



STATE OF NEW JERSEY

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF ALCOHOLIC BEVERAGE CONTROL

P.O. Box 087

TRENTON, NJ 08625-0087

PHONE: (609) 984-2830 FAX: (609) 633-6078

WWW.NJ.GOV/OAG/ABC

CHRIS CHRISTIE
GOVERNOR

KIM GUADAGNO
LT. GOVERNOR

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL

MICHAEL I. HALFACRE
DIRECTOR

NEW JERSEY'S OUT-OF-STATE WINERY LICENSE (Effective May 1, 2012/Updated October 2, 2013)

On January 9, 2012, P.L. 2011, c. 201 (Senate Bill 3172) was enacted, which created a new Out-of-State winery license. As discussed more fully below, the holder of this license is permitted to engage in the direct shipment of wine to New Jersey residents. Additional privileges are available to allow the sale of wine product to licensed retail establishments and the establishment of Salesrooms (Tasting Rooms) in New Jersey. All of these privileges are subject to licensing and restrictions, as set forth below.

OUTLINE OF NEW JERSEY REQUIREMENTS

I. Direct Ship Privilege to New Jersey Customers

To be eligible to ship directly to New Jersey consumers, an Out-of-State winery:

1. Cannot produce more than 250,000 gallons of wine per year and cannot own, either in whole or in part, directly or indirectly, any interest in a winery that produces more than 250,000 gallons per year.
2. Is only permitted to ship products that they have manufactured.
3. Shall ensure that all products shipped/sold are brand registered in New Jersey.
4. May ship no more than 12 cases per year, per person (21 years of age or older) for personal consumption only.
5. Shall provide, when requested, invoices of sales for inspection within seven (7) days of request and retain those files for a minimum of three years.
6. Shall provide a copy of a current and valid winery license issued by another state.



7. Shall comply with all tax collection and remission requirements established by the New Jersey Department of Treasury, Division of Taxation on the delivery of alcoholic beverages pursuant to the "Alcoholic Beverage Tax Law."

II. Wholesale Privilege to Sell to New Jersey Licensed Retailers

1. An out-of-state winery may apply to sell and distribute its products at wholesale to licensed retail establishments by indicating such on page #1 of the ABC application. Note: The use of a common carrier for delivery is not permitted.

The **additional fee** for this privilege is as follows:

Manufacturer of >150,000 and <250,000 gallons	\$1,000.00
Manufacturer of >100,000 and <150,000 gallons	\$ 500.00
Manufacturer of >50,000 and < 100,000 gallons	\$ 250.00
Manufacturer of <50,000 gallons	\$ 100.00

2. Applicant is required to file a CPL (Current Price List) with the ABC on a monthly basis.
3. Applicant may solicit or allow members of the company to solicit orders or conduct promotional activity. If any person other than corporate/partnership members conduct this activity, that person must apply for and obtain a Solicitor's Permit from the ABC, which costs \$25.00.

III. Salesrooms/Outlets in New Jersey

1. The Applicant must first apply for and be approved as an Out-of-State winery.
2. This privilege allows for sampling and consumption on or off the premises.
3. Each licensee is limited to 16 salesrooms.
4. The fee for each salesroom is \$250.00. A separate application for each site will be required and will be available on the ABC website.

**PROCEDURE FOR SUBMITTING AN APPLICATION FOR AN OUT OF STATE
WINERY LICENSE:**

The following steps must be taken before the Licensing Bureau of the Division of Alcoholic Beverage Control may issue an Out-of-State Winery License. Please utilize the checklist on page 5 to insure a proper and complete package which will expedite receipt of the license certification.

Step 1: New Jersey Division of Taxation

All applicants must contact the Division of Taxation prior to the issuance of an Out-of-State Winery/Farm License. This will include registering your business in New Jersey. (<https://www.state.nj.us/treasury/revenue/dcr/filing/leadpg.htm>) Additional information regarding Division of Taxation requirements can be found on their website: (<http://www.state.nj.us/treasury/taxation/os-wine-sales.shtml>)

Step 2: Beverage Tax Bond

Beverage Tax Bonds are required and must be purchased from a New Jersey approved licensed bonding company. The bonding company must submit paperwork to Ms. Gail Idlett at the Division of Revenue, ABC Bond Section, 33 West State Street, P.O. Box 252, Trenton, New Jersey 08608. Ms. Idlett will send a confirmation letter to our Licensing Bureau when the process has been completed. For further information on establishing the bond amount required, please contact Mr. James Stein at 609-633-7068.

