

December 2021 Legal & Legislative Update

FEDERAL / NATIONAL / INTERNATIONAL

For the latest information on federal issues of importance to brewers, please link to the BA's [Federal Affairs Updates](#).

THE STATES

Sales, Distribution and Franchise:

Florida

Pre-filed for the 2022 session, [S.B. 964](#) would permit breweries to sell, transport, or deliver branded products to vendors within the same county where the manufacturer is located or within an adjacent county.

Taxation:

New Jersey

Both reported from Senate committee, [S.B. 3404](#) / A.B. 5218 seek to allow the owner of an alcoholic beverage manufacturer, among other business types, to use a bonus depreciation allowance of up to \$150,000 for capital expenditures incurred within New Jersey to comply with the health and safety requirements of the Governor's executive orders regarding the COVID-19 pandemic.

Trade Practice & Other:

New Jersey

[Senate Bill 4091](#) seeks to permit the holders of certain licenses, including limited breweries and restricted breweries, to offer retail memberships to their customers. A "retail membership" is defined as a membership program offered by a license holder to customers, which provides discounts or other benefits related to the products manufactured by the license holder in exchange for a membership fee.

[Senate Bill 4120](#) seeks to authorize a limited brewery licensee to hold on-site special events open to the general public on the licensed premises of the brewery, as well as off-site special events open to the general public and that the requirement that a consumer take a tour of the brewery as a prerequisite to consuming malt alcoholic beverages on the premises can be satisfied by taking either an on-site tour or a virtual tour of the brewery. A tour is not required for the licensee to

sell its product at retail for off-premises consumption and the product may be sold in a keg, sixtel, case, six-pack, growler, or crowler.

[A.B. 6086](#) would allow limited breweries (and other small alcohol producers) to sell each other's products on-premises for off-premises consumption, permits the coordination of food service by third party restaurants, permits the hosting of on-premises special events and private parties, eliminates tour requirements, and expands the amount that a restricted brewery may manufacture annually to 50,000 barrels (current limit is 10,000).

Ohio

Passing the House as a substituted version, [Senate Bill 102](#) would, among several provisions, allow a brewpub, microdistillery, or winery to host a home brewer event if these entities suspend their permit privileges in the area where the event is held and the entity informs the Division of Liquor Control that it is hosting the event within ten days of the event.