

1. All locations authorized pursuant to N.J.S.A. 5:12-103(g)(1) shall be classified as Type I (casino/casino simulcasting facility) locations.

2. All locations authorized pursuant to N.J.S.A. 5:12-103(g)(2) shall be classified as Type II (hotel) locations.

3. All locations authorized pursuant to N.J.S.A. 5:12-103(g)(3) shall be classified as Type III (packaged goods) locations.

4. All locations authorized pursuant to N.J.S.A. 5:12-103(g)(4) shall be classified as Type IV (room service) locations.

5. All locations authorized pursuant to N.J.S.A. 5:12-103(g)(5) shall be classified as Type V (storage) locations.

(b) The activities permitted in each type of authorized location, subject to applicable laws, rules, and regulations, are as follows:

1. In a Type I location, a CHAB licensee shall be entitled to sell any alcoholic beverage by the glass, or other open receptacle, but not in an original container, for on-premises consumption within a casino or casino simulcasting facility.

2. In a Type II location, a CHAB licensee shall be entitled to sell any alcoholic beverage by the glass or other open receptacle for on-premises consumption within a casino hotel but not in a casino or casino simulcasting facility, or from fixed locations outside a casino hotel, but on a casino hotel premises. Examples of Type II locations include, without limitation, showrooms, cabarets, restaurants, meeting rooms, pubs and lounges.

3. In a Type III location, a CHAB licensee shall be entitled to sell any alcoholic beverage in original containers from an enclosed package goods room, not in a casino or casino simulcasting facility, for consumption outside the authorized location.

4. In a Type IV location, a CHAB licensee shall be entitled to sell any alcoholic beverage from a room service location within an enclosed room, not in a casino or casino simulcasting facility, for delivery to a guest room or to any other room in the premises authorized by the Commission, other than a Type I, III or V location.

5. In a Type V location, a CHAB licensee shall be entitled to possess or to store in a fixed location on the premises, not in a casino or casino simulcasting facility, alcoholic beverages intended but not actually exposed for sale.

(c) Notwithstanding any other provision of this chapter to the contrary, a CHAB licensee shall be entitled to possess or store within any of its authorized locations alcoholic beverages intended but not actually exposed for sale in that

authorized location, without obtaining a separate or additional Type V location authorization.

(d) The Commission may, consistent with the requirements of (b) above, issue two or more types of authorizations for the same authorized location, or different types of authorizations for different areas of the same authorized location.

Amended by R.1988 d.257, effective June 6, 1988.

See: 20 N.J.R. 770(a), 20 N.J.R. 1210(a).

Amended by R.1992 d.14, effective January 6, 1992.

See: 23 N.J.R. 3087(b), 24 N.J.R. 110(b).

Revised pursuant to P.L. 1991, c.182.

Amended by R.1993 d.37, effective January 19, 1993.

See: 24 N.J.R. 3695(a), 25 N.J.R. 348(b).

Simulcast requirements added at (a)6 and (b)6.

Amended by R.1993 d.541, effective November 1, 1993.

See: 25 N.J.R. 3687(a), 25 N.J.R. 4928(a).

Amended by R.1994 d.284, effective June 6, 1994.

See: 26 N.J.R. 1211(a), 26 N.J.R. 2477(b).

19:50-1.4A Restricted brewery authorization

(a) A CHAB licensee with a restricted brewery authorization may, in an approved restricted brewery location, brew malt alcoholic beverages in quantities not in excess of 3,000 barrels of 31 fluid gallons per year. Such beverages may be offered for sale in open containers within any of the CHAB licensee's authorized Type I or Type II locations.

(b) The Commission shall issue a restricted brewery authorization to a CHAB licensee, provided that:

1. The licensed premises include a full-service restaurant authorized as a Type II location; and

2. The CHAB licensee submits the following to the Commission:

i. Proof of posting of a tax bond with the New Jersey Division of Taxation;

ii. Proof of registration as a brewer with the United States Bureau of Alcohol, Tobacco and Firearms;

iii. Proof of compliance with all applicable State, county and local requirements associated with manufacturing and waste water discharge;

iv. A description of the amount of malt alcoholic beverages to be brewed each year; and

v. Payment of any applicable fee required by N.J.A.C. 19:41-9.7.

New Rule, R.1997 d.460, effective November 3, 1997.

See: 29 N.J.R. 3706(a), 29 N.J.R. 4715(b).

19:50-1.5 Standards for qualification

(a) No CHAB license shall issue unless each person required to qualify shall have first qualified in accordance with the CHAB license standards set forth in section 103 of the Act, the regulations of the Commission, Title 33 of the Revised Statutes, and the rules, regulations and bulletins of

the Division of Alcoholic Beverage Control, except where inconsistent with the Act or the regulations of the Commission.

(b) No CHAB license which authorizes the sale of alcoholic beverages within a casino or casino simulcasting facility shall issue to any applicant who does not hold a casino license issued pursuant to the Act.

(c) No CHAB license which authorizes the possession, sale or storage of alcoholic beverages within any part of the premises, other than a casino or casino simulcasting facility, shall issue to any applicant who would not qualify under the standards for licensure of a non-gaming related casino service industry pursuant to N.J.S.A. 5:12-92(c).

