



General Assembly

February Session, 2002

Raised Bill No. 570

LCO No. 2347

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING UNDERAGE DRINKING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 30-89 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 (a) Any person to whom the sale of alcoholic liquor is by law
4 forbidden who purchases or attempts to purchase such liquor or who
5 makes any false statement for the purpose of procuring such liquor
6 shall be fined not less than two hundred nor more than five hundred
7 dollars.

8 (b) (1) Any minor who possesses any alcoholic liquor [on any street
9 or highway or in any public place or place open to the public,
10 including any club which is open to the public, shall] may be fined not
11 less than two hundred nor more than five hundred dollars, or may be
12 required to perform not more than one hundred eighty days of
13 community service, as defined in section 14-227e, or both. The court
14 also may (A) suspend such minor's motor vehicle operator's license or
15 nonresident operating privilege, if any, for not more than one hundred
16 eighty days, (B) order such minor to attend an alcohol education

17 program, or (C) require such minor to receive mental health or
18 substance abuse counseling.

19 (2) The provisions of this subsection shall not apply to [(1)] (A) a
20 person over age eighteen who is an employee or permit holder under
21 section 30-90a and who possesses alcoholic liquor in the course of his
22 employment or business, [(2)] (B) a minor who possesses alcoholic
23 liquor on the order of a practicing physician, or [(3)] (C) a minor who
24 possesses alcoholic liquor while accompanied by a parent, guardian or
25 spouse, who has attained the age of twenty-one.

26 Sec. 2. Subsection (d) of section 54-56g of the general statutes is
27 repealed and the following is substituted in lieu thereof (*Effective*
28 *October 1, 2002*):

29 (d) The Department of Mental Health and Addiction Services shall
30 contract with service providers, develop standards and oversee
31 appropriate alcohol programs, including programs appropriate for
32 persons under the age of twenty-one, to meet the requirements of this
33 section. Said department shall adopt regulations in accordance with
34 chapter 54 to establish standards for such alcohol programs. Any
35 defendant whose employment or residence makes it unreasonable to
36 attend an alcohol program in this state may attend a program in
37 another state which has standards substantially similar to, or higher
38 than, those of this state, subject to the approval of the court and
39 payment of the application and program fees as provided in this
40 section.

41 Sec. 3. Subsection (b) of section 30-86 of the general statutes, as
42 amended by section 1 of public act 01-92, is repealed and the following
43 is substituted in lieu thereof (*Effective October 1, 2002*):

44 (b) (1) Any permittee or any servant or agent of a permittee who
45 sells or delivers alcoholic liquor to [any minor, or to] any intoxicated
46 person, or to any habitual drunkard, knowing the person to be such an
47 habitual drunkard, shall be subject to the penalties of section 30-113.

48 (2) Any person who sells, ships, delivers or gives any such liquors to
49 such minor, by any means, including, but not limited to, the Internet or
50 any other on-line computer network, or at any place, including, but not
51 limited to, private property, except on the order of a practicing
52 physician, shall, for a first offense, be fined not more than one
53 thousand five hundred dollars or imprisoned not more than eighteen
54 months, or both, and, for a second offense, be fined not more than five
55 thousand dollars or imprisoned not more than three years, or both,
56 except that if, as a result of any such violation, a minor becomes
57 intoxicated and in consequence of such intoxication thereafter injures
58 or causes the death of himself or herself or another person, such person
59 shall be fined not more than ten thousand dollars, or imprisoned not
60 more than ten years, or both. In addition to any fine or term of
61 imprisonment imposed pursuant to this subdivision for any such
62 violation, the court may order that such person perform up to one
63 hundred eighty days of community service, as defined in section 14-
64 227e, or attend an alcohol education program, or both. [The provisions
65 of this section shall not apply (1) to a sale, shipment or delivery made
66 to a person over age eighteen who is an employee or permit holder
67 under section 30-90a and where such sale, shipment or delivery is
68 made in the course of such person's employment or business, (2) to a
69 sale, shipment or delivery made in good faith to a minor who practices
70 any deceit in the procurement of an identity card issued in accordance
71 with the provisions of section 1-1h, who uses or exhibits any such
72 identity card belonging to any other person or who uses or exhibits
73 any such identity card that has been altered or tampered with in any
74 way, or (3) to a shipment or delivery made to a minor by a parent,
75 guardian or spouse of the minor, provided such parent, guardian or
76 spouse has attained the age of twenty-one and provided such minor
77 possesses such alcoholic liquor while accompanied by such parent,
78 guardian or spouse.]

