



House of Representatives

General Assembly

File No. 628

February Session, 2004

Substitute House Bill No. 5497

House of Representatives, April 20, 2004

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT DISCOURAGING THE SALE OF ALCOHOLIC LIQUOR TO UNDERAGE PERSONS.

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

1 Section 1. (NEW) (*Effective October 1, 2004*) (a) A permittee issued a
2 permit pursuant to chapter 545 of the general statutes or an agent or
3 employee of such permittee may require any person whose age is in
4 question to have his or her photograph taken by such permittee, agent
5 or employee as a condition to selling or delivering alcoholic liquor to
6 such person. Such photograph shall include a photographic image of
7 such person's driver's license or identity card issued in accordance
8 with the provisions of section 1-1h of the general statutes, as amended.

9 (b) No permittee or agent or employee of a permittee shall use a
10 photograph taken pursuant to subsection (a) of this section for a
11 purpose other than the purpose specified in said subsection (a).

12 (c) No permittee or agent or employee of a permittee shall sell or

13 otherwise disseminate a photograph taken pursuant to subsection (a)
 14 of this section, or any information derived from such photograph, to
 15 any third party for any purpose including, but not limited to, any
 16 marketing, advertising or promotional activities, except that a
 17 permittee or an agent or employee of a permittee may release such
 18 photograph or information pursuant to a court order.

19 (d) The Department of Agriculture and Consumer Protection shall
 20 adopt regulations, in accordance with chapter 54 of the general
 21 statutes, to establish guidelines and specifications for the photographic
 22 equipment to be used and the format of the photograph to be taken by
 23 a permittee or an agent or employee of a permittee.

24 (e) In any prosecution of a permittee or an agent or employee of a
 25 permittee for selling or delivering alcoholic liquor to a minor in
 26 violation of subsection (b) of section 30-86 of the general statutes, as
 27 amended, it shall be an affirmative defense that such permittee, agent
 28 or employee sold or delivered alcoholic liquor to such minor in good
 29 faith and in reasonable reliance upon the identification presented by
 30 such minor and, pursuant to subsection (a) of this section,
 31 photographed the minor and such identification. In support of such
 32 defense, such permittee, agent or employee may introduce evidence of
 33 such photograph.

This act shall take effect as follows:	
Section 1	October 1, 2004

JUD *Joint Favorable Subst.*

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:

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 requires the Department of Consumer Protection to adopt regulations regarding guidelines and specifications for equipment used to photograph prospective purchasers of alcohol who appear under 21 years of age. Although an increase in workload may occur there would not be a fiscal impact.

OLR BILL ANALYSIS

sHB 5497

AN ACT DISCOURAGING THE SALE OF ALCOHOLIC LIQUOR TO UNDERAGE PERSONS**SUMMARY:**

This bill allows liquor permittees, and their agents and employees, to require prospective purchasers whose age is in question to have their photographs taken as a condition of selling or delivering alcohol to them. The photograph must include a photographic image of the prospective purchaser's driver's license or non-driver photo identity card.

In a prosecution of a permittee, or his agent or employee, for selling or giving liquor to a minor, the bill makes it an affirmative defense that the individual sold or gave the liquor in good faith and in reasonable reliance on the identification provided by the minor. The defendant has the burden of proving an affirmative defense by a preponderance of evidence.

The bill prohibits permittees, or their agents or employees, from (1) using a photograph for any purpose other than as evidence in a prosecution and (2) selling or otherwise disseminating a photograph, or information taken from the photograph, to a third party for any purpose, including marketing, advertising, or promotional activities. It states that a photograph or information taken from it may be released pursuant to a court order.

It requires the Department of Agriculture and Consumer Protection to adopt regulations establishing guidelines and specifications for (1) the photographic equipment and (2) the format of the photograph.

EFFECTIVE DATE: October 1, 2004

BACKGROUND***Legislative History***

The House referred the bill (File 122) to the Judiciary Committee on

March 23. The committee favorably reported a substitute bill on April 2 that (1) added the privacy provisions, (2) made using the photographic evidence an affirmative defense, and (3) made a technical change.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 19 Nay 0

Judiciary Committee

Joint Favorable Substitute

Yea 35 Nay 0