

(b) No alcoholic beverage in an original container shall be brought into a Type I location except by the CHAB licensee authorized to sell alcoholic beverages in that Type I location.

(c) No CHAB licensee shall serve any alcoholic beverage in a Type I location except by the glass or other open receptacle, but not in an original container, for on-premises consumption within the authorized location.

(d) No alcoholic beverage shall be displayed in a Type I location except:

1. As required for the necessary operation of a bar;
2. During the customary and ordinary course of preparing a patron's drink order; or
3. Incidental to delivery or consumption by a patron.

(e) Alcoholic beverages may be served in a Type I location only when the casino room or casino simulcasting facility is open for gaming activity as provided in section 97(a) of the Act, but shall not be served later than 15 minutes prior to the closing of the casino room or casino simulcasting facility.

Amended by R.1983 d.210, effective June 6, 1983.
See: 15 N.J.R. 539(a), 15 N.J.R. 932(b).
Recodified from 19:50-1.7 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).
Amended pursuant to P.L. 1991 c.182.
Amended by R.1993 d.540, effective November 1, 1993.
See: 25 N.J.R. 3689(a), 25 N.J.R. 4929(a).
Amended by R.1994 d.284, effective June 6, 1994.
See: 26 N.J.R. 1211(a), 26 N.J.R. 2477(b).

19:50-3.2 Conditions of operation in Type II (hotel) locations (Reserved)

Amended by R.1983 d.210, effective June 6, 1983.
See: 15 N.J.R. 539(a), 15 N.J.R. 932(b).
Recodified from 19:50-1.8 by R.1988 d.257, effective June 6, 1988.
See: 20 N.J.R. 770(a), 20 N.J.R. 1210(a).
Repealed by R.1992 d.14, effective January 6, 1992.
See: 23 N.J.R. 3087(b), 24 N.J.R. 110(b).
Section was "Conditions of operation in Type II locations".

19:50-3.3 Conditions of operation in Type III (package goods) locations

(a) No CHAB licensee shall, in a Type III location, sell any alcoholic beverage for delivery to any other area in, on or about the premises.

(b) No CHAB licensee shall, in a Type III location, sell any alcoholic beverage in other than original sealed containers or for consumption within the Type III authorized location.

(c) Sale of alcoholic beverages may include the retail sale of distillers' and vintners' packaged holiday merchandise prepacked as a unit with suitable glassware as gift items to be sold only as a unit, cigars, cigarettes, packaged crackers,

chips, nuts and similar snacks, ice and non-alcoholic beverages as accessory beverages to alcoholic beverages and novelty wearing apparel identified with the name or the trade name(s) of the CHAB licensee.

(d) No CHAB licensee shall allow, permit or suffer any alcoholic beverage to be consumed in or upon a Type III location, nor shall any CHAB licensee possess or allow, permit or suffer any open containers of alcoholic beverages in or upon its Type III location; provided, however, that opened bottles of alcoholic beverages returned by a customer as allegedly defective may be so possessed pending return to the manufacturer or wholesaler; and further provided that the container is immediately resealed and labeled with the name and address of the customer and the date of return by the customer.

Amended by R.1983 d.210, effective June 6, 1983.
See: 15 N.J.R. 539(a), 15 N.J.R. 932(b).
Recodified from 19:50-1.9 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).
Section was "Conditions of operation in Type III locations".

19:50-3.4 (Reserved)

Amended by R.1983 d.210, effective June 6, 1983.
See: 15 N.J.R. 539(a), 15 N.J.R. 932(b).
Recodified from 19:50-1.10 by R.1988 d.257, effective June 6, 1988.
See: 20 N.J.R. 770(a), 20 N.J.R. 1210(a).
Administrative correction: in (b) replaced "than" with "open" describing type of receptacle.
See: 21 N.J.R. 1156(b).
Repealed by R.1992 d.14, effective January 6, 1992.
See: 23 N.J.R. 3087(b), 24 N.J.R. 110(b).
Section was "Conditions of operation in Type IV locations".

19:50-3.5 Conditions of operation in Type V (storage) locations

(a) A CHAB licensee may, in a Type V location, store alcoholic beverages intended for sale at other authorized locations in, on, or about the premises.

(b) A CHAB licensee shall transfer or deliver such alcoholic beverages from a Type V location only to authorized locations in, on or about the premises.