The Division of Alcoholic Beverage Control has no authority to issue a license to an applicant who has not obtained an approved beverage tax bond.

Step 3: Application and License Fee

The Division of ABC must receive a completed license application accompanied by the fee payable to the "Division of Alcoholic Beverage Control" in the form of check or money order. The application fees are as follows in accordance with your annual production:

Less than 1,000 gallons.....	\$ 63.00
Between 1,000 and 2,500 gallons.....	\$125.00
Between 2,500 and 30,000 gallons.....	\$250.00
Between 30,000 and 50,000 gallons.....	\$375.00
Between 50,000 and 250,000 gallons.....	\$938.00

Step 3A: Certification of Qualification

Each individual identified on page 8A with a percentage of financial interest of 10% or greater in the company of the applicant must submit a Certification of Qualification, which sets forth the individual's eligibility for the license under New Jersey law. The Certification Form (attached) must be signed, attesting to the information provided. The original form may be reproduced and the completed form(s) must accompany the license application and license fee.

Step 3B: Statement of Business Intention

A notarized statement must be submitted with the Application stating the nature of the business activity in the State of New Jersey.

Please state whether your business plan will include:

1. Direct shipping to New Jersey customers; and/or,
2. Sale of product to licensed retail establishments. (You will be subject to the additional fee detailed above); and/or,
3. Establishment of salesrooms in New Jersey. (You will be subject to the additional fee detailed above, as well as an approval process for the specific location)
4. State the applicants annual production in gallons.
5. State that the products to be shipped to New Jersey are manufactured by the applicant.
6. Confirm that the applicant and/or those individuals named on Page 8A of the Application do NOT have any financial interest in any other winery producing in excess of 250,000 gallons annually.

Please use the checklist on the following page to insure your applications expedited completion.

APPLICANT CHECKLIST

To obtain an out-of-state winery license the applicant must submit:

- Completed Application.
- Certification of Qualification. (Necessary for owners with 10% or greater ownership)
- Check in the appropriate amount made payable to “NJ Division of Alcoholic Beverage Control.” Please label your payments.
- Notarized Statement of Business Intention describing the proposed business and method of operation. Please see step 3B for complete instructions.
- Certificate of New Jersey Business Registration.
<https://www.state.nj.us/treasury/revenue/dcr/filing/leadpg.htm>
- Proof of Beverage Tax Bond issued by New Jersey Division of Revenue. Please see Step #2 for complete instructions. Submit a copy only to ABC.
- Copy of all TTB Permits issued to applicant.
- Copy of current and valid winery/wine growers license as well as other direct ship permits issued to the applicant by other states. You may provide a listing of other direct ship permits including the state and the permit number.
- TTB reporting documents reflecting the annual manufacturing volume.
- Certificate of New Jersey Sales Tax Authority (Issued by NJ Division of Taxation).
- Listing of all brands (along with NJ registration number) produced by applicant that will be shipped into New Jersey. If brands need to be registered in NJ, please see our website for the appropriate application and instructions. Include this with your Out-of-State winery Application.

Please forward the application, supporting documents and appropriate fees to the Division of Alcoholic Beverage Control at the address set forth above.

OUT-OF-STATE WINERY LICENSE STATUTE

N.J.S.A. 33:1-10

Out-of-State winery license. 2e. Provided that the applicant does not produce more than 250,000 gallons of wine per year, the holder of a valid winery license issued in any other state may make application to the director for this license. The holder of this license shall have the right to sell and distribute his products to wholesalers licensed in accordance with this chapter and to sell such wine at retail in original packages in 16 salesrooms apart from the winery premises for consumption on or off the premises at a fee of \$250 for each salesroom. Licensees shall not jointly control and operate salesrooms. The annual fee for this license shall be \$938. A copy of a current license issued by another state shall accompany the application. The holder of this license also shall have the right to sell and distribute his products to retailers licensed in accordance with this chapter, except that the holder of this license shall not use a common carrier for such distribution. The fee for this additional privilege shall be graduated as follows: a licensee who manufactures more than 150,000 gallons, but not in excess of 250,000 gallons per annum, \$1,000; a licensee who manufactures more than 100,000 gallons, but not in excess of 150,000 gallons per annum, \$500; a licensee who manufactures more than 50,000 gallons, but not in excess of 100,000 gallons per annum, \$250; a licensee who manufactures 50,000 gallons or less per annum, \$100. Additionally, the holder of this license may ship not more than 12 cases of wine per year, subject to regulation, to any person within or without this State over 21 years of age for personal consumption and not for resale. A case of wine shall not exceed a maximum of nine liters. A copy of the original invoice shall be available for inspection by persons authorized to enforce the alcoholic beverage laws of this State for a minimum period of three years at the licensed premises of the winery.

