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P.L. 2020, CHAPTER 33, ***approved May 15, 2020***
Assembly Committee Substitute for
Assembly, No. 3966

AN ACT concerning the delivery and sale of alcoholic beverages during a state of emergency.

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

1. As used in this act:

"Retail consumption license or permit" means a plenary retail consumption license, plenary retail consumption license used in connection with a hotel or motel, or seasonal retail consumption license issued pursuant to R.S.33:1-12, or concessionaire permit issued pursuant to Title 33 of the Revised Statutes that authorizes the sale of all alcoholic beverages for consumption on the licensed premises.

"State of emergency" means the state of emergency declared by the Governor pursuant to Executive Order No. 103 of 2020 in response to the COVID-19 pandemic.

2. a. Notwithstanding the provisions of R.S.33:1-12 or any other law to the contrary, during the period this section remains in effect the holder of a retail consumption license or permit shall be entitled to:

(1) sell on the licensed premises for consumption off the licensed premises any alcoholic beverages in original containers or in any other closed and sealed containers or any distilled alcoholic beverages mixed or blended with other alcoholic or nonalcoholic beverages in closed and sealed containers; and

(2) deliver, by common carrier or otherwise, to the residence of a consumer within this State who is 21 years of age or older for consumption off the licensed premises any alcoholic beverages in original containers or in any other closed and sealed containers or any distilled alcoholic beverages mixed or blended with other alcoholic or nonalcoholic beverages in closed and sealed containers. b. Containers in which alcoholic beverages are sold or delivered pursuant to this section shall be affixed with a tamper evident seal and may be of any size, except that containers, other than original containers, in which any distilled alcoholic beverages mixed or blended with other alcoholic beverages are sold or delivered pursuant to this section shall have a maximum capacity of 16 fluid ounces.

3. a. Notwithstanding the provisions of R.S.33:1-10 or any other law to the contrary, during the period this section remains in effect the holder of a craft distillery license shall be entitled to sell on the licensed premises for consumption off the licensed premises:

(1) distilled alcoholic beverages that are manufactured on the licensed premises and mixed or blended with other alcoholic or nonalcoholic beverages and sold in closed and sealed containers; and

(2) distilled alcoholic beverages that are manufactured on the licensed premises and sold in original containers and accompanied by one or more nonalcoholic beverages or food stuffs that may be combined by the consumer to prepare a mixed drink.

b. Containers in which distilled alcoholic beverages are sold pursuant to this section shall be affixed with a tamper evident seal and may be of any size, except that containers, other than original containers, in which any distilled alcoholic beverages mixed or blended with other alcoholic beverages are sold pursuant to this section shall have a maximum capacity of 16 fluid ounces.

c. Any food stuffs sold pursuant to paragraph (2) of subsection a. of this section shall be sold only as a mixed drink ingredient and not as a separate meal.

4. The privileges established pursuant to sections 1 through 3 of this act and Special Ruling No. 2020-1 issued by the Director of the Division of Alcoholic Beverage Control shall remain in effect until: (1) the date of expiration, termination, or rescission of any executive or administrative orders issued by the Governor or Commissioner of Health establishing coronavirus-related occupancy or customer seating restrictions applicable to licensed premises; or (2) the first day of the seventh month following the date on which the Governor declares that the state of emergency has ended, whichever date occurs later.

5. Whenever the Governor declares a public health emergency pursuant to the "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.), the Division of Alcoholic Beverage Control shall publish on its website a notice to licensees advising that, in accordance with R.S.54:43-2, no tax imposed pursuant to the "Alcoholic Beverage Tax Law," R.S. 54:41-1 et seq. shall be payable on any sale or delivery of alcohol used by a licensee in the production of hand sanitizer and other patent, proprietary, medicinal, pharmaceutical, antiseptic and toilet preparations, provided that the license holder submits to the Division of Taxation satisfactory evidence of such sale, delivery, and intended use of the alcohol for such preparations.

6. This act shall take effect immediately and shall expire on: (1) the date of expiration, termination, or rescission of any and all executive or administrative orders issued by the Governor or Commissioner of Health establishing coronavirus-related occupancy or customer seating restrictions applicable to licensed premises; or (2) the first day of the seventh month following the date on which the Governor declares that the state of emergency has ended, whichever date occurs later.

Concerns delivery and sale of alcoholic beverages during declared state of emergency; requires ABC director to notify licensees of certain tax exemptions during emergency.