(d) No Type V authorization shall issue to any applicant who does not hold a Type I, II, III, or IV CHAB authorization.

(e) No CHAB licensee shall knowingly employ an unlicensed or unregistered person as a CHAB employee if such person has been convicted of a disqualifying offense pursuant to N.J.S.A. 5:12-86c(1) unless such employment has been expressly authorized by the Commission pursuant to N.J.A.C. 19:41-8.11.

(f) No CHAB licensee shall allow, permit or suffer any wholesaler to sell, give, dispense, or otherwise transfer or dispose of alcoholic beverages to it unless the wholesaler possesses a valid license from the New Jersey Division of Alcoholic Beverage Council.

Amended by R.1988 d.257, effective June 6, 1988.

See: 20 N.J.R. 770(a), 20 N.J.R. 1210(a).

Amended by R.1992 d.14, effective January 6, 1992.

See: 23 N.J.R. 3087(b), 24 N.J.R. 110(b).

Revised pursuant to P.L. 1991 c.182.

Amended by R.1993 d.37, effective January 19, 1993.

See: 24 N.J.R. 3695(a), 25 N.J.R. 348(b).

Simulcasting added.

Amended by R.1993 d.541, effective November 1, 1993.

See: 25 N.J.R. 3687(a), 25 N.J.R. 4928(a).

Amended by R.1994 d.284, effective June 6, 1994.

See: 26 N.J.R. 1211(a), 26 N.J.R. 2477(b).

Amended by R.1996 d. 72, effective February 5, 1996.

See: 27 N.J.R. 3920(a), 28 N.J.R. 901(b).

19:50-1.5A Application for initial Casino Hotel Alcoholic Beverage license

(a) An application for an initial casino hotel alcoholic beverage (CHAB) license pursuant to N.J.S.A. 5:12-103(g) shall consist of the fee specified in N.J.A.C. 19:41-9.7 and a completed original and one copy of a CHAB license application form as set forth in N.J.A.C. 19:41-5.16.

(b) No initial CHAB license application shall be accepted by the Commission unless the applicant has also filed an application for an initial casino service industry license pursuant to N.J.S.A. 5:12-92c and N.J.A.C. 19:51-1.3A(b), or has filed for the renewal of a casino service industry license pursuant to N.J.S.A. 5:12-92c and N.J.A.C. 19:51-1.3B.

New Rule, R.1998 d.51, effective January 20, 1998.
See: 29 N.J.R. 4413(b), 30 N.J.R. 381(a).

19:50-1.5B Application for renewal of Casino Hotel Alcoholic Beverage license

(a) An application for the renewal of a casino hotel alcoholic beverage (CHAB) license pursuant to N.J.S.A. 5:12-103(g) shall consist of the fee specified in N.J.A.C. 19:41-9.7 and a completed original and one copy of a CHAB license renewal application form as set forth in N.J.A.C. 19:41-5.17.

(b) An application for the renewal of a CHAB license shall not be accepted by the Commission unless the licensee has also filed an application for the renewal of its casino service industry license pursuant to N.J.S.A. 5:12-92c and N.J.A.C. 19:51-1.3B.

New Rule, R.1998 d.51, effective January 20, 1998.
See: 29 N.J.R. 4413(b), 30 N.J.R. 381(a).

SUBCHAPTER 2. CONDUCT OF CHAB LICENSEES

19:50-2.1 Operating conditions of CHAB licensees

CHAB licensees shall comply with N.J.S.A. 33:1-1 et seq., N.J.A.C. 13:2-23 et seq. and all other rulings and bulletins of the Division of Alcoholic Beverage Control regarding the retail sale of alcoholic beverages, except as modified by regulations or rulings of the Commission.

Amended by R.1978 d.173, effective May 25, 1978.

See: 10 N.J.R. 210(d), 10 N.J.R. 305(e).

Amended by R.1981 d.438, effective November 16, 1981.

See: 13 N.J.R. 541(b), 13 N.J.R. 849(a).

Amended by R.1983 d.210, effective June 6, 1983.

See: 15 N.J.R. 539(a), 15 N.J.R. 932(b).

Amended by R.1986 d.364, effective September 8, 1986.

See: 18 N.J.R. 160(a), 18 N.J.R. 1840(a).

Amended by R.1987 d.165, effective April 6, 1987.

See: 18 N.J.R. 2439(b), 19 N.J.R. 567(b).

Recodified from 19:50-1.6 by R.1988 d.257, effective June 6, 1988.

See: 20 N.J.R. 770(a), 20 N.J.R. 1210(a).

Repeal and New Rule, R.1992 d.14, effective January 6, 1992.

See: 23 N.J.R. 3087(b), 24 N.J.R. 110(b).

Case Notes

Casino Control Commission did not have exclusive primary jurisdiction over claims for gambling losses. *Greate Bay Hotel & Casino v. Tose*, C.A.3 (N.J.)1994, 34 F.3d 1227, rehearing and rehearing in banc denied.

Contributory negligence based on intoxication is not available to casino. *Tose v. Greate Bay Hotel and Casino Inc.*, D.N.J.1993, 819 F.Supp. 1312.

Losses incurred by patron allowed to gamble while drunk were proximately caused by casino's negligence. *Tose v. Greate Bay Hotel and Casino Inc.*, D.N.J.1993, 819 F.Supp. 1312.