

STATE OF NEW JERSEY

GOVERNOR PHIL MURPHY

ICYMI: DIVISION OF ALCOHOLIC BEVERAGE CONTROL SUSPENDS ENFORCEMENT OF SEPTEMBER 2018 "SPECIAL RULING" ON LIMITED BREWERY LICENSES PENDING ADDITIONAL STUDY

From the New Jersey Office of the Attorney General:

TRENTON - The Division of Alcoholic Beverage Control ("ABC") announced today that it will suspend enforcement of the "Special Ruling" issued on September 21, 2018 regarding limited brewery licenses. The suspension will provide ABC with the opportunity to engage in further conversations with stakeholders, including craft breweries and other alcoholic beverage license holders, about the impact of the Special Ruling. In addition, ABC will work with state legislators to determine whether new legislation is needed to update the 2012 law that gave rise to the Special Ruling.

"We want to make sure that we get this right," **said ABC Director David Rible**. "We are committed to supporting the state's growing craft beer industry, while also balancing the concerns of other stakeholders and ensuring compliance with state law."

In 2012, the Legislature amended state liquor laws to promote the craft beer industry. The amendments created limited brewery licenses designed to help the growing industry, but they also restricted when and how breweries can serve alcohol on site. The Legislature never intended the limited licenses to give craft breweries the same privileges of a consumption venue, such as a sports bar or restaurant. In recent years, however, a growing number of craft breweries began serving alcohol well beyond what the limited licenses allowed or ever envisioned. This resulted in complaints of unfair competition from bars and restaurant owners who hold licenses allowing full retail privileges.

In response, ABC engaged a variety of stakeholders on these issues. Among others, it consulted with the New Jersey Brewers Association, the Brewers Guild of New Jersey, the New Jersey Licensed Beverage Association, and the New Jersey Restaurant Association. Thereafter, on September 21, 2018, ABC issued a Special Ruling that clarified the privileges of limited brewery licenses, and attempted to strike a balance between the interests of full retail license holders, such as restaurants and bars, and the craft brewing industry. It allowed limited breweries to hold up to 25 on-site events per year and up to 12 off-site events per year, subject to authorization by the ABC. It also allowed a maximum of 52 private parties to occur on the premises of a limited brewery. Consistent with the law, the Special Ruling prohibited a limited brewery from selling food, but allowed consumers to bring their own food into the tasting room of a limited brewery for their own consumption.

Following today's announcement, ABC will confer with the same stakeholders it previously consulted and invite other parties, including those craft breweries most affected by the Special Ruling, to further understand their concerns and ways to address them within the confines of the existing legal framework and limitations set by the limited brewery licenses. At the same time, ABC will share these concerns with legislators and work with them to determine whether further amendments to the state's limited brewery licensure program are needed.

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