

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

<b>IN THE MATTER OF</b>	)	
<b>THE EXTENSION OF CERTAIN</b>	)	<b>ADMINISTRATIVE ORDER 2021-01</b>
<b>COVID-19 EXPANSION PERMITS</b>	)	<b>EXTENDING CERTAIN</b>
_____	)	<b>COVID-19 EXPANSION PERMITS</b>
	)	

BY THE DIRECTOR:

On February 5, 2021, Governor Murphy signed P.L.2021, c.15 which, among other things, expands opportunities for restaurants, bars, distilleries, and breweries to provide outdoor dining, in response to the COVID-19 public health emergency. The law further establishes protocols for municipal review and approval for owners or operators of a restaurant, bar, distillery, or brewery to extend their business premises so that they are able to sell food and beverages in adjacent outdoor spaces and on public sidewalks<sup>1</sup>. It also mandates extension of the expiration date of all COVID-19 Expansion Permits issued by the Director pursuant to the provisions of Special Ruling No. 2020-10 until November 30, 2022 or the date on which indoor dining resumes without capacity limitations, whichever is later.

Pursuant to N.J.S.A. 33:1-74, the Director has the authority to issue temporary permits “where it would be appropriate and consonant with the spirit of [Title 33] to issue a license but the contingency has not been expressly provided for ...”. The Director determined, following issuance of Executive Order No. 150 (2020) by Governor Murphy, that it was necessary to create a temporary permit, known as the COVID-19 Expansion Permit, to allow certain licensees to serve alcoholic beverages in outdoor spaces. In line with the broad powers given to the Director by N.J.S.A. 33:1-39 and -74, this permit was

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<sup>1</sup> Plenary winery and farm winery licensees were not included in the law so those licensees are not subject to the protocols for municipal review and approval established by P.L. 2021, c.15. However, if a plenary or farm winery licensee received a COVID-19 Expansion Permit issued by the Division, that permit is automatically extended by operation of P.L. 2021, c. 15 and this Administrative Order.

established by Special Ruling 2020-10. While P.L. 2021, c.15 creates a municipal process for certain licensees to extend their licensed premises into outdoor areas, the law specifically provides that the “expiration date of *any* COVID-19 Expansion Permit issued by the Director of the Division of Alcoholic Control pursuant to Special Ruling 2020-10 shall be November 30, 2022 or the date on which indoor dining resumes without capacity limitations... whichever is later.” (Emphasis added.)

Accordingly, the Division has determined that the statute automatically extends any COVID-19 Expansion Permit through at least November 30, 2022 without the licensee having to perform any additional administrative actions at the State or municipal level. In addition, the Division continues to exercise authority over issuance of any COVID-19 Expansion Permits to all alcoholic beverage licensees. To date, over 3,000 licensees have been issued COVID-19 Expansion Permits by the Division pursuant to Special Ruling No. 2020-10 and received municipal approval as part of the application process. Any municipality or aggrieved third party concerned with automatic extension of a COVID-19 Expansion Permit for a licensee located in their municipality may contact the Division to file objection to said extension and report violations of Title 33, Department of Health Dining Protocols, or the Executive Orders issued by Governor Murphy. Objections will be considered by the Division and may result in suspension or revocation of the permit, or may result in the imposition of special conditions on the permit.

It is therefore on this 19<sup>th</sup> day of March, 2021,

**ORDERED** that, on the effective date of P.L. 2021, c. 15, the expiration date of all COVID-19 Expansion Permits issued by the Division pursuant to Special Ruling 2020-10 is hereby extended to November 30, 2022, or to such date as indoor dining resumes with no capacity limitations, whichever is later, without the licensee having to perform any additional administrative actions at the State or municipal level, or having to retroactively or prospectively submit to the outdoor dining review and approval process established by sections 2 and 3 of P.L. 2021, c.15, and it is further

**ORDERED** that the applicant for any new COVID-19 Expansion Permit must receive municipal approval pursuant to subsection b. of section 2 of P.L.2021, c.15 before the COVID-19 Expansion Permit application may be considered by the Division; and it is further

**ORDERED** that all terms and conditions imposed on holders of any COVID-19 Expansion Permit not inconsistent with P.L.2021, c.15 shall remain in force and subject to enforcement by the Division and the local issuing authority.

  
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JAMES B. GRAZIANO  
DIRECTOR