

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

AN 2024-01—NOTICE TO THE INDUSTRY REGARDING FIREARMS IN BARS AND RESTAURANTS

The purpose of this notice is to clarify and explain the Division’s understanding of recent changes in New Jersey’s firearm laws as they apply to licensed premises. On December 22, 2022, the Governor signed Public Law 2022, Chapter 131, which prohibited carrying of firearms in specific locations, including “a bar or restaurant where alcohol is served, and any other site or facility where alcohol is sold for consumption on the premises.” N.J.S.A. 2C:58-4.6(a)(15). This prohibition applies to all persons, even those with a permit to carry firearms pursuant to N.J.S.A. 2C:58-4. However, it does not apply to law-enforcement officers, on or off duty, and individuals with valid concealed-carry permits who are expressly authorized in writing by the licensee to provide security on premise.

On January 9, 2023, in Koons v. Platkin et al., a U.S. District Court judge issued a temporary restraining order enjoining several sensitive-place provisions, including the one as to bars and restaurants that serve alcohol.¹ On June 20, 2023, the relevant portions of the Koons decision (including the provision regarding bars and restaurants that serve alcohol) were stayed by the U.S. Court of Appeals for the Third Circuit. This means that the state statute, previously struck down, that defines bars and restaurants as “sensitive areas” where the carrying of firearms is

¹ On May 19, 2023, the Court issued a preliminary injunction that ordered the same relief as to this provision.

banned remains the law in New Jersey. That order remains in place while the case is heard by the Third Circuit.²

Licenses are reminded that at this time, State law prohibits the carrying or possession of firearms on their premises. For the purpose of informing the general public that firearms are not permitted, licenses are also encouraged to post signs stating that under New Jersey law firearms are not permitted on the premises.

To assist in this effort, the Office of the Attorney General has created “Gun Free Zone” stickers that may be used to effectuate the notice described above. These stickers are available free of charge; information on how to obtain them can be found on the ABC website. Signs and/or stickers should be conspicuously posted at the primary entrance(s) of the establishment.

Patrons who carry firearms into prohibited places under New Jersey law, including licensed premises, may be subject to criminal penalties and revocation of their carry permits. Licenses should contact their local law-enforcement agency to report such violations. Licenses are encouraged to take reasonable measures to ensure that firearms are not on their premises.

This Advisory Notice is based on the current status of the Koons case, and the Division will issue additional guidance as needed.



JAMES B. GRAZIANO
DIRECTOR

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² The recent litigation does not affect N.J.S.A. 2C:39-6(e), which allows a person to keep a properly registered firearm in his or her place of business. The presence of a firearm on the premises should be announced to ABC investigators conducting official business at the location.

Note: This Advisory Notice does not impose any new or additional measures that are not required by statute or regulation and does not establish any rights or obligations for any person. This document does not provide legal advice and should not be treated as providing legal advice. Licensees may contact ABC with questions or speak with a qualified attorney to address their specific questions.