

## **SUBCHAPTER 2. CONDUCT OF CHAB LICENSEES**

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### **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.

New rule, effective: 01/06/92

### **19:50-2.2 Additional operating conditions of CHAB licensees**

(a) No employees or agents of a CHAB licensee shall consume alcoholic beverages during their hours of employment or agency by a CHAB licensee, including overtime.

(b) Notwithstanding (a) above, the Commission may, upon petition by a CHAB licensee, grant approval for certain persons to consume alcoholic beverages during their hours of employment, provided that:

1. Such petition specifies the position of all employees for whom approval is requested and the reason for the requested relief;
2. The CHAB licensee maintains on the licensed premises a complete list of all persons for whom approval is granted and the date of approval; and
3. The CHAB licensee submits a copy of the list maintained pursuant to (b)2 above to the Director of the Commission's Division of Licensing at the address specified in N.J.A.C. 19:40-3.1(a) and to the Director of the Division at the address specified in N.J.A.C. 19:40-3.1(c)2, by 5:00 p.m.

on June 30 and December 31 of each calendar year.

(c) No CHAB licensee shall create, expand, close or change the name or type of a CHAB location without notifying the Commission and the Division in writing, as follows:

1. Creation, expansion or change in type of CHAB authorization: A petition for approval must be submitted at least 10 business days prior to construction or use of the CHAB location, whichever comes first, and shall include the name of the location, the floor of the premises where it is located, the type or types of CHAB authorizations, and a floor plan of the location.

2. Permanent closure of a CHAB location: Notification must be filed within five business days after closure.

3. Change in name of a CHAB location: Notification must be filed within five business days after change.

(d) Combination sales of any kind, consisting of more than one article, whether it be an alcoholic beverage or something else, at a single aggregate price are prohibited, except for:

1. A combination sale consisting of a meal and one alcoholic beverage or a show and one alcoholic beverage, provided that:

i. The alcoholic beverage shall not be advertised as "free," but may be advertised as "included" or "complimentary";

ii. The alcoholic beverage shall be limited to the glass from which the patron will drink, or a bottle of champagne or wine in its original container (not exceeding 187 milliliters (ml.) for one person or 750 ml. for two persons); and

iii. A complimentary non-alcoholic beverage is available and offered as an alternative to the complimentary alcoholic beverage.

2. A combination sale which includes a complimentary bottle of champagne or wine in its original container (not exceeding 187 ml. for one person or 750 ml. for two persons) as part of a weekend, honeymoon, or other specialty promotional package for hotel guests.

3. A combination sale which is part of a New Year's Eve promotional package.

(e) No CHAB licensee shall, directly or indirectly, allow, permit or suffer any practice or promotion that:

1. Offers to the public at large unlimited availability of any alcoholic beverage for a set price, except on New Year's Eve; or

2. Offers to a patron or consumer a free drink, gift, prize or anything of value, conditioned upon the purchase of an alcoholic beverage or product, except branded or unique glassware or souvenirs in connection with a single purchase; or

3. Requires or allows a consumer to prepurchase more than one drink or product at a time via tickets, tokens, admission fees, two for one, or the like, as a condition for entry into its premises or its authorized location, or as a requirement for service or entertainment therein; provided, however that on New Year's Eve a patron may prepurchase no more than two drinks at a time.

(f) No CHAB licensee shall sell or offer to sell alcoholic beverages at a price below "cost," as defined by the Division of Alcoholic Beverage Control, except that CHAB licensees may serve complimentary alcoholic beverages as follows:

1. In Type I (casino/casino simulcasting facility) authorized locations, at a patron's request, pursuant to Section 103(g)(1) of the Act;

2. In Type II (hotel), Type III (package goods) or Type IV (room service) authorized locations, pursuant to sections 99 and 102 of the Act and the Commission's regulations concerning complementaries;

3. In conjunction with certain combination sales, pursuant to subsection (d) above;

4. Using free drink coupons, distributed to the general public pursuant to Bulletin 2452 (1988) of the Division of Alcoholic Beverage Control;  
or

5. A CHAB licensee holding a restricted brewery authorization may offer, without charge, samples of no more than five ounces of any malt alcoholic beverage brewed on the premises, limited to one sample per customer per day of each such beverage.

(g) No CHAB licensee shall discharge, suspend, discipline or demote an employee, or take any other action which would be adverse to the terms and conditions of his or her employment, by reason of the refusal of the employee, with regard to any person who is actually or apparently intoxicated, to:

1. Serve, or allow, permit or suffer the service of alcoholic beverages to such person;
2. Allow, permit or suffer the consumption of any alcoholic beverage in or upon the licensed premises by such person;
3. Deal any game, or allow, permit or suffer the dealing of a game to such person; or
4. Allow, permit or suffer the placement of a wager by such person.

(h) At the request of a CHAB licensee or any patron or employee thereof, any Commission employee or agent of the Division may observe and document, request a videotape or otherwise record the physical condition, appearance and activities of any person who is or is claimed to be actually or apparently intoxicated. The Commission shall refer to the Division for appropriate action any evidence of a violation of Commission regulations or applicable provisions of N.J.S.A. 33:1-1 et seq. and N.J.A.C. 13:2-1.1 et seq.

(i) It shall be the affirmative responsibility of each CHAB licensee to comply with the requirements of N.J.A.C. 19:43-9.2.

As amended, effective: 01/06/92  
As amended, effective: 01/19/93  
As amended, effective: 11/01/93  
As amended, effective: 06/06/94  
As amended, effective: 03/20/95  
As amended, effective: 02/05/96  
As amended, effective: 11/03/97

As amended, effective: 01/19/99

**19:50-2.3 Employee reporting and recordkeeping requirements**

(a) Each CHAB licensee shall maintain on the licensed premises a complete, accurate and current record of each CHAB employee.

(b) If the CHAB licensee is a casino, the record shall be compiled and filed pursuant to N.J.A.C. 19:43-9.3.

(c) Each CHAB licensee, other than a casino licensee, shall submit the following information to the Commission by hard copy or by approved electronic data transfer on the first day of each calendar quarter:

1. For each current employee:
  - i. License or registration number, if applicable;
  - ii. Social Security Number, if such information has been voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. 522a.
  - iii. Last name, first name and middle initial;
  - iv. Date of birth;
  - v. Address, including zip code;
  - vi. A description of the employee's duties and responsibilities;
  - vii. Initial date of hire; and
  - viii. If the employee does not hold a valid license or registration, whether such employee has been convicted of a disqualifying offense pursuant to N.J.S.A. 5:12-86c(1).
2. For each person whose employment has been terminated since the date of the most recent report filed with the Commission pursuant to this subsection:
  - i. The information in (b)i-viii above; and
  - ii. The effective date of termination.

3. The date on which the information included in the report was compiled, if such date is other than the date on which the report is submitted or transferred to the Commission.

(d) Reports submitted by hard copy shall be mailed to the Director of the Commission's Division of Licensing at the address specified in N.J.A.C. 19:40-3.1(a) and to the Director of the Division at the address specified in N.J.A.C. 19:40-3.1[(d)2] (c)2.

As adopted, effective: 02/05/96

As amended, effective: 01/19/99