

# New Jersey Division of Alcoholic Beverage Control Issues Guidance Concerning COVID-19 Emergency Operations

Article By:

Food, Beverage & Hospitality

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Following last week's Executive Order No. 107, the [New Jersey Division of Alcoholic Beverage Control](#) ("ABC") has issued Advisory Notice AN 2020-03 regarding industry member's operations amidst the COVID-19 emergency, as well as a Special Ruling relaxing certain provisions of its May 29, 2019, Special Ruling Authorizing Certain Activities By Holders of Limited Licenses.

## AN 2020-03 – Advisory Notice to Industry Interests Operating During COVID-19 Emergency ("Advisory Notice")

**The Advisory Notice confirms a number of items set forth in Executive Order No. 107:**

1. **Bars and Restaurants.** Licensed bars and restaurants may be open during their normal business hours, but for pick-up and delivery only. There is no on-premise consumption until further notice. Deliveries by licensees must be in vehicles with a transit insignia, and there is no delivery of open containers. The Advisory Opinion reminds retailers that the sale of hard liquor/spirits is prohibited after 10:00 p.m.
2. **Private Clubs.** Whether or not they sell alcohol, private clubs must be closed.
3. **Concessionaire Permits.** Those holding concessionaire permits (issued by the state to persons or businesses operating on property owned or under the control of the State, county, or municipality), may seek special permission to sell alcoholic beverages in original sealed containers for off-site consumption by demonstrating good cause, as set forth in the concessionaire permit statute.
4. **Craft Manufacturing Licenses.** There is no on-premise consumption in tasting rooms until further notice. They may sell alcoholic beverages in original sealed containers for customer pick-up (outside or adjacent to the premises) during their normal business hours. Deliveries must be made using vehicles with a transit insignia.
5. **Liquor Stores.** Liquor stores are considered essential businesses and may remain open during normal hours. Liquor stores must adhere to applicable federal and state social

distancing guidelines. They must try to provide pick-up services for orders placed by phone or online. Deliveries must be made using vehicles with a transit insignia. Grocery stores with a liquor store license may continue to operate in accordance with the above.

### **The clarifications set forth in the Advisory Opinion for the COVID-19 emergency:**

1. **Craft Breweries.** Home deliveries permitted for limited (craft) breweries. Following Executive Order No. 107, limited brewers began delivering product to customers' homes. Although this is not prohibited by the authorizing statute, it was disallowed under the May 29, 2019, Special Ruling. Questions were raised whether Executive Order No. 107 did in fact authorize home deliveries by craft breweries and whether that was intended by the Governor. In light of this "confusion," the Advisory Opinion expressly permits deliveries to customer's homes in a vehicle with a transit insignia.
2. **Craft Distilleries.** No home deliveries for craft distilleries. Craft distilleries, however, are *not* permitted to deliver to customers' homes, as that conduct is expressly prohibited by the applicable statute.
3. **Growlers and Crawlors.** Growlers and crawlors are considered original sealed containers for purposes of off-premises sales by retailers and limited breweries.

SR 2020-01 Special Ruling Granting the Relaxation of Schedule A, Paragraph 2(j) of the Special Ruling Authorizing Certain Activities by Holders of Limited Brewery Licenses ("New Special Ruling")

The New Special Ruling explicitly suspends the prohibition of home deliveries by limited breweries (discussed above), explaining the ABC's rationale for allowing home deliveries, namely, keeping breweries afloat during these unprecedented circumstances.

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National Law Review, Volume X, Number 91

Source URL: <https://natlawreview.com/article/new-jersey-division-alcoholic-beverage-control-issues-guidance-concerning-covid-19>