

**GOVERNOR'S STATEMENT UPON SIGNING
SENATE BILL NO. 3340
(First Reprint)**

Today I am signing Senate Bill No. 3340 (First Reprint), which makes various revisions to current law intended to assist restaurants, bars, and other liquor license holders in dealing with the Coronavirus disease 2019 ("COVID-19") health emergency. This segment of our business community has been particularly hard-hit by the pandemic, and I am happy to bolster the framework for outdoor dining that I established in June 2020 when I signed Executive Order No. 150. I commend the sponsors for their commitment to working on these issues.

This bill accomplishes a number of things, including establishing protocols for municipal review and approval for the owners or operators of a restaurant, bar, distillery, or brewery to extend their business premises so they can sell food and beverages in adjacent outdoor spaces and on public sidewalks, and expressly permits "BYOB" in such spaces when allowed by municipal authorities. Over the last eight months, many municipalities have already allowed restaurants to expand their premises into public spaces, and I applaud their creativity in facilitating outdoor dining.

The bill also extends the expiration date of any COVID-19 Expansion Permit issued by the Director of the Division of Alcoholic Beverage Control ("ABC") 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. The bill further addresses hours of operation and other local and regulatory concerns. Finally, the bill authorizes the ABC to issue seasonal farm market permits to allow holders of a limited brewery license, restricted brewery license, craft distillery license, plenary winery license, farm winery license, or cidery and meadery license to sell their products in original containers at a seasonal farm market for off-premises consumption.

Since the earliest months of the pandemic, my Administration has worked continuously to provide the hospitality industry with creative and constructive options that have allowed them to serve their customers during these difficult, socially-distanced times, including measures to increase the availability of outdoor dining. The investment in outdoor equipment can be quite substantial - tents, tables, outdoor heating, etc. - and fairness dictates that licensees be assured that they will be able to recoup those costs over a longer term of operation, through at least the end of November 2022.

I am proud that over 3,000 licensees have already been issued COVID-19 Expansion Permits pursuant to Special Ruling No. 2020-10, having received municipal approval as part of the process. Based on conversations with the prime sponsor, we share a common understanding that licensees who were previously issued COVID-19 Expansion Permits pursuant to ABC Special Ruling No. 2020-10 will automatically receive the extension without having to perform any additional administrative actions at the State or local level, and specifically will not be required to retroactively or prospectively submit to the outdoor dining review and approval process articulated under sections 2 and 3 of this bill with respect to their previously-issued COVID-19 expansion permits. We believe that it is important to cut red tape to the maximum extent possible to help these particularly hard-hit small businesses and community hubs overcome the substantial challenges they face due to the pandemic.

Moreover, it is my further understanding that, in codifying the outdoor dining review and approval process and extending the termination date of COVID-19 Expansion Permits, this legislation does not inject or obligate the ABC to play any role in the municipal review process with respect to enforcement of local health, safety, fire, permitted use, or zoning regulations or ordinances, nor does it divest the ABC of its authority to take action against licensees for conduct subject to the ABC's jurisdiction with respect to the COVID-19 Expansion Permits.

Given this understanding, I am pleased to sign this bill into law to help the hospitality industry manage the considerable challenges posed by the COVID-19 pandemic.

February 5, 2021

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor