

CHAPTER 50
CASINO HOTEL ALCOHOLIC
BEVERAGE CONTROL

Authority

N.J.S.A. 5:12-70q and 103.

Source and Effective Date

R.2009 d.147, effective April 2, 2009.
See: 41 N.J.R. 397(a), 41 N.J.R. 2053(a).

Chapter Expiration Date

Chapter 50, Casino Hotel Alcoholic Beverage Control, expires on April 2, 2014.

Chapter Historical Note

Chapter 50, Casino Hotel Alcoholic Beverage Control, was adopted as R.1978 d.13, effective January 23, 1978. See: 9 N.J.R. 602(a), 10 N.J.R. 81(d). Pursuant to Executive Order No. 66(1978), Chapter 50 was readopted as R.1983 d.210, effective May 23, 1983. See: 15 N.J.R. 539(a), 15 N.J.R. 932(b).

Pursuant to Executive Order No. 66(1978), Chapter 50, Casino Hotel Alcoholic Beverage Control, was readopted as R.1988 d.257, effective May 12, 1988. See: 20 N.J.R. 770(a), 20 N.J.R. 1210(a).

Pursuant to Executive Order No. 66(1978), Chapter 50, Casino Hotel Alcoholic Beverage Control, was readopted as R.1993 d.220, effective April 26, 1993. See: 25 N.J.R. 1085(a), 25 N.J.R. 1999(c).

Pursuant to Executive Order No. 66(1978), Chapter 50, Casino Hotel Alcoholic Beverage Control, was readopted as R.1994 d.29, effective December 15, 1993. See: 25 N.J.R. 4742(a), 26 N.J.R. 492(b).

Pursuant to Executive Order No. 66(1978), Chapter 50, Casino Hotel Alcoholic Beverage Control, was readopted as R.1999 d.14, effective December 15, 1998. As part of R.1999 d.14, Subchapter 5, Permits, was adopted as new rules, effective January 19, 1999. See: 30 N.J.R. 3768(a), 31 N.J.R. 142(a).

Chapter 50, Casino Hotel Alcoholic Beverage Control, was readopted as R.2004 d.79, effective January 22, 2004. See: 35 N.J.R. 5056(a), 36 N.J.R. 1119(b).

Chapter 50, Casino Hotel Alcoholic Beverage Control, was readopted as R.2009 d.147, effective April 2, 2009. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

19:50-1.1 Definitions

(a) For the purposes of this chapter, words shall be defined in accordance with the Act, the regulations of the Commission, Title 33 of the Revised Statutes (N.J.S.A. 33:1-1 et seq.), Title 13 of the New Jersey Administrative Code (N.J.A.C. 13:2) or according to their commonly understood meaning or usage except where such common meaning or usage would be inconsistent with the purpose or intent of the Act. Any definition contained herein or incorporated by reference shall apply to any form of the defined word. For example, "sell" means to make a "sale" as defined in N.J.S.A. 33:1-1(w).

(b) Where definitions set forth in the Act or Commission regulations conflict with those contained in Title 33 of the Revised Statutes or Title 13 of the New Jersey Administrative Code, the definitions contained in the Act or Commission regulations shall govern.

(c) For the purposes of this chapter, the following definitions shall apply:

"Alcohol" is defined in N.J.S.A. 33:1-1(a).

"Alcoholic beverage" is defined in N.J.S.A. 33:1-1(b).

"Approved restricted brewery location" is a site within the licensed CHAB premises which has been approved by the Commission for the brewing of malt alcoholic beverages pursuant to N.J.A.C. 19:50-1.4A.

"Authorized location" means any room or area which is in, on, or about the premises, and which has been approved by

the Commission for the service, sale, consumption, or storage of alcoholic beverages pursuant to N.J.S.A. 5:12-103 and this chapter.

“Casino hotel alcoholic beverage (CHAB) licensee” means a person licensed to serve, sell or store alcoholic beverages pursuant to N.J.S.A. 5:12-103 and this chapter.

“Container” is defined in N.J.S.A. 33:1-1(e).

“Manufacturer” is defined in N.J.S.A. 33:1-1(m).

“Original container” means any container in which an alcoholic beverage has been delivered to a CHAB licensee.

“Premises” means the premises licensed as an approved hotel pursuant to N.J.S.A. 5:12-27.

“Retailer” is defined in N.J.S.A. 33:1-1(u).

“Sale” is defined in N.J.S.A. 33:17-1(w).

“Wholesaler” means any person who sells an alcoholic beverage for the purpose of resale to a licensed wholesaler, a licensed retailer, or a CHAB licensee.

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).

Deleted definition and referenced statutory definition for “alcohol”, “alcoholic beverage”, “container”, “manufacturer”, “premises”, “retailer” and “sale”; deleted definitions of “illicit beverage”, “meals”, “unlawful alcoholic beverage activity”, “unlawful property” and deleted (d).

Amended by R.1997 d.460, effective November 3, 1997.

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

In (c), added “Approved restricted brewery location”.

19:50-1.2 Applicability of other laws

(a) Title 33 of the Revised Statutes and the rules, regulations and bulletins promulgated thereunder by the Director of the Division of Alcoholic Beverage Control shall, except as otherwise provided in section 103 of the Act or this chapter, apply to any premises and to any CHAB licensee.

(b) All CHAB licensees that are required to make informational and other filings by Title 33 of the Revised Statutes and Title 13 of the New Jersey Administrative Code shall make all such filings both to the Commission, in accordance with prescribed procedures, and to the Division of Alcoholic Beverage Control.

(c) A CHAB licensee engaging in off-premises storage, delivery or sale of alcoholic beverages shall obtain any necessary licenses or permits for such activities from the Division of Alcoholic Beverage Control. If these alcoholic beverage activities are in any way connected with or involve the licensed premises, copies of these licenses or permits shall be submitted to the Commission within three business days of their receipt by the licensee.

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).

Repealed and replaced (c); added new (d).

Amended by R.1999 d.14, effective January 19, 1999.

See: 30 N.J.R. 3768(a), 31 N.J.R. 142(a).

Deleted a former (d).

19:50-1.3 License and authorization as conditions precedent to operation

(a) No casino licensee, nor any of its lessees, agents or employees, nor any other person except as otherwise provided in this chapter, shall expose for sale, solicit or promote the sale of, possess with intent to sell, sell, give, dispense, or otherwise transfer or dispose of alcoholic beverages in, on or about the premises unless such person possesses a CHAB license.

(b) No CHAB licensee, nor any of its agents or employees, shall expose for sale, solicit, or promote the sale of, possess with intent to sell, sell, give, dispense or otherwise transfer or dispose of alcoholic beverages except in an authorized location.

(c) No CHAB licensee, nor any of its agents or employees, shall conduct or participate in the brewing of malt alcoholic beverages unless the CHAB licensee has been granted a restricted brewery authorization.

(d) No CHAB licensee who possesses a restricted brewery authorization, nor any of its agents or employees, shall brew malt alcoholic beverages except in an approved restricted brewery location.

(e) In issuing a CHAB license or any authorization thereunder, or any permit pursuant to N.J.S.A. 5:12-103 and 33:1-1, et seq., the Commission may impose any conditions, limitations and restrictions as it deems necessary and reasonable.

(f) A CHAB license shall be granted for a term which coincides with the term of the casino license or casino service industry license held by the licensee.

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.1987 d.109, effective February 17, 1987.

See: 18 N.J.R. 2379(a), 19 N.J.R. 381(a).

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).

Added (d).

Amended by R.1997 d.460, effective November 3, 1997.

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

Inserted new (c) and (d), and recodified existing (c) and (d) as (e) and (f).

19:50-1.4 Classification of authorized locations

(a) Authorized locations shall be classified as follows: