

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

IN THE MATTER OF THE TEMPORARY)
EXTENSION OF CERTAIN PERMITS DUE)
TO THE STATE OF EMERGENCY)
IN RESPONSE TO THE COVID-19 PANDEMIC.)
AO 2020-01
ORDER AUTHORIZING
EXTENSION OF CERTAIN PERMITS
DURING STATE OF EMERGENCY

BY THE ACTING DIRECTOR:

In response to the public health hazard posed by the novel Coronavirus disease (“COVID-19”), Governor Philip D. Murphy exercised his Constitutional powers and issued Executive Order No. 103 (2020) (“EO No. 103”) on March 9, 2020, which declared both a Public Health Emergency and State of Emergency. On March 16, 2020, Governor Murphy issued Executive Order No. 104 (2020) (“EO No. 104”), which had significant impact on the alcoholic beverage industry. Subsequently, on March 21, 2020, Governor Murphy issued Executive Order No. 107 (“EO No. 107”) which supersedes the operative paragraphs in EO No. 104 and adopts by reference the facts and circumstances of EO Nos. 103 and 104. The Executive Orders shall remain in effect until revoked or modified by the Governor.

Pursuant to the Alcoholic Beverage Control Act, N.J.S.A. 33:1-1 to 4.1, and the implementing regulations (collectively, the “ABC Act”), the Director’s “power to regulate the sale of intoxicating liquors is ‘practically limitless,’” R & R Mktg., L.L.C. v. Brown-Forman Corp., 158 N.J. 170, 176 (1999). The Director has the authority to may make such general rules and regulations and such special rulings and findings “as may be necessary for the proper regulation and control of the manufacturer, sale and distribution of alcoholic beverages ..., and [to] alter, amend, repeal and publish the same from time to time.” N.J.S.A. 33:1-39. The Director also has

the authority to issue permits to provide for contingencies not expressly provided for in the ABC Act. N.J.S.A. 33:1-74. The Division issues numerous permits in the exercise of its authority to regulate alcoholic beverages to protect the health, safety and welfare of the people of this State.

Travel and business restrictions related to the State of Emergency have made it difficult or impossible for certain permit holders to extend their permits, which will expire on March 31, 2020, unless extended by the Director. Therefore, in order for these businesses to continue to operate to the extent they are able, the Director FINDS it necessary and appropriate to extend their permits until the State of Emergency is lifted. The permits extended under this Order are for those businesses that are otherwise allowed to operate under EO No. 107. Accordingly, pursuant to N.J.S.A. 33:1-39 and N.J.S.A. 33:1-74, and in order to maintain stability in the industry and to avoid undue hardship and for good cause;

IT IS on this 1 day of April, 2020, hereby ORDERED that

1. Ad-Interim permits, commonly referred to as AI permits, for all retail licensees currently operating pursuant thereto are extended until the State of Emergency is lifted by Governor Murphy; once the State of Emergency is lifted, the licensee shall apply for a new AI permit pursuant to all rules and regulations as required in the normal course of business, within 14 days of that date, to continue to operate; and
2. Temporary Authorization to Operate Permits, commonly referred to as TAPs, for pending State-issued license applicants currently operating pursuant thereto are extended until the State of Emergency is lifted by Governor Murphy; once the State of Emergency is lifted, the permittee shall obtain a current TAP pursuant to all rules and regulations as required in the normal course of business, within 14 days of that date, to continue to operate;

3. Currently issued permits, including Minor employment permits and “blanket employment” permits that expire during the State of Emergency are extended until the State of Emergency is lifted by Governor Murphy; once the State of Emergency is lifted, permittees shall renew their existing permits or apply for a new permit, pursuant to all rules and regulations as required in the normal course of business, within 14 days of that date. N.J.A.C. 13:2-14.2; and
4. The extensions of the permits granted herein may be withdrawn or modified should the facts or circumstances of the public health crisis change, and the Director may issue additional Orders to clarify and address problems not anticipated by this Order.



JAMES B. GRAZIANO
ACTING DIRECTOR

DATED: ^{April 1} ~~March~~, 2020

JBG/KMS/ABC