



# House of Representatives

**File No. 276**

General Assembly

February Session, 2004

**(Reprint of File No. 43)**

House Bill No. 5161  
As Amended by House  
Amendment Schedule "A"

Approved by the Legislative Commissioner  
March 25, 2004

**AN ACT CONCERNING OUTSIDE SERVICE OF ALCOHOL IN  
RESTAURANTS AND CAFES.**

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

1 Section 1. Subsection (a) of section 30-22 of the general statutes, as  
2 amended by section 1 of public act 03-228 and section 146 of public act  
3 03-6 of the June 30 special session, is repealed and the following is  
4 substituted in lieu thereof (*Effective October 1, 2004*):

5 (a) A restaurant permit shall allow the retail sale of alcoholic liquor  
6 to be consumed on the premises of a restaurant. A restaurant patron  
7 may remove one unsealed bottle of wine for off-premises consumption  
8 provided the patron has purchased a full course meal and consumed a  
9 portion of the bottle of wine with such meal on the restaurant  
10 premises. For the purposes of this section, "full course meal" means a  
11 diversified selection of food which ordinarily cannot be consumed  
12 without the use of tableware and which cannot be conveniently  
13 consumed while standing or walking. A restaurant permit, with prior  
14 approval of the Department of Agriculture and Consumer Protection,  
15 shall allow alcoholic liquor to be served at tables in outside areas

16 which are screened or not screened from public view where permitted  
17 by fire, zoning and health regulations. If not required by fire, zoning or  
18 health regulations, a fence or wall enclosing such outside areas shall  
19 not be required by the Department of Agriculture and Consumer  
20 Protection. No fence or wall used to enclose such outside areas shall be  
21 less than thirty inches high. The annual fee for a restaurant permit  
22 shall be one thousand two hundred dollars.

23 Sec. 2. Subsection (a) of section 30-22a of the general statutes, as  
24 amended by section 146 of public act 03-6 of the June 30 special  
25 session, is repealed and the following is substituted in lieu thereof  
26 (*Effective October 1, 2004*):

27 (a) A cafe permit shall allow the retail sale of alcoholic liquor to be  
28 consumed on the premises of a cafe. Premises operated under a cafe  
29 permit shall regularly keep food available for sale to its customers for  
30 consumption on the premises. The availability of sandwiches, soups or  
31 other foods, whether fresh, processed, precooked or frozen, shall be  
32 deemed compliance with this requirement. The licensed premises shall  
33 at all times comply with all the regulations of the local department of  
34 health. Nothing herein shall be construed to require that any food be  
35 sold or purchased with any liquor, nor shall any rule, regulation or  
36 standard be promulgated or enforced requiring that the sale of food be  
37 substantial or that the receipts of the business other than from the sale  
38 of liquor equal any set percentage of total receipts from sales made  
39 therein. A cafe permit shall allow, with the prior approval of the  
40 Department of Agriculture and Consumer Protection, alcoholic liquor  
41 to be served at tables in outside areas that are screened or not screened  
42 from public view where permitted by fire, zoning and health  
43 regulations. If not required by fire, zoning or health regulations, a  
44 fence or wall enclosing such outside areas shall not be required by the  
45 Department of Agriculture and Consumer Protection. No fence or wall  
46 used to enclose such outside areas shall be less than thirty inches high.  
47 The annual fee for a cafe permit shall be one thousand seven hundred  
48 fifty dollars.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Consumer Protection, Dept.	GF - None	None	None

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill allows restaurants and cafes to serve liquor in outside areas, regardless of whether or not they are screened from public view.

House "A" is a technical change and has no fiscal impact.

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**OLR Bill Analysis**

HB 5161 (as amended by House "A")\*

***AN ACT CONCERNING OUTSIDE SERVICE OF ALCOHOL IN RESTAURANTS AND CAFES.*****SUMMARY:**

Current law allows liquor-selling establishments holding café and restaurant permits to serve patrons at outside tables, with the prior approval of the Department of Agriculture and Consumer Protection, but only if not screened from public view. This bill eliminates the prohibition against screening the tables.

\*House Amendment "A" makes it clear that outside service of alcohol is allowed whether or not patrons are screened from public view.

EFFECTIVE DATE: October 1, 2004

**COMMITTEE ACTION**

General Law Committee

Joint Favorable Report

Yea 16    Nay 0