitation when an additional license is acquired from a retail food store that was an asset in a bankruptcy proceeding and the license is transferred for use in connection with another retail food store.

The committee substitute places certain restrictions on a plenary retail distribution license used in connection with the retail food store that was acquired following the bankruptcy proceeding. Under the substitute, the holder of a plenary retail distribution license or licenses acquired from a bankruptcy proceeding would be prohibited from transferring the license or licenses from the retail food store to another premises other than another retail food store. This restriction would not apply to a retail food store that relocates to another location within the same municipality that issued the license.

Under current law, an inactive Class C license or “pocket license” is a retail license that is not being used at an open and operating licensed premises. The licensee is required to place the license on “inactive status” when the licensed business ceases operation and the license continues to be held by the licensee of record. The substitute provides that a plenary retail distribution license that was held in inactive status at the time that the license was transferred as an asset in

bankruptcy is to be transferred again within two years following the bankruptcy proceeding to an unrelated third party that does not have an interest in the license. This restriction would not apply if the person acquiring the inactive license held less than two licenses at the time of the acquisition in accordance with current law. The restriction also would not apply to the holder of a plenary retail distribution license used in connection with retail food stores and who acquires any additional plenary retail distribution license, or an interest therein, when that license was used in connection with a retail food store that was an asset in bankruptcy and when the interest in the retail food store is also acquired.

The committee substitute also provides that a person would be prohibited from holding more than two licenses pursuant to the bill's provisions unless the person purchases or successfully bids in the bankruptcy sale on the assets associated with the retail food store where the license was sited.

Finally, the committee substitute requires these retail food stores to sell alcoholic beverages in a separate premises that is situated adjacent to the food store or in a separated area within the food store, and prohibits food stores from selling alcoholic beverages on the floor area where merchandise including, but not limited to, groceries or other foodstuffs or any other mercantile products are sold at retail. A license holder used in connection with a retail food store or stores prior to January 1, 2018 would be entitled to continue to offer alcoholic beverages for sale in the same public retail store floor area as other merchandise, including groceries and other foodstuffs. However, this exemption would not be transferable to any other location unless the operation of such retail food store, along with the liquor license, is so transferred.

The committee substitute would take effect immediately and be retroactive to the first day of the 85th month prior to the date of enactment. This temporary enactment will expire 90 days following the bill's effective date.

This Senate Committee Substitute for Senate Bill No. 3364, as reported by this committee, is identical to the Assembly Committee Substitute for Assembly Bill No. 5267, as substituted and also reported by the committee.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

SENATE, No. 3364

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 14, 2021

The Senate Economic Growth Committee reports favorably and with committee amendments Senate Bill No. 3364.

As amended and reported, this bill allows a person to hold more than two plenary retail distribution licenses when the additional license or an interest therein was used in connection with a retail food store that was an asset in bankruptcy and is transferred for use in connection with another retail food store.

A plenary retail distribution license is generally issued to retail liquor or food stores and allows the licensee to sell any alcoholic beverage for consumption off the licensed premises. Current law prohibits any person or corporate entity from holding more than two plenary retail distribution licenses to sell alcoholic beverages. This bill waives this two license limitation when an additional license is acquired from a retail food store that was an asset in a bankruptcy proceeding and the license is transferred for use in connection with another retail food store.

The bill's effective date is retroactive to the first day of the 85th month prior to the bill's date of enactment.

The committee amended the bill to extend the effective date retroactive to the first day of the 85th month prior to the bill's date of enactment.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 3364**

STATE OF NEW JERSEY

DATED: FEBRUARY 11, 2021

The Senate Budget and Appropriations Committee reports favorably a Senate Committee Substitute for Senate Bill No. 3364.

As reported by the committee, the Senate Committee Substitute for Senate Bill No. 3364 allows a person to hold more than two plenary retail distribution licenses when the additional license or an interest therein was used in connection with a retail food store that was an asset in bankruptcy and is transferred for use in connection with another retail food store.

A plenary retail distribution license is generally issued to retail liquor or food stores and allows the licensee to sell any alcoholic beverage for consumption off the licensed premises. Current law prohibits any person or corporate entity from holding more than two plenary retail distribution licenses. This bill waives this two license limitation when an additional license is acquired from a retail food store that was an asset in a bankruptcy proceeding and the license is transferred for use in connection with another retail food store.