(c) A CHAB licensee shall not allow, permit or suffer access to or from a Type V authorized location, except to the extent that such access is necessary in the normal course of business to employees or agents of the CHAB licensee or to licensed employees or agents of wholesalers or distributors licensed pursuant to Title 33 of the Revised Statutes, Title 13 of the New Jersey Administrative Code, the Act and the regulations of the Commission.

(d) All Type V locations shall be fixed, enclosed areas within the premises, not in a casino, and not otherwise authorized for the sale, service or consumption of alcoholic beverages.

(e) No alcoholic beverage shall be sold, served or consumed in a Type V location.

(f) A CHAB licensee shall maintain its Type V locations in a secure manner.

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

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

Recodified from 19:50-1.11 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.1991 d.469, effective September 16, 1991.

See: 23 N.J.R. 2006(b), 23 N.J.R. 2868(b).

In (c): added phrase regarding novelty wearing apparel.

Repealed and Replaced, R.1992 d.14, effective January 6, 1992.

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

19:50-3.6 (Reserved)

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

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

Recodified from 19:50-1.12 by R.1988 d.257, effective June 6, 1988.

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

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

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

Section was "Conditions of operation in Type VI locations".

New Rule, R.1993 d.37, effective January 19, 1993.

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

Rule added on conditions of operating in simulcasting facilities.

Amended by R.1993 d.540, effective November 1, 1993.

See: 25 N.J.R. 3689(a), 25 N.J.R. 4929(a).

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

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

Section was "Conditions of operation in Type VI (casino simulcasting facility) locations".

19:50-3.7 (Reserved)

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

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

Recodified from 19:50-1.13 by R.1988 d.257, effective June 6, 1988.

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

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

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

Section was "Conditions of operation in Type VII locations".

SUBCHAPTER 4. DISCIPLINARY PROCEEDINGS

19:50-4.1 General provisions

(a) Any violation of Title 33 of the Revised Statutes or Title 13 of the New Jersey Administrative Code by an applicant or CHAB licensee, or its agents or employees shall be grounds for penalty, suspension, revocation, or other disciplinary action by the Commission unless the conduct involved is specifically permitted by the Act or by these regulations.

(b) In disciplinary proceedings it shall be sufficient, in order to establish the guilt of the licensee, to show that the violation was committed by an agent, servant or employee of the CHAB licensee. The fact that the CHAB licensee did not participate in the violation or that its agent, servant or employee acted contrary to instructions given by the CHAB licensee or that the violation did not occur in the CHAB licensee's presence shall constitute no defense to the charges preferred in such disciplinary proceedings.

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

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

Recodified from 19:50-1.14 by R.1988 d.257, effective June 6, 1988.

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

SUBCHAPTER 5. PERMITS

19:50-5.1 Social affair permit

(a) For purposes of this section:

"Fee" means any amount charged in connection with attendance at an event, whether a direct charge for drinks, the purchase of tickets, admission, donations or other assessments, or an indirect charge for food, entertainment or any other costs.

"Social affair" means an event sponsored and conducted by a sponsoring organization in, on or about the premises of a CHAB licensee for which any fee is charged in connection with attendance.

"Sponsoring organization" means an organization which operates solely for civic, religious, educational, charitable, fraternal, social or recreational purposes and not for private gain and which sponsors an event in, on or about the premises of a CHAB licensee.

(b) The sponsoring organization may sell or serve alcoholic beverages to persons attending a social affair provided that such organization holds a social affair permit issued by the Commission. The holder of a social affair permit may purchase alcoholic beverages from a CHAB licensee or a New Jersey licensed wholesaler, distributor or retailer for resale for on-premises consumption.

19:50-5.2 Merchandising permit

A licensed wholesaler or other person may offer complimentary samples of alcoholic beverages in connection with a merchandising show, alcoholic beverage product introduction event or other promotional event held on the premises of a CHAB licensee, and may accept orders for alcoholic beverages from New Jersey retail licensees, provided that such wholesaler or person holds a merchandising permit issued by the Commission.

19:50-5.3 Consumer alcoholic beverage tasting permit

(a) A CHAB licensee may conduct an alcoholic beverage tasting or tasting dinner on its premises provided that it holds a consumer alcoholic beverage tasting permit issued by the Commission and provided further that:

1. The event is conducted and promoted in connection with an instructional program for alcoholic beverage product;

2. The event is limited to participants who purchase a ticket;

3. Service of alcoholic beverages is limited to the following amounts per person:

i. No more than five ounces of any one malt alcoholic beverage, naturally fermented wine or sparkling wine at a tasting dinner;

ii. No more than four ounces of any one malt alcoholic beverage, or one and one-half ounces of any one naturally fermented wine or sparkling wine at a tasting; and

iii. No more than one-half ounce of any one fortified wine or distilled spirit at a tasting or tasting dinner; and

4. No later than five days in advance of the scheduled event, the CHAB licensee provides the Commission with a copy of each menu, program, or other written description of the tasting or tasting dinner event.

