

**STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL**

**AN 2020-06 -- ADVISORY NOTICE TO THE INDUSTRY REGARDING NEW LAW ON  
COCKTAILS-TO-GO DURING STATE OF EMERGENCY**

On May 15, 2020, Governor Murphy signed into law P.L. 2020, c. 33 [[Assembly Bill No. 3966](#)] concerning the sale and delivery of alcoholic beverages during a declared state of emergency. Among other things, the new law allows retail consumption licensees, State concessionaire permittees and craft distillery licensees to sell “cocktails” to go in tamper-evident containers, as described below. This Advisory Notice is intended to provide guidance to the industry and the public as to what is allowed under this law. In the event of a conflict between this Advisory Notice and P.L. 2020, c. 33, the law shall govern.

1. **Applicability of P.L. 2020, c. 33.** This law applies to holders of plenary retail consumption licensees (“33” or “32” -- used predominantly as a bar or restaurant), plenary retail consumption licensees used in connection with a hotel or motel (“36”), seasonal retail consumption licensees (“34”), and holders of Special Concessionaire Permits (“SCP”) or Temporary Authorization Permits (“TAP”) issued pursuant to N.J.A.C. 13:2-5.2 (with permission by the Director to sell alcoholic beverages for off-premises consumption).
2. **Additional privileges granted to retail consumption licensees and special concessionaire permittees.** Pursuant to P.L. 2020, c. 33, a retail consumption licensee, as defined therein, or holder of an SCP or TAP may sell to consumers, for off-premise consumption, any alcoholic beverages in original containers or in other closed and sealed containers consistent with this guidance, or any distilled alcoholic beverages mixed or blended with other alcoholic or nonalcoholic beverages in closed and sealed containers consistent with this guidance.
3. **Delivery privileges of retail consumption licensees and special concessionaire permittees.** A retail consumption licensee or holder of an SCP or TAP may deliver alcoholic beverages to the residence of a consumer over 21 years old in the licensee’s own vehicles, provided they have a transit insignia obtained pursuant to N.J.A.C. 13:2-20.1, or such deliveries may be made by common carrier. Presently, alcoholic beverages may not be delivered by third party delivery services, as such services are not licensed for this purpose.
4. **Additional privileges granted to craft distillery licensees.** Pursuant to P.L. 2020, c. 33, the holder of a craft distillery license may sell to consumers, for off-premises consumption, distilled alcoholic beverages manufactured on its licensed premises that are mixed or blended with other alcoholic or nonalcoholic beverages in closed and sealed containers. Craft distillery licensees may also sell distilled alcoholic beverages that are manufactured on the licensed premises in original containers accompanied by

one or more nonalcoholic beverages or food stuffs (such as fruits, vegetables or other garnishes) that may be combined by the consumer to prepare a mixed drink.

NOTE – Any food stuffs sold pursuant to this provision shall be sold only as a mixed drink ingredient and not as a separate meal.

5. **Permissible container sizes.**

- a. Malt Alcoholic Beverages or Wine -- Containers, other than original containers as defined at N.J.S.A. 33:1-1(q), of malt alcoholic beverages or wine may be of any size but must be affixed with a tamper evident seal. This includes “growlers” and “crawlers” of beer, and Sangria containing wine, fruits, fruit juices and garnishes.
- b. Distilled Alcoholic Beverages -- Containers, other than original containers as defined at N.J.S.A. 33:1-1(q), in which any distilled alcoholic beverages are mixed or blended with other alcoholic or nonalcoholic beverages shall not exceed a maximum capacity of 16 fluid ounces, inclusive of ice. Any container must be affixed with a tamper evident seal.

6. **Definition of “closed and sealed container.”** A “closed and sealed container” is a container with a tamper-evident seal, meaning a seal that will indicate whether a seal or closure has been interfered with or removed. Examples of a tamper-evident seal include, but are not limited to: crown capped glass bottles, screw tops that break from a ring when opened, or heat-sealed closures over sealed caps. Acceptable containers include plastic beverage pouches, bottles, substantial or sturdy plastic containers and mason-type jars, as long as the lid or screw cap is sealed with tamper evident security tape or heat sealed plastic film. Examples of containers which are not permitted to be used for the sale of alcoholic beverages for off-premise consumption include, but are not limited to: disposable paper, plastic, or styrofoam cups, or any cup or container with a lid, cap, or cover that has holes even if sealed over with tape or other materials. Dispensing of straws is permitted for use at the consumer's ultimate destination.

7. **To-go container labeling requirements.** A “to-go” container of distilled alcoholic beverages mixed or blended with other alcoholic or nonalcoholic beverages shall be affixed with a label that includes, at a minimum, the common or trade name of the cocktail and a notation that this is an alcoholic beverage. Handwritten labels are acceptable.

8. **Off-premises consumption.** Off-premises consumption of any and all alcoholic beverages must take place in accordance with all local laws, ordinances and rules banning consumption of alcohol in public - including on sidewalks, beaches and in parks.

Please be advised that P.L. 2020, c. 33 is a temporary law that was enacted to address the financial losses suffered by certain businesses during the COVID-19 pandemic. By its own terms, this law will expire on the first day of the seventh month following the date on which the Governor declares that the state of emergency has ended, or the date on which the coronavirus-related occupancy or customer seating restrictions no longer apply to the licensed premises, whichever

date occurs later. Please further note that SR 2020-01, which is a Special Ruling authorizing certain activities by limited brewery licensees, will expire in accordance with the dates established in P.L. 2020, c. 33. See, Assembly Appropriations Committee Statement to Assembly Committee Substitute for Assembly Bill No. 3966.

Any questions concerning this Advisory Notice should be directed to DAG Paul Urbish at (609) 376-9635.

A handwritten signature in black ink, appearing to read "James B. Graziano". The signature is stylized and cursive.

JAMES B. GRAZIANO  
ACTING DIRECTOR

Dated: June 02, 2020