

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF ALCOHOLIC BEVERAGE CONTROL

AN 2020-03 – ADVISORY NOTICE TO INDUSTRY INTERESTS OPERATING
DURING COVID-19 EMERGENCY

The Division of Alcoholic Beverage Control (the “Division”) is issuing the following guidance to the industry and to law enforcement agencies to clarify acceptable operations following the issuance of Governor Murphy’s Executive Order No. 107 (2020) (“EO No. 107”). This guidance represents the Division’s interpretation of EO No. 107, which Governor Murphy signed on March 21, 2020 in response to the public health hazard posed by the novel Coronavirus disease 2019 (“COVID-19”). EO No. 107 supersedes the operative paragraphs in Executive Order No. 104 (March 16, 2020). In the event there is a conflict between this Advisory Notice and any Executive Order, the applicable EO shall control.

1. **Only licensed establishments may sell alcoholic beverages.** Licensed bars and restaurants, holding either a “32”, “33”, “34”, “36”, or “40” license, may be open during their posted normal business hours, but may only sell food and alcoholic beverages in original sealed containers from their principal public barrooms for customer pick up or delivery. If these licensees deliver alcoholic beverages to consumers’ homes, they must obtain a transit insignia from the Division or use an otherwise licensed entity authorized to transport alcoholic beverages. No sales of hard liquor or spirits are permitted to be sold by any of the aforementioned licensees after 10:00 PM pursuant to N.J.A.C. 13:2-38.1(b).
2. **No licensee with a retail consumption privilege may sell, serve or deliver alcoholic beverages for on-premises consumption.** This means that no table, bar, or tasting room service is permitted by any holder of a liquor license until further notice. In addition, no licensee may sell, serve or deliver alcoholic beverages in open containers.
3. **Social clubs.** Paragraph 9(g) of EO No. 107 requires that all public and private social clubs (“31” licensees), whether or not they serve alcohol, be closed to the public.
4. **Concessionaire permits.** Holders of State concessionaire permits (or annual State permits) (“14 licensees”) must request permission to sell alcoholic beverages in original sealed containers for off-premises consumption, and such permission will be granted upon a finding by the Director of “good cause.” See N.J.A.C. 13:2-5.2(g). Requests for relief shall be liberally construed during the duration of the public health emergency, and shall be granted on an expedited basis. If such sales are permitted, the permittee must obtain a transit insignia from the Division or use an otherwise licensed entity authorized to transport alcoholic beverages.
5. **Manufacturing licenses.** Holders of limited brewery licenses (“11”), restricted brewery licenses (“08”), plenary (“21”) and farm winery (“22”) licenses, craft distillery licenses

("07"), and cidery and meadery licenses ("02") may sell alcoholic beverages in original sealed containers from their tasting rooms for customer pick up during their posted normal business hours. Pick up should be arranged outside or adjacent to the premises. Delivery of original sealed containers of alcoholic beverages by any of the aforementioned licensees is permitted in accordance with their existing licenses, and all licensees making such deliveries must obtain a transit insignia from the Division or use an otherwise licensed entity authorized to transport alcoholic beverages. Licensees shall adhere to the quantity limitations set forth in N.J.S.A. 33:1-10 for off-premises distribution.

6. **No on-premises consumption at manufacturers' tasting rooms.** Holders of the licenses described in Paragraph 5 shall not permit any on-premises consumption of alcoholic beverages.
7. **Direct shipping; craft distilleries and limited breweries.** N.J.S.A. 33:1-10(3)d does not permit the holders of craft distillery licenses to direct ship distilled spirits to customers' homes. Direct shipping of alcoholic beverages to customers' homes by the holders of limited brewery licenses is not prohibited by N.J.S.A. 33:1-10(1)b, but was restricted by the Director's Special Ruling Authorizing Certain Activities by Limited Brewery Licenses, dated May 28, 2019 ("May 2019 Special Ruling"). See Schedule A, Paragraph 2(j). Concurrent with this Advisory Notice, the Division has issued a Special Ruling Granting Relaxation of Schedule A, Paragraph 2(j) of the May 2019 Special Ruling, which authorizes Limited Breweries to make home deliveries of their products as provided therein.
8. **Growlers and crowlers.** For purposes of EO No. 107, "growlers" and "crowlers" will be considered original sealed containers, which may be sold for off-premises consumption by retail consumption licensees or breweries.
9. **Liquor stores.** Liquor stores (holders of "44s" and "32s" acting as liquor stores) are designated as essential retail businesses in Paragraph 6 of EO No. 107 and may remain open during their posted normal business hours. Licensees shall adhere to federal and State social distancing and disease prevention guidelines. These include all reasonable efforts to keep customers six feet apart and to frequently use sanitizing products on common surfaces. Wherever practicable, licensees must provide pick-up services outside or adjacent to their stores for goods ordered online or by phone. If a liquor store delivers alcoholic beverages, the licensee must do so in accordance with a transit insignia obtained from the Division or must use an otherwise licensed entity authorized to transport alcoholic beverages.
10. **Grocery and food stores.** If a grocery/food store also has a "44" license, all sales of alcoholic beverages for off-premises consumption must be in accordance with the provisions outlined in Paragraph 9 above.

Please be advised that violations of the alcoholic beverage provisions of EO No. 107 may be reported to the Division for enforcement in addition to the penalties as described in the Order.

In the event that State or local law enforcement orders the closure of licensed premises operating in violation of EO No. 107, a police report of such closure must be forwarded to the ABC Enforcement Bureau for regulatory enforcement review.



JAMES B. GRAZIANO
ACTING DIRECTOR

Dated: March 30, 2020