(b) Any supplier, manufacturer or wholesaler which holds an annual special permit for consumer tasting events issued by the Division of Alcoholic Beverage Control may hold a tasting or tasting dinner on the premises of a CHAB licensee provided that a copy of the permit is filed with the Commission no later than one day prior to the event.

Amended by R.2001 d.111, effective April 2, 2001.
See: 33 N.J.R. 27(a), 33 N.J.R. 1123(b).
Rewrote (a)2.

19:50-5.4 Special disposal permits

(a) A CHAB licensee may sell surplus alcohol in sealed containers at a price above cost to its employees who are 21 years of age or older, provided that the CHAB licensee holds a special disposal permit issued by the Commission and provided further that:

1. Such alcohol is sold for off-premise consumption only;

2. The CHAB licensee has filed the following with the Commission;

i. An application as set forth in N.J.A.C. 19:41-5.18;

ii. A list of the type and quantity of alcohol to be sold;

iii. Internal controls for conduct of the sale; and

iv. The job titles and a description of the duties of each employee involved in the conduct of the sale.

3. Only the alcohol specified in the application for the permit is sold;

4. The conduct of the sale is in accordance with internal controls approved by the Commission; and

5. The CHAB licensee compiles a list of each product purchased, the number of bottles purchased, the amount paid, and the name and identification number of the employee who made the purchase, which list shall be maintained on the premises by the licensee and made available to the Commission or Division on request.

19:50-5.5 Temporary miscellaneous contingency permits

(a) The Commission may, for good cause shown, issue a temporary miscellaneous contingency permit for the purchase or sale of alcoholic beverages in, on or about the premises of a CHAB licensee in those circumstances where a CHAB license or permit is not expressly provided for by law.

(b) A temporary miscellaneous contingency permit may be granted by the Commission when the issuance of such permit would be appropriate and consonant with the spirit of the Act, Title 33 of the Revised Statutes and Title 13 of the Administrative Code.

19:50-5.6 Application

(a) An application for any CHAB permit in this subchapter shall include the following, without limitation:

1. A completed CHAB Permit Application Form as set forth in N.J.A.C. 19:41-5.18; and

2. The fee specified in N.J.A.C. 19:41-9.7.

(b) Applications for CHAB permits shall be filed as follows:

1. For a social affair permit, at least 14 calendar days in advance of the scheduled event; and

2. For any other permit, at least 30 calendar days in advance of the scheduled event.

19:50-5.7 Permit conditions

(a) The failure of any holder of a CHAB permit to comply with applicable provisions of the Act and Commission rules, New Jersey Alcoholic Beverage Law, Division of Alcoholic Beverage Control rules and municipal ordinances shall be deemed cause for denial of future applications for any CHAB permit issued by the Commission.

(b) The holder of a CHAB permit and the CHAB licensee on whose premises the event is held shall be jointly and severally liable for any violation of applicable provisions of the Act and Commission rules relating to the event.

(c) The holder of a CHAB permit shall not sample, sell, serve or deliver, or allow, permit or suffer the sampling, sale, service or delivery of any alcoholic beverages directly or indirectly to or consumption by any person under the legal age at which a person is authorized to purchase and consume alcoholic beverages, nor to any person who is actually or apparently intoxicated.

(d) No more than 12 CHAB permits shall be issued to any one applicant during any 12-month period, and no more than 25 CHAB permits shall be issued in any calendar year for any premises.

(e) The Commission may require the holder of a permit to file a notarized inventory report within 10 days of the event. Failure to file an inventory report upon request shall be deemed cause for denial of future applications for any CHAB permit issued by the Commission. Such report shall be in a format prescribed by the Commission and may include the following information:

1. Permit number issued;
2. Name and address of the permittee;
3. Date and place of the event;
4. Type and number of any alcoholic beverage license held by the permittee;

5. Type of event for which the permit was issued;
6. Number of persons in attendance;
7. Type and quantities of alcohol purchased for the event, the dates purchased, and the place of purchase;
8. Type and quantity of alcoholic beverages remaining at the end of the event;
9. A description of the disposition of any alcohol remaining on hand at the end of the event;
10. A copy of any ticket and program used for the event; and
11. The date and the signature of a representative of the permittee.