

LAME DUCK SEASON IS HERE

WITH 100+ BILLS PENDING, VIGILANCE IS REQUIRED

BY JEFFREY WARSH, ESQ



As you are reading this, Governor Chris Christie's two terms are winding down, while Governor-Elect Phil Murphy's administration is increasingly taking shape. And Senate President Steve Sweeney maintains the helm of the Upper House, while Craig Coughlin (D-South Amboy) is the Speaker-Designate of the General Assembly.

Before we look too far ahead, though, we are also now in the midst of the Lame Duck Session—that short and furious legislative session which began the day after Election Day (November 8, 2017) and concludes at noon on the second Tuesday in January, 2018 (January 9, 2018). During this sixty-two (62) day period, all bills may be considered for hearings, for passage and for Governor Christie's signature or veto.

With five days notice prior to a bill being heard, where weekend days count as a notice day, as an industry we have almost no time to act or to react to critical legislative hearings and key votes. The urgency is magnified by the time crunch - both commercial and familial - associated with the holiday season. From the get-go, we are behind the eight ball.

Heavy Docket

Currently in Trenton, there are over 100 bills pending, at one stage or another, directly impacting alcoholic beverages. Only a handful are beneficial to our industry and the vast majority are unnecessary and counter-productive. Disturbingly, more than a few threaten the very licensing foundation upon which all of our enterprises rest. The bill to

With just five days notice prior to a bill being heard, as an industry, we have almost no time to act or react to critical hearings and votes.

issue thousands of new retail consumption licenses for less than \$10,000 is pending, as is the bill to eliminate the two-license limitation. These two bills, taken alone or in tandem, will cause severe and irreparable economic damage to the New Jersey hospitality sector, possibly resulting in a family business bankruptcy crisis among on-premise retailers and national and global chain store domination in the package store sector.

How will New Jersey's likely legalization of marijuana impact the New Jersey alcoholic beverage industry? Is there a place for existing alcoholic beverage licenses as prohibition is being repealed on cannabis?

Get The Word Out

What should you do and where should you turn when sternly faced with the twin challenges of running a business whilst defending your family livelihood from arbitrary and damaging legal and regulatory changes? Turn to the trade association of your choice. While the daily Trenton challenges are daunting, we are fortunate in our industry to benefit from the good works of long-time

dedicated advocates for the alcoholic beverage industry. I am talking about the New Jersey Licensed Beverage Association (NJLBA.org), the New Jersey Liquor Store Alliance (NJLSA.com), the Asian-American Retailers Association (aarUSA.COM) and the New Jersey Restaurant & Hospitality Association (NJRHA.org).

These groups, and their staffs, retained attorneys and other experts, are our primary retailer line of defense. If you are already a member, THANK YOU! If you are not, please peruse the websites provided. You will be surprised how little the dues are in comparison to the value provided. With the benefit of emails and texts, we can all stay connected, informed, and motivated.

We need to get the word out when we have so little time to respond and it is essential that you know what is pending with impact on your licensed business. Take a minute to access the websites. Join one or more. It will be time well spent. Some memberships come with free on-premises server training.

From my professional and personal family to yours, I wish all of the members of our unique community a safe, healthy, prosperous and joyous holiday season. ■

Jeff Warsh, the former NJABC Staff Attorney, State Assemblyman and Executive Director of NJ Transit, is a Partner at Post Polak, responsible for the firm's Hospitality, Alcoholic Beverage and Cannabis Law group, along with former NJABC Director Jerry Fischer. Warsh is also a Partner at MBI GluckShaw- NJ's premier lobbying and public affairs firm. Warsh serves as Executive Director and General Counsel to the NJ Wine and Spirits Wholesalers Association and as Legislative Agent and Counsel to the NJ Licensed Beverage Association. Warsh serves as Vice Chairman of the NJABC Advisory Committee and as Vice Chair of the Wine and Spirits Wholesalers of America National Advisory Council. He will become Chair in December, 2017.