The committee substitute places certain restrictions on a plenary retail distribution license used in connection with the retail food store that was acquired following the bankruptcy proceeding. Under the substitute, the holder of a plenary retail distribution license or licenses acquired from a bankruptcy proceeding would be prohibited from transferring the license or licenses from the retail food store to another premises other than another retail food store. This restriction would not apply to a retail food store that relocates to another location within the same municipality that issued the license.

Under current law, an inactive Class C license or “pocket license” is a retail license that is not being used at an open and operating licensed premises. The licensee is required to place the license on “inactive status” when the licensed business ceases operation and the license continues to be held by the licensee of record. The substitute provides that a plenary retail distribution license that was held in inactive status at the time that the license was transferred as an asset in bankruptcy is to be transferred again within two years following the bankruptcy proceeding to an unrelated third party that does not have an interest in the license. This restriction would not apply if the person acquiring the inactive license held less than two licenses at the time of the acquisition

in accordance with current law. The restriction also would not apply to the holder of a plenary retail distribution license used in connection with retail food stores and who acquires any additional plenary retail distribution license, or an interest therein, when that license was used in connection with a retail food store that was an asset in bankruptcy and when the interest in the retail food store is also acquired.

The committee substitute also provides that a person would be prohibited from holding more than two licenses pursuant to the bill's provisions unless the person purchases or successfully bids in the bankruptcy sale on the assets associated with the retail food store where the license was sited.

Finally, the committee substitute requires these retail food stores to sell alcoholic beverages in a separate premises that is situated adjacent to the food store or in a separated area within the food store, and prohibits food stores from selling alcoholic beverages on the floor area where merchandise including, but not limited to, groceries or other foodstuffs or any other mercantile products are sold at retail. A license holder used in connection with a retail food store or stores prior to January 1, 2018 would be entitled to continue to offer alcoholic beverages for sale in the same public retail store floor area as other merchandise, including groceries and other foodstuffs. However, this exemption would not be transferable to any other location unless the operation of such retail food store, along with the liquor license, is so transferred.

The committee substitute would take effect immediately and be retroactive to the first day of the 85th month prior to the date of enactment. This temporary enactment will expire 90 days following the bill's effective date.

FISCAL IMPACT:

This bill not certified as requiring a fiscal note.

ASSEMBLY, No. 5267

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 25, 2021

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Permits certain licensees to acquire alcoholic beverage license from retail food store that is bankruptcy asset.

CURRENT VERSION OF TEXT

As introduced.



A5267 BURZICHELLI

2

1 AN ACT concerning alcoholic beverage licenses, supplementing
2 Title 33 of the Revised Statutes, and amending P.L.1962, c.152.

3

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

6

7 1. (New section) a. For the purposes of this act:

8 “Retail food store” means any retail establishment where
9 groceries and other foodstuffs are regularly and customarily sold in
10 a bona fide manner for off premises consumption and constitute at
11 least 65 percent of the store’s total annual sales in dollars.

12 “Groceries and other foodstuffs” means dairy products; meat and
13 delicatessen products; produce products; seafood products;
14 carbonated beverages; coffee and other beverages; snack foods;
15 candy products; baked products; paper products; household
16 cleaning items; health and beauty products; frozen foods; pet foods
17 and supplies; and any other edible product not previously listed.

18 b. The provisions of section 1 of P.L.1962, c.152 (C.33:1-
19 12.31) shall not apply to the acquisition of an additional plenary
20 retail distribution license or an interest therein when that license
21 was used in connection with a retail food store that was an asset in
22 bankruptcy pursuant to Chapter 7 of the federal Bankruptcy Code,
23 11 U.S.C. s.701 et seq. or Chapter 11 of the federal Bankruptcy
24 Code, 11 U.S.C. s.1101 et seq. and is transferred for use in
25 connection with another retail food store.

26

27 2. Section 1 of P.L.1962, c.152 (C.33:1-12.31) is amended to
28 read as follows:

29 1. a. On and after the effective date of **[this act no]** P.L.1962,
30 c. 152 (C.33:1-12.31) et seq. , a person [,] as [the same is] defined
31 in R.S. 33:1-1 [,] shall not, except as hereinafter provided, acquire
32 a beneficial interest in more than a total of two alcoholic beverage
33 retail licenses, but nothing herein shall require any such person who
34 has, on August 3, 1962, such an interest in more than two such
35 licenses to surrender, dispose of, or release his interest in any such
36 license or licenses.

37 b. The provisions of subsection a. of this section shall not
38 apply to a license acquired pursuant to section 1 of P.L. _____ ,
39 c. _____ (C. _____) (pending before the Legislature as this bill) that is
40 used in connection with a retail food store.

41 (cf: P.L.1962, c.152, s.1)

42

43 3. This act shall take effect immediately and be retroactive to
44 the first day of the 37th month prior to the date of enactment.

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.

STATEMENT

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This bill allows a person to hold more than two plenary retail distribution licenses when the additional license or an interest therein was used in connection with a retail food store that was an asset in bankruptcy and is transferred for use in connection with another retail food store.

A plenary retail distribution license is generally issued to retail liquor or food stores and allows the licensee to sell any alcoholic beverage for consumption off the licensed premises. Current law prohibits any person or corporate entity from holding more than two plenary retail distribution licenses to sell alcoholic beverages. This bill waives this two license limitation when an additional license is acquired from a retail food store that was an asset in a bankruptcy proceeding and the license is transferred for use in connection with another retail food store.

The bill's effective date is retroactive to three years prior to the bill's enactment.

ASSEMBLY OVERSIGHT, REFORM AND FEDERAL
RELATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 5267

STATE OF NEW JERSEY

DATED: MARCH 8, 2021

The Assembly Oversight, Reform and Federal Relations Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 5267.

As reported by the committee, the Assembly Committee Substitute for Assembly Bill No. 5267 allows a person to hold more than two plenary retail distribution licenses when the additional license or an interest therein was used in connection with a retail food store that was an asset in bankruptcy and is transferred for use in connection with another retail food store.

A plenary retail distribution license is generally issued to retail liquor or food stores and allows the licensee to sell any alcoholic beverage for consumption off the licensed premises. Current law prohibits any person or corporate entity from holding more than two plenary retail distribution licenses. This bill waives this two license limitation when an additional license is acquired from a retail food store that was an asset in a bankruptcy proceeding and the license is transferred for use in connection with another retail food store.

The committee substitute places certain restrictions on a plenary retail distribution license used in connection with the retail food store that was acquired following the bankruptcy proceeding. Under the substitute, the holder of a plenary retail distribution license or licenses acquired from a bankruptcy proceeding would be prohibited from transferring the license or licenses from the retail food store to another premises other than another retail food store. This restriction would not apply to a retail food store that relocates to another location within the same municipality that issued the license.

Under current law, an inactive Class C license or “pocket license” is a retail license that is not being used at an open and operating licensed premises. The licensee is required to place the license on “inactive status” when the licensed business ceases operation and the license continues to be held by the licensee of record. The substitute provides that a plenary retail distribution license that was held in inactive status at the time that the license was transferred as an asset in bankruptcy is to be transferred again within two years following the bankruptcy proceeding to an unrelated third party that does not have

an interest in the license. This restriction would not apply if the person acquiring the inactive license held less than two licenses at the time of the acquisition in accordance with current law. The restriction also would not apply to the holder of a plenary retail distribution license used in connection with retail food stores and who acquires any additional plenary retail distribution license, or an interest therein, when that license was used in connection with a retail food store that was an asset in bankruptcy and when the interest in the retail food store is also acquired.

The committee substitute also provides that a person would be prohibited from holding more than two licenses pursuant to the bill's provisions unless the person purchases or successfully bids in the bankruptcy sale on the assets associated with the retail food store where the license was sited.

Finally, the committee substitute requires these retail food stores to sell alcoholic beverages in a separate premises that is situated adjacent to the food store or in a separated area within the food store, and prohibits food stores from selling alcoholic beverages on the floor area where merchandise including, but not limited to, groceries or other foodstuffs or any other mercantile products are sold at retail. A license holder used in connection with a retail food store or stores prior to January 1, 2018 would be entitled to continue to offer alcoholic beverages for sale in the same public retail store floor area as other merchandise, including groceries and other foodstuffs. However, this exemption would not be transferable to any other location unless the operation of such retail food store, along with the liquor license, is so transferred.

The committee substitute would take effect immediately and be retroactive to the first day of the 85th month prior to the date of enactment. This temporary enactment will expire 90 days following the bill's effective date.

This Assembly Committee Substitute for Assembly Bill No. 5267, as reported by this committee, is identical to the Senate Committee Substitute for Senate Bill No. 3364, also reported by the committee.

Governor Murphy Takes Action on Legislation

04/16/2021

TRENTON - Today, Governor Phil Murphy signed the following bill into law:

S-3364/A-5267 (Sweeney/Burzichelli, Mukherji) – Permits certain licensees to acquire alcoholic beverage license from retail food store that is bankruptcy asset; permits sell, display, and offer for sale alcoholic beverages within physically separated area in retail food store.