79 Sec. 4. Section 30-86 of the general statutes, as amended by section 1
80 of public act 01-92, is amended by adding subsection (f) as follows
81 (*Effective October 1, 2002*):

82 (NEW) (f) The provisions of this section shall not apply (1) to a sale,
83 shipment or delivery made to a person over age eighteen who is an
84 employee or permit holder under section 30-90a and where such sale,
85 shipment or delivery is made in the course of such person's
86 employment or business, (2) to a sale, shipment or delivery made in
87 good faith to a minor who practices any deceit in the procurement of
88 an identity card issued in accordance with the provisions of section
89 1-1h, who uses or exhibits any such identity card belonging to any
90 other person or who uses or exhibits any such identity card that has
91 been altered or tampered with in any way, or (3) to a shipment,
92 delivery or gift made to a minor by a parent, guardian or spouse of the
93 minor, provided such parent, guardian or spouse has attained the age
94 of twenty-one and provided such minor possesses such alcoholic
95 liquor while accompanied by such parent, guardian or spouse.

96 Sec. 5. (NEW) (*Effective October 1, 2002*) If any person sells, ships,
97 delivers or gives any alcoholic liquor to a minor and such minor
98 becomes intoxicated and, in consequence of such intoxication,
99 thereafter injures the person or property of another, such person shall
100 pay just damages to the aggrieved person or persons, to be recovered
101 in an action under this section, provided the aggrieved person or
102 persons shall give written notice to such provider of alcoholic liquor
103 within sixty days of the occurrence of such injury to person or
104 property of the aggrieved person's or persons' intention to bring an
105 action under this section. In computing such sixty-day period, the time
106 between the death or incapacity of any aggrieved person and the
107 appointment of an executor, administrator, conservator or guardian of
108 the aggrieved person's estate shall be excluded, except that the time so
109 excluded shall not exceed one hundred twenty days. Such notice shall
110 specify the time, the date and the minor to whom such sale, shipment,
111 delivery or gift was made, the name and address of the person injured
112 or whose property was damaged, and the time, date and place where
113 the injury to person or property occurred. No action under the
114 provisions of this section shall be brought but within one year from the
115 date of the act or omission complained of.

116 Sec. 6. (NEW) (*Effective October 1, 2002*) No insurance company
117 which issues a homeowner's policy to any homeowner or renter shall
118 become liable for any loss or damage arising out of such homeowner's
119 or renter's violation of subsection (b) of section 30-86 of the general
120 statutes, as amended by this act, or section 5 of this act, unless the
121 policy issued to such homeowner or renter specifically provides such
122 coverage.

123 Sec. 7. Section 30-55 of the general statutes is repealed and the
124 following is substituted in lieu thereof (*Effective October 1, 2002*):

125 (a) The Department of Consumer Protection may, in its discretion,
126 revoke or suspend any permit or provisional permit upon cause found
127 after hearing, provided ten days' written notice of such hearing has
128 been given to the permittee setting forth, with the particulars required
129 in civil pleadings, the charges upon which such proposed revocation
130 or suspension is predicated. [No permit shall be suspended or revoked
131 under this section for any violation of this chapter of which the
132 permittee or his servant or agent was finally found not guilty by, or
133 received dismissal in, a court having jurisdiction thereof, and no
134 disciplinary action shall be taken thereafter by the department against
135 the backer or such permittee, servant or agent. The department shall
136 not initiate hearing proceedings pursuant to this section based upon
137 any arrest which has not resulted in a conviction.] Any appeal from
138 such order of revocation or suspension shall be taken in accordance
139 with the provisions of section 4-183.

140 (b) The surrender of a permit or provisional permit for cancellation
141 or the expiration of a permit shall not prevent the department from
142 suspending or revoking any such permit pursuant to the provisions of
143 this section.

144 Sec. 8. (NEW) (*Effective October 1, 2002*) (a) The Commissioner of
145 Consumer Protection shall adopt regulations in accordance with the
146 provisions of chapter 54 of the general statutes, regarding server
147 training courses. Such regulations shall include guidelines for the

148 contents of such courses and requirements for persons providing such
149 courses.

150 (b) On or after July 1, 2003, any person seeking a permit pursuant to
151 section 30-20a, 30-21, 30-21b, 30-22, 30-22a, 30-22b, 30-23, 30-24a, 30-25,
152 30-26, 30-28, 30-28a, 30-29, 30-33, 30-33a, 30-33b, 30-33c, 30-35, 30-35a,
153 30-37a, 30-37b, 30-37c, as amended, 30-37e, 30-37g, 30-37j or 30-37k of
154 the general statutes, shall provide proof of completion of a server
155 training course.

156 (c) On and after July 1, 2003, no permittee of any permit class listed
157 in subsection (b) of this section shall hire any person to serve alcoholic
158 beverages unless such person has completed a server training course.

159 (d) On and after July 1, 2003, the Commissioner of Consumer
160 Protection shall require any permittee of any permit class listed in
161 subsection (b) of this section, and any employee of such permittee who
162 has been found, pursuant to section 30-55 of the general statutes, to
163 have served alcoholic beverages to minors, to attend a server training
164 course.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>
Sec. 6	<i>October 1, 2002</i>
Sec. 7	<i>October 1, 2002</i>
Sec. 8	<i>October 1, 2002</i>

Statement of Purpose:

To reduce access to alcohol among youth under 21 years old, and to hold adults and commercial institutions accountable if they provide alcohol to minors.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]