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Extension of COVID-era provisions allow restaurants to sell cocktails to go

FREEHOLD – Governor Mikie Sherrill today signed legislation giving restaurants, bars, and other eligible businesses more flexibility to sell and deliver alcoholic beverages for off-premises consumption. The law, Senate Bill 4384, makes permanent rules first established during the COVID-19 pandemic allowing certain retail consumption licensees to sell mixed cocktails in closed and sealed containers for off-premises consumption. The law also grants holders of craft distillery licenses the ability to sell and deliver their products for off-premises consumption under select conditions. These privileges were set to expire on September 1.



“New Jersey’s small businesses shouldn’t have to navigate outdated rules just to serve their customers and grow,” **said Governor Sherrill**. “Cocktails to-go worked, customers liked it, and small businesses told us it was another way to bring in revenue. Today, we’re making it permanent.”

According to the National Restaurant Association, in states where alcohol-to-go is permitted: 79% of wine drinkers, 77% of beer drinkers, and 74% of cocktail drinkers were more likely to choose a restaurant for delivery based on ability to order cocktails to-go, illustrating the economic potential for New Jersey small businesses.

“Cocktails to-go helped restaurants and bars keep business moving during the pandemic, and they have continued to be a convenient option for customers,” **said Senator Vin Gopal**. “Making this permanent gives our hospitality businesses another way to serve their customers and generate revenue while keeping commonsense safeguards in place for the sale and delivery of alcohol.”

“During the pandemic, this commonsense policy helped restaurants survive on of the toughest periods in their industry’s history,” **said Senator Declan O’Scanlon**. “I’m proud that the flexibility we gave these businesses will now be permanently available to them with the signing of this law.”

“New Jersey restaurants, breweries, and other small businesses are an essential part of our economy and should have the flexibility to serve their customers where they are without being disrupted by unnecessary red tape,” **said Assemblywoman Luanne Peterpaul**. “During the pandemic, we saw how beneficial the temporary enactment of allowing the sale and delivery of alcoholic beverages was. By making this permanent, we can give local businesses additional opportunities to grow, increase revenue, and contribute to our economy. We need to support our small businesses by giving them the tools they need to succeed, and this bill does exactly that.”

“For family-owned small businesses like mine, every opportunity to better serve our guests and generate additional revenue matters. Giving our guests the opportunity to bring a piece of our brand home with them is priceless,” **said Matthew Borowski, Owner of 618 Restaurant and The Death of Hospitality Group**. “We’re grateful to Governor Sherrill for making sure New Jersey’s restaurants have the flexibility they need to succeed.”

“Making cocktails to-go permanent is a meaningful solution for New Jersey’s hospitality industry,” **said Daniel Klim, New Jersey Restaurant & Hospitality Association President & CEO**. “This law preserves a popular and convenient option for customers while providing restaurants and bars with an additional revenue stream. We thank Governor Sherrill and the Legislature for their support and for ensuring this successful policy can continue.”

During the COVID pandemic, the Legislature enacted temporary provisions to permit certain liquor holders to sell and deliver alcoholic beverages for off-premises consumption.

This legislation permanently codifies those temporary provisions and allows businesses, such as restaurants, hotels, and bars, with retail consumption licenses to:

- **Sell on-premises for off-premises consumption:** (1) any alcoholic beverage in original containers, or (2) mixed alcoholic beverages in closed and sealed containers.

- ***Deliver to consumers for off-premises consumption:*** (1) mixed alcoholic beverages in closed and sealed containers, or (2) malted beverages (beer, hard seltzers, etc.), in original, sealed containers. Delivery can be made by the licensed entity or licensed third-party delivery services.

The legislation also permits craft distillery licensees to:

- ***Sell on-premises for on-premises consumption*** mixed drinks using distilled alcoholic beverages that are manufactured on the licensed premises.
- ***Sell on the licensed premises for off-premises consumption*** (1) mixed drinks using distilled alcoholic beverages that are manufactured on the licensed premises in containers with a tamper-evident seal; and (2) distilled alcoholic beverages that are manufactured on the licensed premises in original containers and accompanied by nonalcoholic beverages or foodstuffs that may be combined by consumers to make a mixed drink.

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