The licensee shall collect from the customer the tax due on the sale pursuant to the "Sales and Use Tax Act," P.L.1966, c. 30 (C.54:32B-1 et seq.) and shall pay the tax due on the delivery of alcoholic beverages pursuant to the "Alcoholic beverage tax law," R.S.54:41-1 et seq. The Director of the Division of Taxation in the Department of the Treasury shall promulgate such rules and regulations necessary to effectuate the provisions of this paragraph, and may provide by regulation for the co-administration of the tax due on the delivery of alcoholic beverages pursuant to the "Alcoholic beverage tax law," R.S.54:41-1 et seq. with the administration of the tax due on the sale pursuant to the "Sales and Use Tax Act," P.L.1966, c. 30 (C.54:32B-1 et seq.).

A holder of this license who produces not more than 250,000 gallons per year shall not own, either in whole or in part, or hold, either directly or indirectly, any interest in a winery that produces more than 250,000 gallons per year.

CERTIFICATION OF QUALIFICATION FOR
OWNERSHIP INTEREST IN OR ASSOCIATION WITH
A NEW JERSEY ALCOHOLIC BEVERAGE LICENSE FOR AN OUT OF
STATE WINERY.

I, _____, residing at

_____ of full age, certify:

1. I am a _____ [shareholder/member/partner/sole proprietor] of _____ [corporate or partnership entity, if any] holding the office or title of _____ and am duly authorized to make this affidavit.

2. An application for a New Jersey _____ [specify type of license or permit] by _____ [name of applicant] has been filed with the New Jersey Division of Alcoholic Beverage Control.

3. This certification is submitted in support of my qualification to have an ownership interest in or association with a New Jersey Alcoholic Beverage license or permit issued pursuant to the laws of the State of New Jersey, including Title 33, New Jersey Revised Statutes, entitled "*Intoxicating Liquors*."

4. I represent that pursuant to N.J.S.A. 33:1-25, I am qualified to hold an interest in or associate with a New Jersey alcoholic beverage license or permit according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder and any pertinent local ordinances and conditions imposed consistent with Title 33.

5. I represent that I meet all New Jersey mandated qualifications including that:

- a. I am 18 years of age or older;
- b. I have not been convicted of a crime of moral turpitude;
- c. I am a reputable person who will operate the licensed business in a reputable manner;
- d. I have fully and completely disclosed all beneficial interests in the entity to be licensed;
- e. I have no ownership in nor am I an officer or director of any corporation that is an alcoholic beverage retail licensee;
- f. I am not ineligible for licensure for 2 years or more because of prior revocation; and

g. I am not a peace or police officer or any other person whose powers and duties include the enforcement of the New Jersey Alcoholic Beverage Control laws or regulations, or hold an interest in or am I an officer in a for-profit corporation in which any peace or police officer has a direct or indirect interest in.

h. I do not have any financial interest, either in whole or in part, directly or indirectly, in a winery that produces more than 250,000 gallons per year.

6. I understand that if I do not meet with the qualification requirements of Title 33 of the New Jersey Statutes and regulations promulgated thereunder, after a criminal background investigation is conducted on me, I cannot hold an interest in any New Jersey liquor license or permit. I also understand that if I am disqualified, I must divest myself of any interest in or association with any New Jersey liquor license or permit within a time frame specified by the Director.

7. I make the foregoing statements realizing that the Division of Alcoholic Beverage Control will rely on them. I am also aware that any misstatements or omissions of material facts that is made by me are grounds for suspension or revocation of any New Jersey Alcoholic Beverage license or permit that I may have an interest in or association with.

8. I make the foregoing statements and represent that under penalty of perjury, the foregoing statements are true and correct.

Certifying Signature: _____

Printed Name: _____

Title: _____